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Online Study Materials on
TREATIES AMONG NATIONS FOR GLOBAL PEACE AND SECURITY

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Comprehensive Nuclear-Test-Ban Treaty*

OPENED FOR SIGNATURE AT NEW YORK: 24 September 1996
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DEPOSITARY: Secretary-General of the United Nations
TOTAL NUMBER OF SIGNATORIES AS OF 31 DECEMBER 1996: 138
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PREAMBLE

The States Parties to this Treaty (hereinafter referred to as "the States Parties"),

Welcoming the international agreements and other positive measures of recent years in the field of nuclear disarmament, including reductions in arsenals of nuclear weapons, as well as in the field of the prevention of nuclear proliferation in all its aspects,

Underlining the importance of the full and prompt implementation of such agreements and measures,

Convinced that the present international situation provides an opportunity to take further effective measures towards nuclear disarmament and against the proliferation of nuclear weapons in all its aspects, and *declaring* their intention to take such measures,

Stressing therefore the need for continued systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control,

Recognising that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and

* A/50/1027.

qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects,

Further recognising that an end to all such nuclear explosions will thus constitute a meaningful step in the realisation of a systematic process to achieve nuclear disarmament,

Convinced that the most effective way to achieve an end to nuclear testing is through the conclusion of a universal and internationally and effectively verifiable comprehensive nuclear test-ban treaty, which has long been one of the highest priority objectives of the international community in the field of disarmament and non-proliferation,

Noting the aspirations expressed by the Parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time,

Noting also the views expressed that this Treaty could contribute to the protection of the environment,

Affirming the purpose of attracting the adherence of all States to this Treaty and its objective to contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security,

Have agreed as follows:

Article I

Basic Obligations

1. Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.

2. Each State Party undertakes, furthermore, to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

Article II

The Organisation

A. General Provisions

1. The States Parties hereby establish the Comprehensive Nuclear Test-Ban Treaty Organisation (hereinafter referred to as “the

Organisation") to achieve the object and purpose of this Treaty, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.

2. All States Parties shall be members of the Organisation. A State Party shall not be deprived of its membership in the Organisation.

3. The seat of the Organisation shall be Vienna, Republic of Austria.

4. There are hereby established as organs of the Organisation: the Conference of the States Parties, the Executive Council and the Technical Secretariat, which shall include the International Data Centre.

5. Each State Party shall cooperate with the Organisation in the exercise of its functions in accordance with this Treaty. States Parties shall consult, directly among themselves, or through the Organisation or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of this Treaty. I

6. The Organisation shall conduct its verification activities provided for under this Treaty in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfil its responsibilities under this Treaty, It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Treaty and, in particular, shall abide by the confidentiality provisions set forth in this Treaty.

7. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Organisation in connection with the implementation of this Treaty. It shall treat such information and data exclusively in connection with its rights and obligations under this Treaty.

8. The Organisation, as an independent body, shall seek to utilise existing expertise and facilities, as appropriate, and to maximise cost efficiencies, through cooperative arrangements with other international organisations such as the International Atomic Energy Agency. Such arrangements, excluding those of a minor and normal commercial and contractual nature, shall be set out in agreements to be submitted to the Conference of the States Parties for approval.

9. The costs of the activities of the Organisation shall be met annually by the States Parties in accordance with the United Nations

scale of assessments adjusted to take into account differences in membership between the United Nations and the Organisation.

10. Financial contributions of States Parties to the Preparatory Commission shall be deducted in an appropriate way from their contributions to the regular budget.

11. A member of the Organisation which is in arrears in the payment of its assessed contribution to the Organisation shall have no vote in the Organisation if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The Conference of the States Parties may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. The Conference of the States Parties

Composition, Procedures and Decision-making

12. The Conference of the States Parties (hereinafter referred to as "the Conference") shall be composed of all States Parties. Each State Party shall have one representative in the Conference, who may be accompanied by alternates and advisers.

13. The initial session of the Conference shall be convened by the Depositary no later than 30 days after the entry into force of this Treaty.

14. The Conference shall meet in regular sessions, which shall be held annually, unless it decides otherwise.

15. A special session of the Conference shall be convened:

(a) When decided by the Conference;

(b) When requested by the Executive Council; or

(c) When requested by any State Party and supported by a majority of the States Parties.

The special session shall be convened no later than 30 days after the decision of the Conference, the request of the Executive Council, or the attainment of the necessary support, unless specified otherwise in the decision or request.

16. The Conference may also be convened in the form of an Amendment Conference, in accordance with Article VII.

17. The Conference may also be convened in the form of a Review Conference, in accordance with Article VIII.

18. Sessions shall take place at the seat of the Organisation unless the Conference decides otherwise.

19. The Conference shall adopt its rules of procedure. At the beginning of each session, it shall elect its President and such other officers as may be required. They shall hold office until a new President and other officers are elected at the next session.

20. A majority of the States Parties shall constitute a quorum.

21. Each State Party shall have one vote.

22. The Conference shall take decisions on matters of procedure by a majority of members present and voting. Decisions on matters of substance shall be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the President of the Conference shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take a decision by a two-thirds majority of members present and voting unless specified otherwise in this Treaty. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.

23. When exercising its function under paragraph 26 *(k),* the Conference shall take a decision to add any State to the list of States contained in Annex 1 to this Treaty in accordance with the procedure for decisions on matters of substance set out in paragraph 22. Notwithstanding paragraph 22, the Conference shall take decisions on any other change to Annex 1 to this Treaty by consensus.

Powers and Functions

24. The Conference shall be the principal organ of the Organisation. It shall consider any questions, matters or issues within the scope of this Treaty, including those relating to the powers and functions of the Executive Council and the Technical Secretariat, in accordance with this Treaty. It may make recommendations and take decisions on any questions, matters or issues within the scope of this Treaty raised by a State Party or brought to its attention by the Executive Council.

25. The Conference shall oversee the implementation of, and review compliance with, this Treaty and act in order to promote its object and purpose. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines to either of them for the exercise of their functions.

26. The Conference shall:

(a) Consider and adopt the report of the Organisation on the implementation of this Treaty and the annual programme and budget of the Organisation, submitted by the Executive Council, as well as consider other reports;

(b) Decide on the scale of financial contributions to be paid by States Parties in accordance with paragraph 9;

(c) Elect the members of the Executive Council;

(d) Appoint the Director-General of the Technical Secretariat (hereinafter referred to as "the Director-General");

(e) Consider and approve the rules of procedure of the Executive Council submitted by the latter;

(f) Consider and review scientific and technological developments that could affect the operation of this Treaty. In this context, the Conference may direct the Director-General to establish a Scientific Advisory Board to enable him or her, in the performance of his or her functions, to render specialised advice in areas of science and technology relevant to this Treaty to the Conference, to the Executive Council, or to States Parties. In that case, the Scientific Advisory Board shall be composed of independent experts serving in their individual capacity and appointed, in accordance with terms of reference adopted by the Conference, on the basis of their expertise and experience in the particular scientific fields relevant to the implementation of this Treaty;

(g) Take the necessary measures to ensure compliance with this Treaty and to redress and remedy any situation that contravenes the provisions of this Treaty, in accordance with Article V;

(h) Consider and approve at its initial session any draft agreements, arrangements, provisions, procedures, operational manuals, guidelines and any other documents developed and recommended by the Preparatory Commission;

(i) Consider and approve agreements or arrangements negotiated by the Technical Secretariat with States Parties, other States and international organisations to be concluded by the Executive Council on behalf of the Organisation in accordance with paragraph 38 *(h);*

(j) Establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Treaty; and

(k) Update Annex 1 to this Treaty, as appropriate, in accordance with paragraph 23.

C. The Executive Council

Composition, Procedures and Decision-making

27. The Executive Council shall consist of 51 members. Each State Party shall have the right, in accordance with the provisions of this Article, to serve on the Executive Council.

28. Taking into account the need for equitable geographical distribution, the Executive Council shall comprise:

(a) Ten States Parties from Africa;

(b) Seven States Parties from Eastern Europe;

(c) Nine States Parties from Latin America and the Caribbean;

(d) Seven States Parties from the Middle East and South Asia;

(e) Ten States Parties from North America and Western Europe; and

(f) Eight States Parties from South-East Asia, the Pacific and the Far East.

All States in each of the above geographical regions are listed in Annex 1 to this Treaty. Annex 1 to this Treaty shall be updated, as appropriate, by the Conference in accordance with paragraphs 23 and 26 *(k).* It shall not be subject to amendments or changes under the procedures contained in Article VII.

29. The members of the Executive Council shall be elected by the Conference. In this connection, each geographical region shall designate States Parties from that region for election as members of the Executive Council as follows:

(a) At least one-third of the seats allocated to each geographical region shall be filled, taking into account political and security interests, by States Parties in that region designated on the basis of the nuclear capabilities relevant to the Treaty as determined by international data as well as all or any of the following indicative criteria in the order of priority determined by each region:

(i) Number of monitoring facilities of the International Monitoring System;

(ii) Expertise and experience in monitoring technology; and

(iii) Contribution to the annual budget of the Organisation;

(b) One of the seats allocated to each geographical region shall be filled on a rotational basis by the State Party that is first in the English alphabetical order among the States Parties in that region that have not served as members of the Executive Council for the longest period of time since becoming States Parties or since their last term, whichever is shorter. A State Party designated on this basis may decide to forgo its seat. In that case, such a State Party shall submit a letter of renunciation to the Director-General, and the seat shall be filled by the State Party following next-in-order according to this sub-paragraph; and

(c) The remaining seats allocated to each geographical region shall be filled by States Parties designated from among all the States Parties in that region by rotation or elections.

30. Each member of the Executive Council shall have one representative on the Executive Council, who may be accompanied by alternates and advisers.

31. Each member of the Executive Council shall hold office from the end of the session of the Conference at which that member is elected until the end of the second regular annual session of the Conference thereafter, except that for the first election of the Executive Council, 26 members shall be elected to hold office until the end of the third regular annual session of the Conference, due regard being paid to the established numerical proportions as described in paragraph 28.

32. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.

33. The Executive Council shall elect its Chairman from among its members.

34. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as may be required for the fulfilment of its powers and functions.

35. Each member of the Executive Council shall have one vote.

36. The Executive Council shall take decisions on matters of procedure by a majority of all its members. The Executive Council shall take decisions on matters of substance by a two-thirds majority of all its members unless specified otherwise in this Treaty. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.

Powers and Functions

37. The Executive Council shall be the executive organ of the Organisation. It shall be responsible to the Conference. It shall carry out the powers and functions entrusted to it in accordance with this Treaty. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and ensure their continuous and proper implementation.

38. The Executive Council shall:

(a) Promote effective implementation of, and compliance with, this Treaty;

(b) Supervise the activities of the Technical Secretariat;

(c) Make recommendations as necessary to the Conference for consideration of further proposals for promoting the object and purpose of this Treaty;

(d) Cooperate with the National Authority of each State Party;

(e) Consider and submit to the Conference the draft annual programme and budget of the Organisation, the draft report of the Organisation on the implementation of this Treaty, the report on the performance of its own activities and such other reports as it deems necessary or that the Conference may request;

(f) Make arrangements for the sessions of the Conference, including the preparation of the draft agenda;

(g) Examine proposals for changes, on matters of an administrative or technical nature, to the Protocol or the Annexes thereto, pursuant to Article VII, and make recommendations to the States Parties regarding their adoption;

(h) Conclude, subject to prior approval of the Conference, agreements or arrangements with States Parties, other States and international organisations on behalf of the Organisation and supervise their implementation, with the exception of agreements or arrangements referred to in sub-paragraph *(i);*

(i) Approve and supervise the operation of agreements or arrangements relating to the implementation of verification activities with States Parties and other States; and

(j) Approve any new operational manuals and any changes to the existing operational manuals that may be proposed by the Technical Secretariat.

39. The Executive Council may request a special session of the Conference.

40. The Executive Council shall:

(a) Facilitate cooperation among States Parties, and between States Parties and the Technical Secretariat, relating to the implementation of this Treaty through information exchanges;

(b) Facilitate consultation and clarification among States Parties in accordance with Article IV; and

(c) Receive, consider and take action on requests for, and reports on, on-site inspections in accordance with Article IV.

41. The Executive Council shall consider any concern raised by a State Party about possible non-compliance with this Treaty and abuse of the rights established by this Treaty. In doing so, the Executive Council shall consult with the States Parties involved and, as appropriate, request a State Party to take measures to redress the situation within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, *inter alia,* one or more of the following measures:

(a) Notify all States Parties of the issue or matter;

(b) Bring the issue or matter to the attention of the Conference;

(c) Make recommendations to the Conference or take action, as appropriate, regarding measures to redress the situation and to ensure compliance in accordance with Article V.

D. The Technical Secretariat

42. The Technical Secretariat shall assist States Parties in the implementation of this Treaty. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification and other functions entrusted to it by this Treaty, as well as those functions delegated to it by the Conference or the Executive Council in accordance with this Treaty. The Technical Secretariat shall include, as an integral part, the International Data Centre.

43. The functions of the Technical Secretariat with regard to verification of compliance with this Treaty shall, in accordance with Article IV and the Protocol, include *inter alia:*

(a) Being responsible for supervising and coordinating the operation of the International Monitoring System;

(b) Operating the International Data Centre;

(c) Routinely receiving, processing, analysing and reporting on International Monitoring System data;

(d) Providing technical assistance in, and support for, the installation and operation of monitoring stations;

(e) Assisting the Executive Council in facilitating consultation and clarification among States Parties;

(f) Receiving requests for on-site inspections and processing them, facilitating Executive Council consideration of such requests, carrying out the preparations for, and providing technical support during, the conduct of on-site inspections, and reporting to the Executive Council;

(g) Negotiating agreements or arrangements with States Parties, other States and international organisations and concluding, subject to prior approval by the Executive Council, any such agreements or arrangements relating to verification activities with States Parties or other States', and

(h) Assisting the States Parties through their National Authorities on other issues of verification under this Treaty.

44. The Technical Secretariat shall develop and maintain, subject to approval by the Executive Council, operational manuals to guide the operation of the various components of the verification regime, in accordance with Article IV and the Protocol. These manuals shall not constitute integral parts of this Treaty or the Protocol and may be changed by the Technical Secretariat subject to approval by the Executive Council. The Technical Secretariat shall promptly inform the States Parties of any changes in the operational manuals.

45. The functions of the Technical Secretariat with respect to administrative matters shall include:

(a) Preparing and submitting to the Executive Council the draft programme and budget of the Organisation;

(b) Preparing and submitting to the Executive Council the draft report of the Organisation on the implementation of this Treaty and such other reports as the Conference or the Executive Council may request;

(c) Providing administrative and technical support to the Conference, the Executive Council and other subsidiary organs;

(d) Addressing and receiving communications on behalf of the Organisation relating to the implementation of this Treaty; and

(e) Carrying out the administrative responsibilities related to any agreements between the Organisation and other international organisations.

46. All requests and notifications by States Parties to the Organisation shall be transmitted through their National Authorities to the Director-General. Requests and notifications shall be in one of the official languages of this Treaty. In response the Director-General shall use the language of the transmitted request or notification.

47. With respect to the responsibilities of the Technical Secretariat for preparing and submitting to the Executive Council the draft programme and budget of the Organisation, the Technical Secretariat shall determine and maintain a clear accounting of all costs for each facility established as part of the International Monitoring System. Similar treatment in the draft programme and budget shall be accorded to all other activities of the Organisation.

48. The Technical Secretariat shall promptly inform the Executive Council of any problems that have arisen with regard to the discharge of its functions that have come to its notice in the performance of its activities and that it has been unable to resolve through consultations with the State Party concerned.

49. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and such scientific, technical and other personnel as may be required. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter. The first Director-General shall be appointed by the Conference at its initial session upon the recommendation of the Preparatory Commission.

50. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and for the organisation and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of professional expertise, experience, efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director-General, as inspectors or as members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to the minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.

51. The Director-General may, as appropriate, after consultation with the Executive Council, establish temporary working groups of scientific experts to provide recommendations on specific issues.

52. In the performance of their duties, the Director-General, the inspectors, the inspection assistants and the members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organisation. They shall refrain from any action that might reflect adversely on their positions as International officers responsible only to the Organisation. The Director-General shall assume responsibility for the activities of an inspection team.

53. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors, the inspection assistants and the members of the staff and shall not seek to influence them in the discharge of their responsibilities.

E. Privileges and Immunities

54. The Organisation shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

55. Delegates of States Parties, together with their alternates and advisers, representatives of members elected to the Executive Council, together with their alternates and advisers, the Director-General, the inspectors, the inspection assistants and the members of the staff of the Organisation shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Organisation.

56. The legal capacity, privileges and immunities referred to in this Article shall be defined in agreements between the Organisation and the States Parties as well as in an agreement between the Organisation and the State in which the Organisation is seated. Such agreements shall be considered and approved in accordance with paragraph 26 *(h)* and *(i).*

57. Notwithstanding paragraphs 54 and 55, the privileges and immunities enjoyed by the Director-General, the inspectors, the inspection assistants and the members of the staff of the Technical Secretariat during the conduct of verification activities shall be those set forth in the Protocol.

Article III

National Implementation Measures

1. Each State Party shall, in accordance with its constitutional processes, take any necessary measures to implement its obligations under this Treaty. In particular, it shall take any necessary measures:

(a) To prohibit natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognised by international law from undertaking any activity prohibited to a State Party under this Treaty;

(b) To prohibit natural and legal persons from undertaking any such activity anywhere under its control; and

(c) To prohibit, in conformity with international law, natural persons possessing its nationality from undertaking any such activity anywhere.

2. Each State Party shall cooperate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under paragraph 1.

3. Each State Party shall inform the Organisation of the measures taken pursuant to this Article.

4. In order to fulfil its obligations under the Treaty, each State Party shall designate or set up a National Authority and shall so inform the Organisation upon entry into force of the Treaty for it. The National Authority shall serve as the national focal point for liaison with the Organisation and with other States Parties.

Article IV

Verification

A. General Provisions

1. In order to verify compliance with this Treaty, a verification regime shall be established consisting of the following elements:

(a) An International Monitoring System;

(b) Consultation and clarification;

(c) On-site inspections; and

(d) Confidence-building measures.

At entry into force of this Treaty, the verification regime shall be capable of meeting the verification requirements of this Treaty.

2. Verification activities shall be based on objective information, shall be limited to the subject matter of this Treaty, and shall be

carried out on the basis of full respect for the sovereignty of States Parties and in the least intrusive manner possible consistent with the effective and timely accomplishment of their objectives. Each State Party shall refrain from any abuse of the right of verification.

3. Each State Party undertakes in accordance with this Treaty to cooperate, through its National Authority established pursuant to Article HI, paragraph 4, with the Organisation and with other States Parties to facilitate the verification of compliance with this Treaty by, *inter alia:*

(a) Establishing the necessary facilities to participate in these verification measures and establishing the necessary communication;

(b) Providing data obtained from national stations that are part of the International Monitoring System;

(c) Participating, as appropriate, in a consultation and clarification process;

(d) Permitting the conduct of on-site inspections', and

(e) Participating, as appropriate, in confidence-building measures.

4. All States Parties, irrespective of their technical and financial capabilities, shall enjoy the equal right of verification and assume the equal obligation to accept verification.

5. For the purposes of this Treaty, no State Party shall be precluded from using information obtained by national technical means of verification in a manner consistent with generally recognised principles of international law, including that of respect for the sovereignty of States.

6. Without prejudice to the right of States Parties to protect sensitive installations, activities or locations not related to this Treaty, States Parties shall not interfere with elements of the verification regime of this Treaty or with national technical means of verification operating in accordance with paragraph 5.

7. Each State Party shall have the right to take measures to protect sensitive installations and to prevent disclosure of confidential information and data not related to this Treaty.

8. Moreover, all necessary measures shall be taken to protect the confidentiality of any information related to civil and military activities and facilities obtained during verification activities.

9. Subject to paragraph 8, information obtained by the Organisation through the verification regime established by this Treaty shall be

made available to all States Parties in accordance with the relevant provisions of this Treaty and the Protocol.

10. The provisions of this Treaty shall not be interpreted as restricting the international exchange of data for scientific purposes.

11. Each State Party undertakes to cooperate with the Organisation and with other States Parties in the improvement of the verification regime, and in the examination of the verification potential of additional monitoring technologies such as electromagnetic pulse monitoring or satellite monitoring, with a view to developing, when appropriate, specific measures to enhance the efficient and cost-effective verification of this Treaty. Such measures shall, when agreed, be incorporated in existing provisions in this Treaty, the Protocol or as additional sections of the Protocol, in accordance with Article VII, or, if appropriate, be reflected in the operational manuals in accordance with Article II, paragraph 44.

12. The States Parties undertake to promote cooperation among themselves to facilitate and participate in the fullest possible exchange relating to technologies used in the verification of this Treaty in order to enable all States Parties to strengthen their national implementation of verification measures and to benefit from the application of such technologies for peaceful purposes.

13. The provisions of this Treaty shall be implemented in a manner which avoids hampering the economic and technological development of the States Parties for further development of the application of atomic energy for peaceful purposes.

Verification Responsibilities of the Technical Secretariat

14. In discharging its responsibilities in the area of verification specified in this Treaty and the Protocol, in cooperation with the States Parties the Technical Secretariat shall, for the purpose of this Treaty:

(a) Make arrangements to receive and distribute data and reporting products relevant to the verification of this Treaty in accordance with its provisions, and to maintain a global communications infrastructure appropriate to this task;

(b) Routinely through its International Data Centre, which shall in principle be the focal point within the Technical Secretariat for data storage and data processing:

(i) Receive and initiate requests for data from the International Monitoring System;

(ii) Receive data, as appropriate, resulting from the process of consultation and clarification, from on-site inspections, and from confidence-building measures; and

(iii) Receive other relevant data from States Parties and international organisations in accordance with this Treaty and the Protocol;

(c) Supervise, coordinate and ensure the operation of the International Monitoring System and its component elements, and of the International Data Centre, in accordance with the relevant operational manuals;

(d) Routinely process, analyse and report on International Monitoring System data according to agreed procedures so as to permit the effective international verification of this Treaty and to contribute to the early resolution of compliance concerns;

(e) Make available all data, both raw and processed, and any reporting products, to all States Parties, each State Party taking responsibility for the use of International Monitoring System data in accordance with Article II, paragraph 7, and with paragraphs 8 and 13 of this Article;

(f) Provide to all States Parties equal, open, convenient and timely access to ail stored data;

(g) Store all data, both raw and processed, and reporting products;

(h) Coordinate and facilitate requests for additional data from the International Monitoring System;

(i) Coordinate requests for additional data from one State Party to another State Party;

(j) Provide technical assistance in, and support for, the installation and operation of monitoring facilities and respective communication means, where such assistance and support are required by the State concerned;

(k) Make available to any State Party, upon its request, techniques utilised by the Technical Secretariat and its International Data Centre in compiling, storing, processing, analysing and reporting on data from the verification regime; and

(l) Monitor, assess and report on the overall performance of the International Monitoring System and of the International Data Centre.

15. The agreed procedures to be used by the Technical Secretariat in discharging the verification responsibilities referred to in paragraph 14 and detailed in the Protocol shall be elaborated in the relevant operational manuals.

16. The International Monitoring System shall comprise facilities for seismological monitoring, radionuclide monitoring including certified laboratories, hydroacoustic monitoring, infrasound monitoring, and respective means of communication, and shall be supported by the International Data Centre of the Technical Secretariat.

17. The International Monitoring System shall be placed under the authority of the Technical Secretariat. All monitoring facilities of the International Monitoring System shall be owned and operated by the States hosting or otherwise taking responsibility for them in accordance with the Protocol.

18. Each State Party shall have the right to participate in the international exchange of data and to have access to all data made available to the International Data Centre. Each State Party shall cooperate with the International Data Centre through its National Authority.

Funding the International Monitoring System

19. For facilities incorporated into the International Monitoring System and specified in Tables 1-A, 2-A, 3 and 4 of Annex 1 to the Protocol, and for their functioning, to the extent that such facilities are agreed by the relevant State and the Organisation to provide data to the International Data Centre in accordance with the technical requirements of the Protocol and relevant operational manuals, the Organisation, as specified in agreements or arrangements pursuant to Part I, paragraph 4 of the Protocol, shall meet the costs of:

(a) Establishing any new facilities and upgrading existing facilities, unless the State responsible for such facilities meets these costs itself;

(b) Operating and maintaining International Monitoring System facilities, including facility physical security if appropriate, and application of agreed data authentication procedures;

(c) Transmitting International Monitoring System data (raw or processed) to the International Data Centre by the most direct and cost-effective means available, including, if necessary, *via* appropriate communications nodes, from monitoring stations, laboratories, analytical facilities or from national data centres; or such data (including samples where

appropriate) to laboratory and analytical facilities from monitoring stations; and

(d) Analysing samples on behalf of the Organisation.

20. For auxiliary network seismic stations specified in Table 1-B of Annex 1 to the Protocol the Organisation, as specified in agreements or arrangements pursuant to Part I, paragraph 4 of the Protocol, shall meet the costs only of:

(a) Transmitting data to the International Data Centre;

(b) Authenticating data from such stations;

(c) Upgrading stations to the required technical standard, unless the State responsible for such facilities meets these costs itself;

(d) If necessary, establishing new stations for the purposes of this Treaty where no appropriate facilities currently exist, unless the State responsible for such facilities meets these costs itself; and

(e) Any other costs related to the provision of data required by the Organisation as specified in the relevant operational manuals.

21. The Organisation shall also meet the cost of provision to each State Party of its requested selection from the standard range of International Data Centre reporting products and services, as specified in Part I, Section F of the Protocol. The cost of preparation and transmission of any additional data or products shall be met by the requesting State Party.

22. The agreements or, if appropriate, arrangements concluded with States Parties or States hosting or otherwise taking responsibility for facilities of the International Monitoring System shall contain provisions for meeting these costs. Such provisions may include modalities whereby a State Party meets any of the costs referred to in paragraphs 19 *(a)* and 20 *(c)* and *(d)* for facilities which it hosts or for which it is responsible, and is compensated by an appropriate reduction in its assessed financial contribution to the Organisation. Such a reduction shall not exceed 50 per cent of the annual assessed financial contribution of a State Party, but may be spread over successive years. A State Party may share such a reduction with another State Party by agreement or arrangement between themselves and with the concurrence of the Executive Council. The agreements or arrangements referred to in this paragraph shall be approved in accordance with Article II, paragraphs 26 *(h)* and 38 *(i).*

Changes to the International Monitoring System

23. Any measures referred to in paragraph 11 affecting the International Monitoring System by means of addition or deletion of a monitoring technology shall, when agreed, be incorporated into this Treaty and the Protocol pursuant to Article VII, paragraphs 1 to 6.

24. The following changes to the International Monitoring System, subject to the agreement of those States directly affected, shall be regarded as matters of an administrative or technical nature pursuant to Article VII, paragraphs 7 and 8:

(a) Changes to the number of facilities specified in the Protocol for a given monitoring technology; and

(b) Changes to other details for particular facilities as reflected in the Tables of Annex 1 to the Protocol (including, *inter alia,* State responsible for the facility; location; name of facility; type of facility; and attribution of a facility between the primary and auxiliary seismic networks).

If the Executive Council recommends, pursuant to Article VII, paragraph 8 *(d),* that such changes be adopted, it shall as a rule also recommend pursuant to Article VII, paragraph 8 *(g),* that such changes enter into force upon notification by the Director-General of their approval.

25. The Director-General, in submitting to the Executive Council and States Parties information and evaluation in accordance with Article VII, paragraph 8 *(b)* shall include in the case of any proposal made pursuant to paragraph 24:

(a) A technical evaluation of the proposal;

(b) A statement on the administrative and financial impact of the proposal; and

(c) A report on consultations with States directly affected by the proposal, including indication of their agreement.

Temporary Arrangements

26. In cases of significant or irretrievable breakdown of a monitoring facility specified in the Tables of Annex 1 to the Protocol, or in order to cover other temporary reductions of monitoring coverage, the Director-General shall, in consultation and agreement with those States directly affected, and with the approval of the Executive Council, initiate temporary arrangements of no more than one year's duration, renewable if necessary by agreement of the Executive Council and of the States directly affected for another year. Such arrangements shall

not cause the number of operational facilities of the International Monitoring System to exceed the number specified for the relevant network; shall meet as far as possible the technical and operational requirements specified in the operational manual for the relevant network; and shall be conducted within the budget of the Organisation. The Director-General shall furthermore take steps to rectify the situation and make proposals for its permanent resolution. The Director-General shall notify all States Parties of any decision taken pursuant to this paragraph.

Cooperating National Facilities

27. States Parties may also separately establish cooperative arrangements with the Organisation, in order to make available to the International Data Centre supplementary data from national monitoring stations that are not formally part of the International Monitoring System.

28. Such cooperative arrangements may be established as follows:

(a) Upon request by a State Party, and at the expense of that State, the Technical Secretariat shall take the steps required to certify that a given monitoring facility meets the technical and operational requirements specified in the relevant operational manuals for an International Monitoring System facility, and make arrangements for the authentication of its data. Subject to the agreement of the Executive Council, the Technical Secretariat shall then formally designate such a facility as a cooperating national facility. The Technical Secretariat shall take the steps required to revalidate its certification as appropriate;

(b) The Technical Secretariat shall maintain a current list of cooperating national facilities and shall distribute it to all States Parties; and

(c) The International Data Centre shall call upon data from cooperating national facilities, if so requested by a State Party, for the purposes of facilitating consultation and clarification and the consideration of on-site inspection requests, data transmission costs being borne by that State Party.

The conditions under which supplementary data from such facilities are made available, and under which the International Data Centre may request further or expedited reporting, or clarifications, shall be elaborated in the operational manual for the respective monitoring network.

C. Consultation and Clarification

29. Without prejudice to the right of any State Party to request an on-site inspection, States Parties should, whenever possible, first make every effort to clarify and resolve, among themselves or with or through the Organisation, any matter which may cause concern about possible non-compliance with the basic obligations of this Treaty.

30. A State Party that receives a request pursuant to paragraph 29 directly from another State Party shall provide the clarification to the requesting State Party as soon as possible, but in any case no later than 48 hours after the request. The requesting and requested States Parties may keep the Executive Council and the Director-General informed of the request and the response.

31. A State Party shall have the right to request the Director-General to assist in clarifying any matter which may cause concern about possible non-compliance with the basic obligations of this Treaty. The Director-General shall provide appropriate information in the possession of the Technical Secretariat relevant to such a concern. The Director-General shall inform the Executive Council of the request and of the information provided in response, if so requested by the requesting State Party.

32. A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any matter which may cause concern about possible non-compliance with the basic obligations of this Treaty. In such a case, the following shall apply:

(a) The Executive Council shall forward the request for clarification to the requested State Party through the Director-General no later than 24 hours after its receipt;

(b) The requested State Party shall provide the clarification to the Executive Council as soon as possible, but in any case no later than 48 hours after receipt of the request;

(c) The Executive Council shall take note of the clarification and forward it to the requesting State Party no later than 24 hours after its receipt;

(d) If the requesting State Party deems the clarification to be inadequate, it shall have the right to request the Executive Council to obtain further clarification from the requested State Party. The Executive Council shall inform without delay all other States Parties about any request for clarification pursuant to this paragraph as well as any response provided by the requested State Party.

33. If the requesting State Party considers the clarification obtained under paragraph 32 *(d)* to be unsatisfactory, it shall have the right to request a meeting of the Executive Council in which States Parties involved that are not members of the Executive Council shall be entitled to take part. At such a meeting, the Executive Council shall consider the matter and may recommend any measure in accordance with Article V.

D. On-Site Inspections

Request for an On-Site Inspection

34. Each State Party has the right to request an on-site inspection in accordance with the provisions of this Article and Part II of the Protocol in the territory or In any other place under the jurisdiction of control of any State Party, or in any area beyond the jurisdiction or control of any State.

35. The sole purpose of an on-site inspection shall be to clarify whether a nuclear weapon test explosion or any other nuclear explosion has been carried out in violation of Article I and, to the extent possible, to gather any facts which might assist in identifying any possible violator.

36. The requesting State Party shall be under the obligation to keep the on-site inspection request within the scope of this Treaty and to provide in the request information in accordance with paragraph 37. The requesting State Party shall refrain from unfounded or abusive inspection requests.

37. The on-site inspection request shall be based on information collected by the International Monitoring System, on any relevant technical information obtained by national technical means of verification in a manner consistent with generally recognised principles of international law, or on a combination thereof. The request shall contain information pursuant to Part II, paragraph 41 of the Protocol.

38. The requesting State Party shall present the on-site inspection request to the Executive Council and at the same time to the Director-General for the latter to begin immediate processing.

Follow-up After Submission of an On-Site Inspection Request

39. The Executive Council shall begin its consideration immediately upon receipt of the on-site inspection request.

40. The Director-General, after receiving the on-site inspection request, shall acknowledge receipt of the request to the requesting

State Party within two hours and communicate the request to the State Party sought to be inspected within six hours. The Director-General shall ascertain that the request meets the requirements specified in Part II, paragraph 41 of the Protocol, and, if necessary, shall assist the requesting State Party in filing the request accordingly, and shall communicate the request to the Executive Council and to all other States Parties within 24 hours.

41. When the on-site inspection request fulfils the requirements, the Technical Secretariat shall begin preparations for the on-site inspection without delay.

42. The Director-General, upon receipt of an on-site inspection request referring to an inspection area under the jurisdiction or control of a State Party, shall immediately seek clarification from the State Party sought to be inspected in order to clarify and resolve the concern raised in the request.

43. A State Party that receives a request for clarification pursuant to paragraph 42 shall provide the Director-General with explanations and with other relevant information available as soon as possible, but no later than 72 hours after receipt of the request for clarification.

44. The Director-General, before the Executive Council takes a decision on the on-site inspection request, shall transmit immediately to the Executive Council any additional information available from the International Monitoring System or provided by any State Party on the event specified in the request, including any clarification provided pursuant to paragraphs 42 and 43, as well as any other information from within the Technical Secretariat that the Director-General deems relevant or that is requested by the Executive Council.

45. Unless the requesting State Party considers the concern raised in the on-site inspection request to be resolved and withdraws the request, the Executive Council shall take a decision on the request in accordance with paragraph 46.

Executive Council Decisions

46. The Executive Council shall take a decision on the on-site inspection request no later than 96 hours after receipt of the request from the requesting State Party. The decision to approve the on-site inspection shall be made by at least 30 affirmative votes of members of the Executive Council. If the Executive Council does not approve the inspection, preparations shall be stopped and no further action on the request shall be taken.

47. No later than 25 days after the approval of the on-site inspection in accordance with paragraph 46, the inspection team shall transmit to the Executive Council, through the Director-General, a progress inspection report. The continuation of the inspection shall be considered approved unless the Executive Council, no later than 72 hours after receipt of the progress inspection report, decides by a majority of all its members not to continue the inspection. If the Executive Council decides not to continue the inspection, the inspection shall be terminated, and the inspection team shall leave the inspection area and the territory of the inspected State Party as soon as possible in accordance with Part II, paragraphs 109 and 110 of the Protocol.

48. In the course of the on-site inspection, the inspection team may submit to the Executive Council, through the Director-General, a proposal to conduct drilling. The Executive Council shall take a decision on such a proposal no later than 72 hours after receipt; of the proposal. The decision to approve drilling shall be made by a majority of all members of the Executive Council.

49. The inspection team may request the Executive Council, through the Director-General, to extend the inspection duration by a maximum of 70 days beyond the 60-day time-frame specified in Part II paragraph 4 of the Protocol, if the inspection team considers such an extension essential to enable it to fulfil its mandate. The inspection team shall indicate in its request which of the activities and techniques listed in Part II, paragraph 69 of the Protocol it intends to carry out during the extension period. The Executive Council shall take a decision on the extension request no later than 72 hours after receipt of the request. The decision to approve an extension of the inspection duration shall be made by a majority of all members of the Executive Council.

50. Any time following the approval of the continuation of the on-site inspection in accordance with paragraph 47, the inspection team may submit to the Executive Council, through the Director-General, a recommendation to terminate the inspection. Such a recommendation shall be considered approved unless the Executive Council, no later than 72 hours after receipt of the recommendation, decides by a two-thirds majority of all its members not to approve the termination of the inspection. In case of termination of the inspection, the inspection team shall leave the inspection area and the territory of the inspected State Party as soon as possible in accordance with Part II, paragraphs 109 and 110 of the Protocol.

51. The requesting State Party and the State Party sought to be inspected may participate in the deliberations of the Executive Council

on the on-site inspection request without voting. The requesting State Party and the inspected State Party may also participate without voting in any subsequent deliberations of the Executive Council related to the inspection.

52. The Director-General shall notify all States Parties within 24 hours about any decision by and reports, proposals, requests and recommendations to the Executive Council pursuant to paragraphs 46 to 50. *Follow-up After Executive Council Approval of an On-Site Inspection*

53. An on-site inspection approved by the Executive Council shall be conducted without delay by an inspection team designated by the Director-General and in accordance with the provisions of this Treaty and the Protocol. The inspection team shall arrive at the point of entry no later than six days following the receipt by the Executive Council of the on-site inspection request from the requesting State Party.

54. The Director-General shall issue an inspection mandate for the conduct of the on-site inspection. The inspection mandate shall contain the information specified in Part II, paragraph 42 of the Protocol.

55. The Director-General shall notify the inspected State Party of the inspection no less than 24 hours before the planned arrival of the inspection team at the point of entry, in accordance with Part II, paragraph 43 of the Protocol.

The Conduct of an On-Site Inspection

56. Each State Party shall permit the Organisation to conduct and on-site inspection on its territory or at places under its jurisdiction or control in accordance with the provisions of this Treaty and the Protocol. However, no State Party shall have to accept simultaneous on-site inspections on its territory or at places under its jurisdiction or control.

57. In accordance with the provisions of this Treaty and the Protocol, the inspected State Party shall have:

(a) The right and the obligation to make every reasonable effort to demonstrate its compliance with this Treaty and, to this end, to enable; the inspection team to fulfil its mandate;

(b) The right to take measures it deems necessary to protect national security interests and to prevent disclosure of confidential information not related to the purpose of the inspection;

(c) The obligation to provide access within the inspection area for the sole purpose of determining facts relevant to the

purpose of the inspection, taking into account sub-paragraph (b) and any constitutional obligations it may have with regard to proprietary rights or searches and seizures;

(d) The obligation not to invoke this paragraph or Part II, paragraph 88 of the Protocol to conceal any violation of its obligations under Article I; and

(e) The obligation not to impede the ability of the inspection team to move within the inspection area and to carry out inspection activities in accordance with this Treaty and the Protocol. Access, in the context of an on-site inspection, means both the physical access of the inspection team and the inspection equipment to, and the conduct of inspection activities within, the inspection area.

58. The on-site inspection shall be conducted in the least intrusive manner possible, consistent with the efficient and timely accomplishment of the inspection mandate, and in accordance with the procedures set forth in the Protocol. Wherever possible, the inspection team shall begin with the least intrusive procedures and then proceed to more intrusive procedures only as it deems necessary to collect sufficient information to clarify the concern about possible non-compliance with this Treaty. The inspectors shall seek only the information and data necessary for the purpose of the inspection and shall seek to minimise interference with normal operations of the inspected State Party.

59. The inspected State Party shall assist the inspection team throughout the on-site inspection and facilitate its task.

60. If the inspected State Party, acting in accordance with Part II, paragraphs 86 to 96 of the Protocol, restricts access within the inspection area, it shall make every reasonable effort in consultations with the inspection team to demonstrate through alternative means its compliance with this Treaty.

Observer

61. With regard to an observer, the following shall apply:

(a) The requesting State Party, subject to the agreement of the inspected State Party, may send a representative, who shall be a national either of the requesting State Party or of a third State Party, to observe the conduct of the on-site inspection;

(b) The inspected State Party shall notify its acceptance or non-acceptance of the proposed observer to the Director-General

within 12 hours after approval of the on-site inspection by the Executive Council;

(c) In case of acceptance, the inspected State Party shall grant access to the observer in accordance with the Protocol;

(d) The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the inspection report.

There shall be no more than three observers from an aggregate of requesting States Parties.

Reports of an On-Site Inspection

62. Inspection reports shall contain:

(a) A description of the activities conducted by the inspection team;

(b) The factual findings of the inspection team relevant to the purpose of the inspection;

(c) An account of the cooperation granted during the on-site inspection;

(d) A factual description of the extent of the access granted, including the alternative means provided to the team, during the on-site inspection; and

(e) Any other details relevant to the purpose of the inspection. Differing observations made by inspectors may be attached to the report.

63. The Director-General shall make draft inspection reports available to the inspected State Party. The inspected State Party shall have the right to provide the Director-General within 48 hours with its comments and explanations, and to identify any information and data which, in its view, are not related to the purpose of the inspection and should not be circulated outside the Technical Secretariat. The Director-General shall consider the proposals for changes to the draft inspection report made by the inspected State Party and shall wherever possible incorporate them. The Director-General shall also annex the comments and explanations provided by the inspected State Party to the inspection report.

64. The Director-General shall promptly transmit the inspection report to the requesting State Party, the inspected State Party, the Executive Council and to all other States Parties. The Director-General shall further transmit promptly to the Executive Council and to all other States Parties any results of sample analysis in designated

laboratories in accordance with Part II, paragraph 104 of the Protocol, relevant data from the International Monitoring System, the assessments of the requesting and inspected States Parties, as well as any other information that the Director-General deems relevant. In the case of the progress inspection report referred to in paragraph 47, the Director-General shall transmit the report to the Executive Council within the time-frame specified in that paragraph.

65. The Executive Council, in accordance with its powers and functions, shall review the inspection report and any material provided pursuant to paragraph 64, and shall address any concerns as to:

(a) Whether any non-compliance with this Treaty has occurred; and

(b) Whether the right to request an on-site inspection has been abused.

66. If the Executive Council reaches the conclusion, in keeping with its powers and functions, that further action may be necessary with regard to paragraph 65, it shall take the appropriate measures in accordance with Article V.

Frivolous or Abusive On-Site Inspection Requests

67. If the Executive Council does not approve the on-site inspection on the basis that the on-site inspection request is frivolous or abusive, or if the inspection is terminated for the same reasons, the Executive Council shall consider and decide on whether to implement appropriate measures to redress the situation, including the following:

(a) Requiring the requesting State Party to pay for the cost of any preparations made by the Technical Secretariat;

(b) Suspending the right of the requesting State Party to request an on-site inspection for a period of time, as determined by the Executive Council; and

(c) Suspending the right of the requesting State Party to serve on the Executive Council for a period of time.

E. Confidence-Building Measures

68. In order to:

(a) Contribute to the timely resolution of any compliance concerns arising from possible misinterpretation of verification data relating to chemical explosions; and

(b) Assist in the calibration of the stations that are part of the component networks of the International Monitoring System,

each State Party undertakes to cooperate with the Organisation and with other States Parties in implementing relevant measures as set out in Part III of the Protocol.

Article V

Measures to Redress a Situation and to Ensure Compliance Including Sanctions

1. The Conference, taking into account, *inter alia,* the recommendations of the Executive Council, shall take the necessary measures, as set forth in paragraphs 2 and 3, to ensure compliance with this Treaty and to redress and remedy any situation which contravenes the provisions of this Treaty.

2. In cases where a State Party has been requested by the Conference or the Executive Council to redress a situation raising problems with regard to its compliance and fails to fulfil the request within the specified time, the Conference may, *inter alia,* decide to restrict or suspend the State Party from the exercise of its rights and privileges under this Treaty until the Conference decides otherwise.

3. In cases where damage to the object and purpose of this Treaty may result from non-compliance with the basic obligations of this Treaty, the Conference may recommend to States Parties collective measures which are in conformity with international law.

4. The Conference, or alternatively, if the case is urgent, the Executive Council, may bring the issue, including relevant information and conclusions, to the attention of the United Nations.

Article VI

Settlement of Disputes

1. Disputes that may arise concerning the application or the interpretation of this Treaty shall be settled in accordance with the relevant provisions of this Treaty and in conformity with the provisions of the Charter of the United Nations.

2. When a dispute arises between two or more States Parties, or between one or more States Parties and the Organisation, relating to the application or interpretation of this Treaty, the "parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including recourse to appropriate organs of this Treaty and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court. The parties involved shall keep the Executive Council informed of actions being taken.

3. The Executive Council may contribute to the settlement of a dispute that may arise concerning the application or interpretation of this Treaty by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to seek a settlement through a process of their own choice, bringing the matter to the attention of the Conference and recommending a time-limit for any agreed procedure.

4. The Conference shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference shall, as it finds necessary, establish or entrust organs with tasks related to the settlement of these disputes in conformity with Article II, paragraph 26 *(j).*

5. The Conference and the Executive Council are separately empowered, subject to authorisation from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Organisation. An agreement between the Organisation and the United Nations shall be concluded for this purpose in accordance with Article II, paragraph 38 *(h).*

6. This Article is without prejudice to Articles IV and V.

Article VII

Amendments

1. At any time after the entry into force of this Treaty, any State Party may propose amendments to this Treaty, the Protocol, or the Annexes to the Protocol. Any State Party may also propose changes, in accordance with paragraph 7, to the Protocol or the Annexes thereto. Proposals for amendments shall be subject to the procedures in paragraphs 2 to 6. Proposals for changes, in accordance with paragraph 7, shall be subject to the procedures in paragraph 8.

2. The proposed amendment shall be considered and adopted only by an Amendment Conference.

3. Any proposal for an amendment shall be communicated to the Director-General, who shall circulate it to all States Parties and the Depositary and seek the views of the States Parties on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Director-General no later than 30 days after its circulation that they support further consideration of the proposal, the Director-General shall convene an Amendment Conference to which all States Parties shall be invited.

4. The Amendment Conference shall be held immediately following a regular session of the Conference unless all States Parties that support the convening of an Amendment Conference request that it be held earlier. In no case, shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

5. Amendments shall be adopted by the Amendment Conference by a positive vote of a majority of the States Parties with no State Party casting a negative vote.

6. Amendments shall enter into force for all States Parties 30 days after deposit of the instruments of ratification or acceptance by all those States Parties casting a positive vote at the Amendment Conference.

7. In order to ensure the viability and effectiveness of this Treaty, Parts I and III of the Protocol and Annexes 1 and 2 to the Protocol shall be subject to changes in accordance with paragraph 8, if the proposed changes are related only to matters of an administrative or technical nature. All other provisions of the Protocol and the Annexes thereto shall not be subject to changes in accordance with paragraph 8.

8. Proposed changes referred to in paragraph 7 shall be made in accordance with the following procedures:

(a) The text of the proposed changes shall be transmitted together with the necessary information to the Director-General. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General. The Director-General shall promptly communicate any such proposals and information to all States Parties, the Executive Council and the Depositary;

(b) No later than 60 days after its receipt, the Director-General shall evaluate the proposal to determine all its possible consequences for the provisions of this Treaty and its implementation and shall communicate any such information to all States Parties and the Executive Council;

(c) The Executive Council shall examine the proposal in the light of all information available to it, including whether the proposal fulfils the requirements of paragraph 7. No later than 90 days after its receipt, I the Executive Council shall notify its recommendation, with appropriate explanations, to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days;

(d) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no State Party I objects to it within 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no State Party objects to the rejection within 90 ; days after receipt of the recommendation;

(e) If a recommendation of the Executive Council does not meet with the acceptance required under sub-paragraph (d), a decision on the proposal, including whether it fulfils the requirements of paragraph 7, shall be taken as a matter of substance by the Conference at its next session;

(f) The Director-General shall notify all States Parties and the Depositary of any decision under this paragraph;

(g) Changes approved under this procedure shall enter into force for all States Parties 180 days after the date of notification by the Director-General of their approval unless another time period is recommended by the Executive Council or decided by the Conference.

Article VIII

Review of the Treaty

1. Unless otherwise decided by a majority of the States Parties, ten years after the entry into force of this Treaty a Conference of the States Parties shall be held to review the operation and effectiveness of this Treaty, with a view to assuring itself that the objectives and purposes in the Preamble and the provisions of the Treaty are being realised. Such review shall take into account any new scientific and technological developments relevant to this Treaty. On the basis of a request by any State Party, the Review Conference shall consider the possibility of permitting the conduct of underground nuclear explosions for peaceful purposes. If the Review Conference decides by consensus that such nuclear explosions may be permitted, it shall commence work without delay, with a view to recommending to States Parties an appropriate amendment to this Treaty that shall preclude any military benefits of such nuclear explosions. Any such proposed amendment shall be communicated to the Director-General by any State Party and shall be dealt with in accordance with the provisions of Article VII.

2. At intervals of ten years thereafter, further Review Conferences may be convened with the same objective, if the Conference so decides as a matter of procedure in the preceding year. Such Conferences may

be convened after an interval of less than ten years if so decided by the Conference as a matter of substance.

3. Normally, any Review Conference shall be held immediately following the regular annual session of the Conference provided for in Article II.

Article IX

Duration and Withdrawal

1. This Treaty shall be of unlimited duration.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardised its supreme interests.

3. Withdrawal shall be effected by giving notice six months in advance to all other States Parties, the Executive Council, the Depositary and the United Nations Security Council. Notice of withdrawal shall include a statement of the extraordinary event or events which a State Party regards as jeopardising its supreme interests.

Article X

Status of the Protocol and the Annexes

The Annexes to this Treaty, the Protocol, and the Annexes to the Protocol form an integral part of the Treaty. Any reference to this Treaty includes the Annexes to this Treaty, the Protocol and the Annexes to the Protocol.

Article XI

Signature

This Treaty shall be open to all States for signature before its entry into force.

Article XII

Ratification

This Treaty shall be subject to ratification by States Signatories according to their respective constitutional processes.

Article XIII

Accession

Any State which does not sign this Treaty before its entry into force may accede to it at any time thereafter.

Article XIV

Entry into Force

1. This Treaty shall enter into force 180 days after the date of deposit of the instruments of ratification by all States listed in Annex 2 to this Treaty, but in no case earlier than two years after its opening for signature.

2. If this Treaty has not entered into force three years after the date of the anniversary of its opening for signature, the Depositary shall convene a Conference of the States that have already deposited their instruments of ratification upon the request of a majority of those States. That Conference shall examine the extent to which the requirement set out in paragraph has been met and shall consider and decide by consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of this Treaty.

3. Unless otherwise decided by the Conference referred to in paragraph 2 or other such conferences, this process shall be repeated at subsequent anniversaries of the opening for signature of this Treaty, until its entry into force.

4. All States Signatories shall be invited to attend the Conference referred to in paragraph 2 and any subsequent conferences as referred to in paragraph 3, as observers.

5. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the 30th day following the date of deposit of their instruments of ratification or accession.

Article XV

Reservations

The Articles of and the Annexes to this Treaty shall not be subject to reservations. The provisions of the Protocol to this Treaty and the Annexes to the Protocol shall not be subject to reservations incompatible with the object and purpose of this Treaty.

Article XVI

Depositary

1. The Secretary-General of the United Nations shall be the Depositary of this Treaty and shall receive signatures, instruments of ratification and instruments of accession.

2. The Depositary shall promptly inform all States Signatories and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of the entry into force of this Treaty and of any amendments and changes thereto, and the receipt of other notices.

3. The Depositary shall send duly certified copies of this Treaty to the Governments of the States Signatories and acceding States.

4. This Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

Article XVII

Authentic Texts

This Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

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ANNEX 1

LIST OF STATES PURSUANT TO ARTICLE II, PARAGRAPH 28

Africa

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zaire, Zambia, Zimbabwe.

Eastern Europe

Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, The former Yugoslav Republic of Macedonia, Ukraine, Yugoslavia.

Latin America and the Caribbean

Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica,

Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

Middle East and South Asia

Afghanistan, Bahrain, Bangladesh, Bhutan, India, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kazakstan, Kuwait, Kyrgyzstan,, Lebanon, Maldives, Nepal, Oman, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Syrian Arab Republic, Tajikistan, Turkmenistan, United Arab Emirates, Uzbekistan, Yemen.

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African Nuclear-Weapon-Free-Zone Treaty (Pelindaba Treaty)*

OPENED FOR SIGNATURE AT CAIRO: 11 April 1996
NOT YET IN FORCE
DEPOSITARY: Secretary-General of the Organisation of African Unity
TOTAL NUMBER OF SIGNATORIES AS OF 31 DECEMBER 1996: 53
TOTAL NUMBER OF RATIFICATIONS AS OF 31 DECEMBER 1996: 3**

The Parties to this Treaty,

Guided by the Declaration on the Denuclearisation of Africa, adopted by the Assembly of Heads of State and Government of the Organisation of African Unity (hereinafter referred to as OAU) at its first ordinary session, held at Cairo from 17 to 21 July 1964 (AHG/ Res.11(1)), in which they solemnly declared their readiness to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or acquire control of nuclear weapons,

Guided also, by the resolutions of the fifty-fourth and fifty- sixth ordinary sessions of the Council of Ministers of OAU, held at Abuja from 27 May to 1 June 1991 and at Dakar from 22 to 28 June 1992 respectively (CM/Res. 1342 (LIV) and CM/Res. 1395 (LVI)), which affirmed that the evolution of the international situation was conducive to the implementation of the Cairo Declaration, as well as the relevant provisions of the 1986 OAU Declaration on Security, Disarmament and Development,

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* A/50/246.

** Total includes one nuclear-weapon State, France, which has ratified Protocols I, II and III.

Recalling United Nations General Assembly resolution 3472 B (XXX) of 11 December 1975, in which it considered nuclear-weapon-free zones one of the most effective means for preventing the proliferation, both horizontal and vertical, of nuclear weapons,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons, as well as of the obligations of all States to contribute to this end,

Convinced also that the African nuclear-weapon-free zone will constitute an important step towards strengthening the non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament and enhancing regional and international peace and security.

Aware that regional disarmament measures contribute to global disarmament efforts,

Believing that the African nuclear-weapon-free zone will protect African States against possible nuclear attacks on their territories,

Noting with satisfaction existing NWFZs and recognising that the establishment of other NWFZs, especially in the Middle East, would enhance the security of States Parties to the African NWFZ,

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the NPT) and the need for the implementation of all its provisions,

Desirous of taking advantage of article IV of the NPT, which recognises the inalienable right of all States Parties to develop research on, production and use of nuclear energy for peaceful purposes without discrimination and to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for such purposes,

Determined to promote regional cooperation for the development and practical application of nuclear energy for peaceful purposes in the interest of sustainable social and economic development of the African continent,

Determined to keep Africa free of environmental pollution by radioactive wastes and other radioactive matter,

Welcoming the cooperation of all States and governmental and non-governmental organisations for the attainment of these objectives,

Have decided by this treaty to establish the African NWFZ and hereby agree as follows:

Article 1

Definition/usage of Terms

For the purpose of this Treaty and its Protocols:

(a) "African nuclear-weapon-free zone" means the territory of the continent of Africa, islands States members of OAU and all islands considered by the Organisation of African Unity in its resolutions to be part of Africa;

(b) "Territory" means the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the sea bed and subsoil beneath;

(c) "Nuclear explosive device" means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(d) "Stationing" means implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation and deployment;

(e) "Nuclear installation" means a nuclear-power reactor, a nuclear research reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant, a separate storage installation and any other installation or location in or at which fresh or irradiated nuclear material or significant quantities of radioactive materials are present.

(f) "Nuclear material" means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (IAEA) and as amended from time to time by the IAEA.

Article 2

Application on the Treaty

1. Except where otherwise specified, this Treaty and its Protocols shall apply to the territory within the African nuclear-weapon-free zone as illustrated in the map in annex I.

2. Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regards to freedom of the seas.

Article 3

Renunciation of Nuclear Explosive Devices

Each Party undertakes:

(a) Not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere;

(b) Not to seek or receive any assistance in the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device;

(c) Not to take any action to assist or encourage the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device.

Article 4

Prevention of Stationing of Nuclear Explosive Devices

1. Each Party undertakes to prohibit, in its territory, the stationing of any nuclear explosive device.

2. Without prejudice to the purposes and objectives of the treaty, each Party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

Article 5

Prohibition of Testing of Nuclear Explosive Devices

Each Party undertakes:

(a) Not to test any nuclear explosive device;

(b) To prohibit in its territory the testing of any nuclear explosive device;

(c) Not to assist or encourage the testing of any nuclear explosive device by any State anywhere.

Article 6

Declaration, Dismantling, Destruction or Conversion of Nuclear Explosive Devices and the Facilities for their Manufacture

Each Party undertakes:

(a) To declare any capability for the manufacture of nuclear explosive devices;

(b) To dismantle and destroy any nuclear explosive device that it has manufactured prior to the coming into force of this Treaty;

(c) To destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses;

(d) To permit the International Atomic Energy Agency (hereinafter referred to as IAEA) and the Commission established in article 12 to verify the processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production.

Article 7

Prohibition of Dumping of Radioactive Wastes

Each Party undertakes:

(a) To effectively implement or to use as guidelines the measures contained in the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to radioactive waste;

(b) Not to take any action to assist or encourage the dumping of radioactive wastes and other radioactive matter anywhere within the African nuclear-weapon-free zone.

Article 8

Peaceful Nuclear Activities

1. Nothing in this Treaty shall be interpreted as to prevent the use of nuclear science and technology for peaceful purposes.

2. As part of their efforts to strengthen their security, stability and development, the Parties undertake to promote individually and collectively the use of nuclear science and technology for economic and social development. To this end, they undertake to establish and strengthen mechanisms for cooperation at the bilateral, subregional and regional levels.

3. Parties are encouraged to make use of the programme of assistance available in IAEA and, in this connection, to strengthen cooperation under the African Regional Cooperation Agreement for Research, Training and Development Related to Nuclear Science and Technology (hereinafter referred to as AFRA).

Article 9

Verification of Peaceful Uses

Each Party undertakes:

(a) To conduct all activities for the peaceful use of nuclear energy under strict non-proliferation measures to provide assurance of exclusively peaceful uses;

(b) To conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance with the undertakings in subparagraph (a) of this article;

(c) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.

Article 10

Physical Protection of Nuclear Materials and Facilities

Each Party undertakes to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorised use and handling. To that end each Party, *inter alia,* undertakes, to apply measures of physical protection equivalent to those provided for in the Convention on Physical Protection of Nuclear Material and in recommendations and guidelines developed by IAEA for that purpose.

Article 11

Prohibition on Armed Attack on Nuclear Installations

Each Party undertakes not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African nuclear-weapon-free zone.

Article 12

Mechanism for Compliance

1. For the purpose of ensuring compliance with their undertakings under this Treaty, the Parties agree to establish the African Commission on Nuclear Energy (hereafter referred to as the Commission) as set out in annex III.

2. The Commission shall be responsible *inter alia* for:

(a) Collating the reports and the exchange of information as provided for in article 13;

(b) Arranging consultations as provided for in annex IV, as well as convening conferences of Parties on the concurrence of simple majority of States Parties on any matter arising from the implementation of the Treaty;

(c) Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in annex II;

(d) Bringing into effect the complaints procedure elaborated in annex IV;

(e) Encouraging regional and sub-regional programmes for cooperation in the peaceful uses of nuclear science and technology;

(f) Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear science and technology.

3. The Commission shall meet in ordinary session once a year, and may meet in extraordinary session as may be required by the complaints and settlement of disputes procedure in annex IV.

Article 13

Report and Exchanges of Information

1. Each Party shall submit an annual report to the Commission on its nuclear activities as well as other matters relating to the Treaty, in accordance with the format for reporting to be developed by the Commission.

2. Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.

3. The Commission shall request the IAEA to provide it with an annual report on the activities of AFRA.

Article 14

Conference of Parties

1. A Conference of all Parties to the Treaty shall be convened by the Depositary as soon as possible after the entry into force of the Treaty to, *inter alia,* elect members of the Commission and determine its headquarters. Further conferences of States Parties shall be held as necessary and at least every two years, and convened in accordance with paragraph 2 *(b)* of article 12.

2. The Conference of all Parties to the Treaty shall adopt the Commission's budget and a scale of assessment to be paid by the States Parties.

Article 15

Interpretation of the Treaty

Any dispute arising out of the interpretation of the Treaty shall be settled by negotiation, by recourse to the Commission or another procedure agreed to by the Parties, which may include recourse to an arbitral panel or to the International Court of Justice.

Article 16

Reservations

This Treaty shall not be subject to reservations.

Article 17

Duration

This Treaty shall be of unlimited duration and shall remain in force indefinitely.

Article 18

Signature, Ratification and Entry into Force

1. This Treaty shall be open for signature by any State in the African nuclear-weapon-free zone. It shall be subject to ratification.

2. It shall enter into force on the date of deposit of the twenty-eighth instrument of ratification.

3. For a signatory that ratifies this Treaty after the date of the deposit of the twenty-eighth instrument of ratification, it shall enter into force for that signatory on the date of deposit of its instrument of ratification.

Article 19

Amendments

1. Any amendments to the Treaty proposed by a Party shall be submitted to the Commission, which shall circulate it to all Parties.

2. Decision on the adoption of such an amendment shall be taken by a two-thirds majority of the Parties either through written communication to the Commission or through a conference of Parties convened upon the concurrence of a simple majority.

3. An amendment so adopted shall enter into force for all parties after receipt by the Depositary of the instrument of ratification by the majority of Parties.

Article 20

Withdrawal

1. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardised its supreme interests.

2. Withdrawal shall be effected by a Party giving notice, which includes a statement of the extraordinary events it regards as having jeopardised its supreme interest, twelve months in advance to the Depositary. The Depositary shall circulate such notice to all other parties.

Article 21

Depositary Functions

1. This Treaty, of which the Arabic, English, French and Portuguese texts are equally authentic, shall be deposited with the Secretary-General of OAU, who is hereby designated as Depositary of the Treaty.

2. The Depositary shall:

(a) Receive instruments of ratification;

(b) Register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations;

(c) Transmit certified copies of the Treaty and its Protocols to all States in the African nuclear-weapon-free zone and to all States eligible to become party to the Protocols to the Treaty, and shall notify them of signatures and ratification of the Treaty and its Protocols.

Article 22

Status of the Annexes

The annexes form an integral part of this Treaty. Any reference to this Treaty includes the annexes.

In witness whereof the undersigned, being duly authorised by their Governments, have signed this Treaty.

ANNEX I

SAFEGUARDS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

1. The safeguards referred to in subparagraph (b) of the article 9 shall in respect of each Party be applied by the International Atomic Energy Agency as set forth in an agreement negotiated and concluded with the Agency on all source or special fissionable material in all nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.

2. The Agreement referred to in paragraph 1 above shall be, or shall be equivalent in its scope and effect to, the agreement required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153 corrected). A party that has already entered into a safeguards agreement with the IAEA is deemed to have already complied with the requirement. Each Party shall take all appropriate steps to ensure that the Agreement referred to in paragraph 1 is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.

3. For the purpose of this Treaty, the safeguards referred to in paragraph 1 above shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices or for purposes unknown.

4. Each Party shall include in its annual report to the Commission, in conformity with article 13, for its information and review, a copy of the overall conclusions of the most recent report by the International Atomic Energy Agency on its inspection activities in the territory of the Party concerned, and advise the Commission promptly of any change in those conclusions. The information furnished by a Party shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when that Party gives its express consent.

ANNEX II

AFRICAN COMMISSION ON NUCLEAR ENERGY

1. The Commission established in article 12 shall be composed of twelve Members elected by Parties to the Treaty for a three-year period, bearing in mind the need for equitable geographical distribution as well as to include Members with advanced nuclear programmes. Each

Member shall have one representative nominated with particular regard for his/her expertise in the subject of the Treaty.

2. The Commission shall have a Bureau consisting of the Chairman, the Vice-Chairman and the Executive Secretary. It shall elect its Chairman and Vice-Chairman. The Secretary-General of the Organisation of African Unity, at the request of Parties to the Treaty and in consultation with the Chairman, shall designate the Executive Secretary of the Commission. For the first meeting a quorum shall be constituted by representatives of two-thirds of the Members of the Commission. For that meeting decisions of the Commission shall be taken as far as possible by consensus or otherwise by a two-thirds majority of the Members of the Commission. The Commission shall adopt its rules of procedure at that meeting.

3. The Commission shall develop a format for reporting by States as required under articles 12 and 13.

4. (a) The budget of the Commission, including the costs of inspections pursuant to annex IV to this Treaty, shall be borne by the Parties to the Treaty in accordance with a scale of assessment to be determined by the Parties;

(b) The Commission may also accept additional funds from other sources provided such donations are consistent with the purposes and objectives of the Treaty;

ANNEX III

COMPLAINTS PROCEDURE AND SETTLEMENT OF DISPUTES

1. A Party which considers that there are grounds for a complaint that another Party or a Party to Protocol III is in breach of its obligations under this Treaty shall bring the subject-matter of the complaint to the attention of the Party complained of and shall allow the latter thirty days to provide it with an explanation and to resolve the matter. This may include technical visits agreed upon between the Parties.

2. If the matter is not so resolved, the complainant Party may bring this complaint to the Commission.

3. The Commission, taking account of efforts made under paragraph 1 above, shall afford the Party complained of forty-five days to provide it with an explanation of the matter.

4. If, after considering any explanation given to it by the representatives of the Party complained of, the Commission considers

that there is sufficient substance in the complaint to warrant an inspection in the territory of that Party or territory of a party to Protocol III, the Commission may request the International Atomic Energy Agency to conduct such inspection as soon as possible. The Commission may also designate its representatives to accompany the Agency's inspection team.

(a) The request shall indicate the tasks and objectives of such inspection, as well as any confidentiality requirements;

(b) If the Party complained of so requests, the inspection team shall be accompanied by representatives of that Party provided that the inspectors shall not be thereby delayed or otherwise impeded in the exercise of their functions;

(c) Each Party shall give the inspection team full and free access to all information and places within each territory that may be deemed relevant by the inspectors to the implementation of the inspection;

(d) The Party complained of shall take all appropriate steps to facilitate the work of the inspection team, and shall accord them the same privileges and immunities as those set forth in the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency;

(e) The International Atomic Energy Agency shall report its findings in writing as quickly as possible to the Commission, outlining its activities, setting out relevant facts and information as ascertained by it, with supporting evidence and documentation as appropriate, and stating its conclusions. The Commission shall report fully to all States Parties to the Treaty giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty;

(f) If the Commission considers that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, States Parties to the Treaty shall meet in extraordinary session to discuss the matter;

(g) The States Parties convened in extraordinary session may as necessary, make recommendations to the Party held to be in breach of its obligations and to the Organisation of African Unity. The Organisation of African Unity may, if necessary, refer the matter to the United Nations Security Council;

(h) The costs involved in the procedure outlined above shall be borne by the Commission. In the case of abuse, the Commission shall decide whether the requesting State Party should bear any of the financial implications.

5. The Commission may also establish its own inspection mechanisms.

PROTOCOL I

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearisation of Africa (AHG/Res. 11(1)) of 1964, resolutions CM/ Res. 1342 (LIV) of 1991 and CM/Res. l395(LVI) Rev.1 of 1992 of the Council of Ministers of the Organisation of African Unity and United Nations General Assembly Resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Have agreed as follows:

Article 1

Each Protocol Party undertakes not to use or threaten to use a nuclear explosive device against:

(a) Any Party to the Treaty, or

(b) Any territory within the African nuclear-weapon-free zone for which a State that has become a Party to Protocol III is internationally responsible as defined in annex 1.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Articles 3

Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the

entry into force of an amendment to the Treaty pursuant to article 19 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be Subject to Ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardised its supreme interests. It shall give notice of such withdrawal to the Depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depositary of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

In witness where of the undersigned, being duly authorised by their Governments, have signed this Protocol.

PROTOCOL II

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearisation of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342 (LIV) of 1991 and CM/Res. 1395(LVI)/Rev.1 of 1992 of the Council of Ministers of the Organisation of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Bearing in mind the objective of concluding a treaty banning all nuclear tests,

Have agreed as follows:

Article 1

Each Protocol Party undertakes not to test or assist or encourage the testing of any nuclear explosive device anywhere within the African nuclear-weapon-free zone.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 19 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardised its supreme interests. It shall give notice of such withdrawal to the Depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depositary of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

In witness whereof the undersigned, being duly authorized by their Governments, have signed this Protocol.

PROTOCOL III

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty,, negotiated and signed in accordance with the Declaration on the Denuclearisation of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res. 1342(LIV) of 1991 and CM/Res. 1395(LVI)/Rev.1 of 1992 of the Council of Ministers of the Organisation of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty, *Have agreed* as follows;

Article 1

Each Protocol Party undertakes to apply, in respect of the territories for which it is *de jure* or *de facto* internationally responsible situated within the African nuclear-weapon-free zone, the provisions contained in articles 3, 4, 5, 6, 7, 8, 9 and 10 of the Treaty and to ensure the application of safeguards specified in annex II of the Treaty.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alterations to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 19 of the Treaty.

Article 4

This Protocol shall be open for signature by France and Spain.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely provided that each Party shall, in exercising its national sovereignty have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depositary of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

In witness whereof the undersigned, being duly authorized by their Governments have signed this Protocol.

South East Asia, the Pacific and the Far East

Australia, Brunei Darussalam, Cambodia, China, Cook Islands, Democratic People's Republic of Korea, Fiji, Indonesia, Japan, Kiribati, Lao People's Democratic Republic, Malaysia, Marshall Islands, Micronesia (Federated States of), Mongolia, Myanmar, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Thailand, Tonga, Tuvalu, Vanuatu, Vietnam.

ANNEX 2: TO THE TREATY

LIST OF STATES PURSUANT TO ARTICLE XIV

List of States members of the Conference on Disarmament as at 18 June 1996 which formally participated in the work of the 1996 session of the Conference and which appear in Table 1 of the International Atomic Energy Agency's April 1996 edition of "Nuclear Power Reactors in the World", and of States members of the Conference on Disarmament as at 18 June 1996 which formally participated in the work of the 1996 session of the Conference and which appear in Table 1 of the International Atomic Energy Agency's December 1995 edition of "Nuclear Research Reactors in the World":

Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Democratic People's Republic

of Korea, Egypt, Finland, Fiance, Germany, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Mexico, Netherlands, Norway, Pakistan, Peru, Poland, Romania, Republic of Korea, Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vietnam, Zaire.

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Treaty on the Southeast Asia Nuclear Weapon-Free Zone (Bangkok Treaty)*

OPENED FOR SIGNATURE AT BANGKOK: 15 December 1995
NOT YET IN FORCE
DEPOSITARY GOVERNMENT: Thailand
TOTAL NUMBER OF SIGNATORIES AS OF 31 DECEMBER 1996: 10
TOTAL NUMBER OF RATIFICATIONS AS OF 31 DECEMBER 1996: 5

The States Parties to this Treaty:

Desiring to contribute to the realisation of the purposes and principles of the Charter of the United Nations;

Determined to take concrete action which will contribute to the progress towards general and complete disarmament of nuclear weapons, and to the promotion of international peace and security;

Reaffirming the desire of the Southeast Asian States to maintain peace and stability in the region in the spirit of peaceful coexistence and mutual understanding and cooperation as enunciated in various communiques, declarations and other legal instruments;

Recalling the Declaration on the Zone of Peace, Freedom and Neutrality (ZOPFAN) signed in Kuala Lumpur on 27 November 1971 and the Programme of Action on ZOPFAN adopted at the 26th ASEAN Ministerial Meeting in Singapore in July 1993;

Convinced that the establishment of a Southeast Asia Nuclear Weapon-Free Zone, as an essential component of the ZOPFAN, will contribute towards strengthening the security of States within the

* A United Nations *Treaty Series* registration number will be assigned to the Treaty once it enters into force.

Zone and towards enhancing international peace and security as a whole;

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing towards international peace and security;

Recalling Article VII of the NPT which recognises the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories;

Recalling the Final Document of the Tenth Special Session of the United Nations General Assembly which encourages the establishment of nuclear weapon-free zones;

Recalling the Principles and Objectives for Nuclear Non-Proliferation and Disarmament, adopted at the 1995 Review and Extension Conference of the Parties to the NPT, that the cooperation of all the nuclear-weapon States and their respect and support for the relevant protocols is important for the maximum effectiveness of this nuclear weapon-free zone treaty and its relevant protocols.

Determined to protect the region from environmental pollution and the hazards posed by radioactive wastes and other radioactive material;

Have agreed as follows:

Article 1

Use of Terms

For the purposes of this Treaty and its Protocol:

(a) "Southeast Asia Nuclear Weapon-Free Zone", hereinafter referred to as the "Zone", means the area comprising the territories of all States in Southeast Asia, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam, and their respective continental shelves and Exclusive Economic Zones (EEZ);

(b) "territory" means the land territory, internal waters, territorial sea, archipelagic waters, the seabed and the subsoil thereof and the airspace above them;

(c) "nuclear weapon" means any explosive device capable of releasing nuclear energy in an uncontrolled manner but does not include the means of transport or delivery of such device if separable from and not an indivisible part thereof;

(d) "station" means to deploy, emplace, implant, install, stockpile or store;

(e) "radioactive material" means material that contains radionuclides above clearance or exemption levels recommended by the Interational Atomic Energy Agency (IAEA);

(f) "radioactive wastes" means material that contains or is contaminated with radionuclides at concentrations or activities greater than clearance levels recommended by the IAEA and for which no use is foreseen; and

(g) "dumping" means

(i) any deliberate disposal at sea, including seabed and subsoil insertion, of radioactive wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea, and

(ii) any deliberate disposal at sea, including seabed and subsoil insertion, of vessels, aircraft, platforms or other man-made structures at sea, containing radioactive material,

but does not include the disposal of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures.

Article 2

Application of the Treaty

1. This Treaty and its Protocol shall apply to the territories, continental shelves, and EEZ of the States Parties within the Zone in which this Treaty is in force.

2. Nothing in this Treaty shall prejudice the rights or the exercise of these rights by any State under the provisions of the United Nations Convention on the Law of the Sea of 1982, in particular with regard to freedom of the high seas, rights of innocent passage, archipelagic sea lanes passage or transit passage of ships and aircraft, and consistent with the Charter of the United Nations.

Article 3

Basic Undertakings

1. Each State Party undertakes not to, anywhere inside or outside the Zone:

(a) develop, manufacture or otherwise acquire, possess or have control over nuclear weapons;

(b) station or transport nuclear weapons by any means; or

(c) test or use nuclear weapons.

2. Each State Party also undertakes not to allow, in its territory, any other State to:

(a) develop, manufacture or otherwise acquire, possess or have control over nuclear weapons;

(b) station nuclear weapons; or

(c) test or use nuclear weapons.

3. Each State Party also undertakes not to:

(a) dump at sea or discharge into the atmosphere anywhere within the Zone any radioactive material or wastes;

(b) dispose radioactive material or wastes on land in the territory of or under the jurisdiction of other States except as stipulated in Paragraph 2 (e) of Article 4; or

(c) allow, within its territory, any other State to dump at sea or discharge into the atmosphere any radioactive material or wastes.

4. Each State Party undertakes not to:

(a) seek or receive any assistance in the commission of any act in violation of the provisions of Paragraphs 1, 2 and 3 of this Article; or

(b) take any action to assist or encourage the commission of any act in violation of the provisions of Paragraphs 1,2 and 3 of this Article.

Article 4

Use of Nuclear Energy for Peaceful Purposes

1. Nothing in this Treaty shall prejudice the right of the States Parties to use nuclear energy, in particular for their economic development and social progress.

2. Each State Party therefore undertakes:

(a) to use exclusively for peaceful purposes nuclear material and facilities which are within its territory and areas under its jurisdiction and control;

(b) prior to embarking on its peaceful nuclear energy programme, to subject its programme to rigorous nuclear safety assessment conforming to guidelines and standards recommended by the IAEA for the protection of health and minimisation of danger to life and property in accordance with Paragraph 6 of Article III of the Statute of the IAEA;

(c) upon request, to make available to another State Party the assessment except information relating to personal data, information protected by intellectual property rights or by industrial or commercial confidentiality, and information relating to national security;

(d) to support the continued effectiveness of the international non-proliferation system based on the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the IAEA safeguards system; and

(e) to dispose radioactive wastes and other radioactive material in accordance with IAEA standards and procedures on land within its territory or on land within the territory of another State which has consented to such disposal.

3. Each State Party further undertakes not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to:

(a) any non-nuclear-weapon State except under conditions subject to the safeguards required by Paragraph 1 of Article III of the NPT; or

(b) any nuclear-weapon State except in conformity with applicable safeguards agreements with the IAEA.

Article 5

IAEA Safeguards

Each State Party which has not done so shall conclude an agreement with the IAEA for the application of full scope safeguards to its peaceful nuclear activities not later than eighteen months after the entry into force for that State Party of this Treaty.

Article 6

Early Notification of a Nuclear Accident

Each State Party which has not acceded to the Convention on Early Notification of a Nuclear Accident shall endeavour to do so.

Article 7

Foreign Ships and Aircraft

Each State Party, on being notified, may decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign

ships through its territorial sea or archipelagic waters and overflight of foreign aircraft above those waters in a manner not governed by the rights of innocent passage, archipelagic sea lanes passage or transit passage.

Articles 8

Establishment of the Commission for the Southeast Asia Nuclear Weapon-Free Zone

1. There is hereby established a Commission for the Southeast Asia Nuclear Weapon-Free Zone, hereinafter referred to as the "Commission".

2. All States Parties are *ipso facto* members of the Commission. Each State Party shall be represented by its Foreign Minister or his representative accompanied by alternates and advisers.

3. The function of the Commission shall be to oversee the implementation of this Treaty and ensure compliance with its provisions.

4. The Commission shall meet as and when necessary in accordance with the provisions of this Treaty including upon the request of any State Party. As far as possible, the Commission shall meet in conjunction with the ASEAN Ministerial Meeting.

5. At the beginning of each meeting, the Commission shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next meeting.

6. Unless otherwise provided for in this Treaty, two-thirds of the members of the Commission shall be present to constitute a quorum.

7. Each member of the Commission shall have one vote.

8. Except as provided for in this Treaty, decisions of the Commission shall be taken by consensus or, failing consensus, by a two-thirds majority of the members present and voting.

9. The Commission shall, by consensus, agree upon and adopt rules of procedure for itself as well as financial rules governing its funding and that of its subsidiary organs.

Article 9

The Executive Committee

1. There is hereby established, as a subsidiary organ of the Commission, the Executive Committee.

2. The Executive Committee shall be composed of all States Parties to this Treaty. Each State Party shall be represented by one senior official as its representative, who may be accompanied by alternates and advisers.

3. The functions of the Executive Committee shall be to:

(a) ensure the proper operation of verification measures in accordance with the provisions on the Control System as stipulated in Article 10;

(b) consider and decide on requests for clarification and for a fact-finding mission;

(c) set up a fact-finding mission in accordance with the Annex of this Treaty;

(d) consider and decide on the findings of a fact-finding mission and report to the Commission;

(e) request the Commission to convene a meeting when appropriate and necessary;

(f) conclude such agreements with the IAEA or other international organisations as referred to in Article 18 on behalf of the Commission after being duly authorized to do so by the Commission; and

(g) carry out such other tasks as may, from time to time, be assigned by the Commission.

4. The Executive Committee shall meet as and when necessary for the efficient exercise of its functions. As far as possible, the Executive Committee shall meet in conjunction with the ASEAN Senior Officials Meeting.

5. The Chairman of the Executive Committee, shall be the representative of the Chairman of the Commission. Any submission or communication made by a State Party to the Chairman of the Executive Committee shall be disseminated to the other members of the Executive Committee.

6. Two-thirds of the members of the Executive Committee shall be present to constitute a quorum.

7. Each member of the Executive Committee shall have one vote.

8. Decisions of the Executive Committee shall be taken by consensus or, failing consensus, by a two-thirds majority of the members present and voting.

Article 10

Control System

1. There is hereby established a control system for the purposes of verifying compliance with the obligations of the States Parties under this Treaty.

2. The Control System shall comprise:

(a) the IAEA safeguards system as provided for in Article 5;

(b) report and exchange of information as provided for in Article 11;

(c) request for clarification as provided for in Article 12; and

(d) request and procedures for a fact-finding mission as provided for in Article 13.

Article 11

Report and Exchange of Information

1. Each State Party shall submit reports to the Executive Committee on any significant event within its territory and areas under its jurisdiction and control affecting the implementation of this Treaty.

2. The States Parties may exchange information on matters arising under or in relation to this Treaty.

Article 12

Request for Clarification

1. Each State Party shall have the right to request another State Party for clarification concerning any situation which may be considered ambiguous or which may give rise to doubts about the compliance of that State Party with this Treaty. It shall inform the Executive Committee of such a request. The requested State Party shall duly respond by providing without delay the necessary information and inform the Executive Committee of its reply to the requesting State Party.

2. Each State Party shall have the right to request the Executive Committee to seek clarification from another State Party concerning any situation which may be considered ambiguous or which may give rise to doubts about compliance of that State Party with this Treaty. Upon receipt of such a request, the Executive Committee shall consult the State Party from which clarification is sought for the purpose of obtaining the clarification requested.

Article 13

Request for a Fact-Finding Mission

A State Party shall have the right to request the Executive Committee to send a fact-finding mission to another State Party in order to clarify and resolve a situation which may be considered ambiguous or which may give rise to doubts about compliance with the provisions of this Treaty, in accordance with the procedure contained in the Annex to this Treaty,

Article 14

Remedial Measures

1. In case the Executive Committee decides in accordance with the Annex that there is a breach of this Treaty by a State Party, that State Party shall, within a reasonable time, take all steps necessary to bring itself in full compliance with this Treaty and shall promptly inform the Executive Committee of the action taken or proposed to be taken by it.

2. Where a State Party fails or refuses to comply with the provisions of Paragraph 1 of this Article, the Executive Committee shall request the Commission to convene a meeting in accordance with the provisions of Paragraph 3 *(e)* of Article 9.

3. At the meeting convened pursuant to Paragraph 2 of this Article, the Commission shall consider the emergent situation and shall decide on any measure it deems appropriate to cope with the situation, including the submission of the matter to the IAEA and, where the situation might endanger international peace and security, the Security I Council and the General Assembly of the United Nations.

4. In the event of breach of the Protocol attached to this Treaty by a State Party to the Protocol, the Executive Committee shall convene a special meeting of the Commission to decide on appropriate measures to be taken.

Article 15

Signature, Ratification, Accession, Deposit and Registration

1. This Treaty shall be open for signature by all States in Southeast Asia, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.

2. This Treaty shall be subject to ratification in accordance with the constitutional procedure of the signatory States. The instruments of ratification shall be deposited with the Government of the Kingdom of Thailand which is hereby designated as the Depositary State.

3. This Treaty shall be open for accession. The instruments of accession shall be deposited with the Depositary State.

4. The Depositary State shall inform the other States Parties to this Treaty on the deposit of instruments of ratification or accession.

5. The Depositary State shall register this Treaty and its Protocol pursuant to Article 102 of the Charter of the United Nations.

Article 16

Entry into Force

1. This Treaty shall enter into force on the date of the deposit of the seventh instrument of ratification and/or accession.

2. For States which ratify or accede to this Treaty after the date of this seventh instrument of ratification or accession, this Treaty shall enter into force on the date of deposit of its instrument of ratification or accession.

Article 17

Reservations

This Treaty shall not be subject to reservations.

Article 18

Relations with Other International Organisations

The Commission may conclude such agreements with the IAEA or other international organisations as it considers likely to facilitate the efficient operation of the Control System established by this Treaty.

Article 19

Amendments

1. Any State Party may propose amendments to this Treaty and its Protocol and shall submit its proposals to the Executive Committee, which shall transmit them to all the other States Parties. The Executive Committee shall immediately request the Commission to convene a meeting to examine the proposed amendments. The quorum required for such a meeting shall be all the members of the Commission. Any amendment shall be adopted by a consensus decision of the Commission.

2. Amendments adopted shall enter into force 30 days after the receipt by the Depositary State of the seventh instrument of acceptance from the States Parties.

Article 20

Review

Ten years after this Treaty enters into force, a meeting of the Commission shall be convened for the purpose of reviewing the operation of this Treaty. A meeting of the Commission for the same purpose may also be convened at any time thereafter if there is consensus among all its members.

Article 21

Settlement of Disputes

Any dispute arising from the interpretation of the provisions of this Treaty shall be settled by peaceful means as may be agreed upon by the States Parties to the dispute. If within one month, the parties to the dispute are unable to achieve a peaceful settlement of the dispute by negotiation, mediation, enquiry or conciliation, any of the parties concerned shall, with the prior consent of the other parties concerned, refer the dispute to arbitration or to the International Court of Justice.

Article 22

Duration and Withdrawal

1. This Treaty shall remain in force indefinitely.

2. In the event of a breach by any State Party of this Treaty essential to the achievement of the objectives of this Treaty, every other State Party shall have the right to withdraw from this Treaty.

3. Withdrawal under Paragraph 2 of Article 22, shall be effected by giving notice twelve months in advance to the members of the Commission.

IN WITNESS WHEREOF, the undersigned have signed this Treaty.

DONE at Bangkok, this fifteenth day of December, one thousand nine hundred and ninety-five, in one original in the English language.

ANNEX

PROCEDURE FOR A FACT-FINDING MISSION

1. The State Party requesting a fact-finding mission as provided in Article 13, hereinafter referred to as the “requesting State”, shall submit the request to the Executive Committee specifying the following:

(a) the doubts or concerns and the reasons for such doubts or concerns;

(b) the location in which the situation which gives rise to doubts has allegedly occurred;

(c) the relevant provisions of this Treaty about which doubts of compliance have arisen; and

(d) any other relevant information.

2. Upon receipt of a request for a fact-finding mission, the Executive Committee shall:

(a) immediately inform the State Party to which the fact-finding mission is requested to be sent, hereinafter referred to as the "receiving State", about the receipt of the request; and

(b) not later than 3 weeks after receiving the request, decide if the request complies with the provisions of Paragraph 1 and whether or not it is frivolous, abusive or clearly beyond the scope of this Treaty. Neither the requesting nor receiving State Party shall participate in such decisions.

3. In case the Executive Committee decides that the request does not comply with the provisions of Paragraph 1, or that it is frivolous, abusive or clearly beyond the scope of this Treaty, it shall take no further action on the request and inform the requesting State and the receiving State accordingly.

4. In the event that the Executive Committee decides that the request complies with the provisions of Paragraph 1, and that it is not frivolous, abusive or clearly beyond the scope of this Treaty, it shall immediately forward the request for a fact-finding mission to the receiving State, indicating, *inter alia,* the proposed date for sending the mission. The proposed date shall not be later than 3 weeks from the time the receiving State receives the request for a fact-finding mission. The Executive Committee shall also immediately set up a fact-finding mission consisting of 3 inspectors from the IAEA who are neither nationals of the requesting nor receiving State.

5. The receiving State shall comply with the request for a fact-finding mission referred to in Paragraph 4. It shall cooperate with the Executive Committee in order to facilitate the effective functioning of the fact-finding mission, *inter alia,* by promptly providing unimpeded access of the fact-finding mission to the location in question. The receiving State shall accord to the members of the fact-finding mission such privileges and immunities as are necessary for them to exercise their functions effectively, including inviolability of all papers and documents and immunity from arrest, detention and legal process for acts done and words spoken for the purpose of the mission.

6. The receiving State shall have the right to take measures to protect sensitive installations and to prevent disclosures of confidential I information and data not related to this Treaty.

7. The fact-finding mission, an the discharge of its functions, shall:

(a) respect the laws and regulations of the receiving State;

(b) refrain from activities inconsistent with the objectives and purposes of this Treaty;

(c) submit preliminary or interim reports to the Executive Committee; and

(d) complete its task without undue delay and shall submit its final report to the Executive Committee within a reasonable time upon completion of its work.

8. The Executive Committee shall:

(a) consider the reports submitted by the fact-finding mission and reach a decision on whether or not there is a breach of this Treaty;

(b) immediately communicate its decision to the requesting State and the receiving State; and

(c) present a full report on its decision to the Commission.

9. In the event that the receiving State refuses to comply with the request for a fact-finding mission in accordance with Paragraph 4, the requesting State through the Executive Committee shall have the right to request for a meeting of the Commission. The Executive Committee shall immediately request the Commission to convene a meeting in accordance with Paragraph 3 *(e)* of Article 9.

PROTOCOL TO THE TREATY ON SOUTHEAST ASIA NUCLEAR WEAPON-FREE ZONE

The States Parties to this Protocol,

Desiring to contribute to efforts towards achieving general and complete disarmament of nuclear weapons, and thereby ensuring international peace and security, including in Southeast Asia;

Noting the Treaty on the Southeast Asia Nuclear Weapon-Free Zone, signed at Bangkok on the fifteenth day of December, one thousand nine hundred and ninety-five;

Have agreed as follows:

Article 1

Each State Party undertakes to respect the Treaty on the Southeast Asia Nuclear Weapon-Free Zone, hereinafter referred to as the “Treaty”,

and not to contribute to any act which constitutes a violation of the Treaty or its Protocol by States Parties to them.

Article 2

Each State Party undertakes not to use or threaten to use nuclear weapons against any State Party to the Treaty. It further undertakes not to use or threaten to use nuclear weapons within the Southeast Asia Nuclear Weapon-Free Zone.

Article 3

This Protocol shall be open for signature by 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.

Article 4

Each State Party undertakes, by written notification to the Depositary State, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to Article 19 thereof.

Article 5

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme national interests. It shall give notice of such withdrawal to the Depositary State twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme national interests.

Article 6

This Protocol shall be subject to ratification.

Article 7

This Protocol shall enter into force for each State Party on the date of its deposit of its instrument of ratification with the Depositary State. The Depositary State shall inform the other States Parties to the Treaty and to this Protocol on the deposit of instruments of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Governments, have signed this Protocol.

DONE at Bangkok this fifteenth day of December, one thousand nine hundred and ninety-five, in one original in the English language.

LIST OF SIGNATORIES AND PARTIES

(i) Signatures affixed on the original of the Treaty deposited with the Government of Thailand.

(ii) Instruments of ratification, accession (a) and succession (s) deposited with the Government of Thailand.

State	*(i) Signature*	*(ii) Deposit*
Brunei Darussalam	15 December 1995	22 November 1996
Cambodia	15 December 1995	—
Indonesia	15 December 1995	—
Lao People's Democratic Republic	15 December 1995	16 July 1996
Malaysia	15 December 1995	11 October 1996
Myanmar	15 December 1995	17 July 1996
Philippines	15 December 1995	—
Singapore	15 December 1995	—
Thailand	15 December 1995	—
Vietnam	15 December 1995	26 November 1996

Protocol

State	*(i) Signature*	*(ii) Deposit*

No Action in 1996.

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Related Documentation on a Comprehensive Test Ban

*Excerpts from a Radio Address by the President of the United States**

*Washington, DC, 2 July 1993**

During my campaign for President, I promised a wholehearted commitment to achieving a comprehensive nuclear test ban treaty. A test ban can strengthen our efforts worldwide to halt the spread of nuclear technology in weapons. Last year, the Congress directed that a test ban be negotiated by 1996. And it established an interim moratorium on nuclear testing while we reviewed our requirements for further tests. That moratorium on testing expires soon.

Congress said that after the moratorium expires, but before a test ban was achieved, the United States could carry out up to 15 nuclear tests to ensure the safety and reliability of our weapons. After a thorough review, my administration has determined that the nuclear weapons in the United States arsenal are safe and reliable.

Additional nuclear tests could help us prepare for a test ban and provide for some additional improvements in safety and reliability. However, the price we would pay in conducting those tests now by undercutting our own non-proliferation goals and ensuring that other nations would resume testing outweighs these benefits.

I have, therefore, decided to extend the current moratorium on United States nuclear testing at least through September of next year, as long as no other nation tests.

And I call on the other nuclear powers to do the same. If these nations will join us in observing this moratorium, we will be in the

* CD/1205.

strongest possible position to negotiate a comprehensive test ban and to discourage other nations from developing their own nuclear arsenals.

If, however, this moratorium is broken by another nation, I will direct the Department of Energy to prepare to conduct additional tests while seeking approval to do so from Congress. I therefore expect the Department to maintain a capability to resume testing.

To assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, the reliability and the performance of our own weapons. We will also refocus much of the talent and resources of our nation's nuclear labs on new technologies to curb the spread of nuclear weapons and verify arms control treaties.

Beyond these significant actions, I am also taking steps to revitalise the Arms Control and Disarmament Agency, so that it can play an active role in meeting the arms control and non-proliferation challenges of this new era. I am committed to protecting our people, deterring aggression and combatting terrorism. The work of combatting proliferation of weapons of mass destruction is difficult and unending, but it is an essential part of this task. It must be done.

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Treaty on Open Skies*

OPENED FOR SIGNATURE AT HELSINKI: 24 March 1992
NOTE YET IN FORCE
DEPOSITARY GOVERNMENTS: Canada and Hungary

The States concluding this Treaty, hereinafter referred to collectively as the States Parties or individually as a State Party,

Recalling the commitments they have made in the Conference on Security and Co-operation in Europe to promoting greater openness and transparency in their military activities and to enhancing security by means of confidence- and security-building measures,

Welcoming the historic events in Europe which have transformed the security situation from Vancouver to Vladivostok,

Wishing to contribute to the further development and strengthening of peace, stability and co-operative security in that area by the creation of an Open Skies regime for aerial observation,

Recognising the potential contribution which an aerial observation regime of this type could make to security and stability in other regions as well,

Noting the possibility of employing such a regime to improve openness and transparency, to facilitate the monitoring of compliance with existing or future arms control agreements and to strengthen the capacity for conflict prevention and crisis management in the framework of the Conference on Security and Co-operation in Europe and in other relevant international institutions.

Envisaging the possible extension of the Open Skies regime into additional fields, such as the protection of the environment,

Seeking to establish agreed procedures to provide for aerial observation of all the territories of States Parties, with the intent of

* United States Arms Control and Disarmament Agency, Washington, D.C.

observing a single State Party or groups of States Parties, on the basis of equity and effectiveness while maintaining flight safety,

Noting that the operation of such an Open Skies regime will be without prejudice to States not participating in it,

Have agreed as follows:

Article I

General Provisions

1. This Treaty establishes the regime, to be known as the Open Skies regime, for the conduct of observation flights by States Parties over the territories of other States Parties, and, sets forth the rights and obligations of the States Parties relating thereto.

2. Each of the Annexes and their related Appendices constitutes an integral part of (his Treaty.

Article II

Definitions

For the purposes of this Treaty:

1. The term “observed Party” means the State Party or group of States Parties over whose territory an observation flight is conducted or is intended to be conducted, from the time it has received notification thereof from an observing Party until completion of the procedures relating to that flight, or personnel acting on behalf of that State Party or group of States Parties.

2. The term “observing Party” means the State Party or group of States Parties that intends to conduct or conducts an observation flight over the territory of another State Party or group of States Parties, from the time that it has provided notification of its intention to conduct an observation flight until completion of the procedures relating to that flight, or personnel acting on behalf of that State Party or group of States Parties.

3. The term “group of States Parties” means two or more States Parties that have agreed to form a group for the purposes of this Treaty.

4. The term “observation aircraft” means an unarmed, fixed wing aircraft designated to make observation flights, registered by the relevant authorities of a State Party and equipped with agreed sensors. The term “unarmed” means that the observation aircraft used for the purposes of this Treaty is not equipped to carry and employ weapons.

5. The term “observation flight” means the flight of the observation aircraft conducted by an observing Party over the territory of an observed Party, as provided in the flight plan, from the point of entry or Open Skies airfield to the point of exit or Open Skies airfield.

6. The term “transit flight” means a flight of an observation aircraft or transport aircraft conducted by or on behalf of an observing Party over the territory of a third State Party en route to or from the territory of the observed Party.

7. The term “transport aircraft” means an aircraft other than an observation aircraft that, on behalf of the observing Party, conducts flights to or from the territory of the observed Party exclusively for the purposes of this Treaty.

8. The term “territory” means the land, including islands, and internal and territorial waters, over which a State Party exercises sovereignty.

9. The term “passive quota” means the number of observation flights that each State Party is obliged to accept as an observed Party.

10. The term “active quota” means the number of observation flights that each State Party has the right to conduct as an observing Party.

11. The term “maximum flight distance” means the maximum distance over the territory of the observed Party from the point at which the observation flight may commence to the point at which that flight may terminate, as specified in Annex A to this Treaty.

12. The term “sensor” means equipment of a category specified in Article IV, paragraph 1 that is installed on an observation aircraft for use during the conduct of observation flights.

13. The term “ground resolution” means the minimum distance on the ground between two closely located objects distinguishable as separate objects.

14. The term “infra-red line-scanning device” means a sensor capable of receiving and visualising thermal electro-magnetic radiation emitted in the invisible infra-red part of the optical spectrum by objects due to their temperature and in the absence of artificial illumination.

15. The term “observation period” means a specified period of time during an observation flight when a particular sensor installed on the observation aircraft is operating.

16. The term “flight crew” means individuals from any State Party who may include, if the State Party so decides, interpreters and who perform duties associated with the operation or servicing of an observation aircraft or transport aircraft.

17. The term “pilot-in-command” means the pilot on board the observation aircraft who is responsible for the operation of the observation aircraft, the execution of the flight plan, and the safety of the observation aircraft.

18. The term “flight monitor” means an individual who, on behalf of the observed Party, is on board an observation aircraft provided by the observing Party during the observation flight and who performs duties in accordance with Annex G to this Treaty.

19. The term “flight representative” means an individual who, on behalf of the observing Party, is on board an observation aircraft provided by the observed Party during an observation flight and who performs duties in accordance with Annex G to this Treaty.

20. The term “representative” means an individual who has been designated by the observing Party and who performs activities on behalf of the observing Party in accordance with Annex G during an observation flight on an observation aircraft designated by a State Party other than the observing Party or the observed Party.

21. The term “sensor operator” means an individual from any State Party who performs duties associated with the functioning, operation and maintenance of the sensors of an observation aircraft.

22. The term “inspector” means an individual from any State Party who conducts an inspection of sensors or observation aircraft of another State Party.

23. The term “escort” means an individual from any State Party who accompanies the inspectors of another State Party.

24. The term “mission plan” means a document, which is in a format established by the Open Skies Consultative Commission, presented by the observing Party that contains the route, profile, order of execution and support required to conduct the observation flight, which is to be agreed upon with the observed Party and which will form the basis for the elaboration of the flight plan.

25. The term “flight plan” means a document elaborated on the basis of the agreed mission plan in the format and with the content specified by the International Civil Aviation Organisation, hereinafter referred to as the ICAO, which is presented to the air traffic control authorities and on the basis of which the observation flight will be conducted.

26. The term “mission report” means a document describing an observation flight completed after its termination by the observing Party and signed by both the observing and observed Parties, which is in a format established by the Open Skies Consultative Commission.

27. The term “Open Skies airfield” means an airfield designated by the observed Party as a point where an observation flight may commence or terminate.

28. The term “point of entry” means a point designated by the observed Party for the arrival of personnel of the observing Party on the territory of the observed Party.

29. The term “point of exit” means a point designated by the observed Party for the departure of personnel of the observing Party from the territory of the observed Party.

30. The term “refuelling airfield” means an airfield designated by the observed Party used for fuelling and servicing of observation aircraft and transport aircraft

31. The term “alternate airfield” means an airfield specified in the flight plan to which an observation aircraft or transport aircraft may proceed when it becomes inadvisable to land at the airfield of intended landing.

32. The term “hazardous airspace” means the prohibited areas, restricted areas and danger areas, defined on the basis of Annex 2 to the Convention on International Civil Aviation, that are established in accordance with Annex 15 to the Convention on International Civil Aviation in the interests of flight safety, public safety and environmental protection and about which information is provided in accordance with ICAO provisions.

33. ‘The term “prohibited area” means an airspace of defined dimensions, above the territory of a State Party, within which the flight of aircraft is prohibited,

34. The term “restricted area” means an airspace of defined dimensions, above the territory of a State Party, within which the flight of aircraft is restricted in accordance with specified conditions.

35. The term “danger area” means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times.

Article III

Quotas

Section I. General Provisions

1. Each State Party shall have the right to conduct observation flights in accordance with the provisions of this Treaty.

2. Each State Party shall be obliged to accept observation flights over its territory in accordance with the provisions of this Treaty.

3. Each State Party shall have the right to conduct a number of observation flights over the territory of any other State Party equal to the number of observation flights which that other State Party has the right to conduct over it.

4. The total number of observation flights "that each State Party is obliged to accept over its territory is the total passive quota for that State Party. The allocation of the total passive quota to the States Parties is set forth in Annex A, Section I" to this Treaty.

5. The number of observation flights that a State Party shall have the right to conduct each year over the territory of each of the other States Parties is the individual active quota of that State Party with respect to that other State Party. The sum of the individual active quotas is the total active quota of that State Party. The total active quota of a State Party shall not exceed its total passive quota.

6. The first distribution of active quotas is set forth in Annex A, Section II to this Treaty.

7. After entry into force of this Treaty, the distribution of active quotas shall be subject to an annual review for the following calendar year within the framework of the Open Skies Consultative Commission. In the event that it is not possible during the annual review to arrive within three weeks at agreement on the distribution of active quotas with respect to a particular State Party, the previous year's distribution of active quotas with respect to that State Party shall remain unchanged.

8. Except as provided for by the provisions of Article VIII, each observation flight conducted by a State Party shall be counted against the individual and total active quotas of that State Party.

9. Notwithstanding the provisions of paragraphs 3 and *5* of this Section, a State Party to which an active quota has been distributed may, by agreement with the State Party to be overflown, transfer a part or all of its total active quota to other States Parties and shall promptly notify all other States Parties and the Open Skies Consultative Commission thereof. Paragraph 10 of this Section shall apply.

10. No State Party shall conduct more observation flights over the territory of another State Party than a number equal to 50 per cent, rounded up to the nearest whole number, of its own total active quota,

or of the total passive quota of that other State Party, whichever is less.

11. The maximum flight distances of observation flights over the territories of the States Parties are set forth in Annex A, Section III to this Treaty.

Section II. Provisions for a Group of States Parties

1. (a) Without prejudice to their rights and obligations under this Treaty, two or more States Parties which hold quotas may form a group of States Parties at signature of this Treaty and thereafter. For a group of States Parties formed after signature of this Treaty, the provisions of this Section shall apply no earlier than six months after giving notice to all other States Parties, and subject to the provisions of paragraph 6 of this Section.

   (b) A group of States Parties shall co-operate with regard to active and passive quotas in accordance with the provisions of either paragraph 2 or 3 of this Section.

2. (a) The members of a group of States Parties shall have the right to redistribute amongst themselves their active quotas for the current year, while retaining their individual passive quotas Notification of the redistribution shall be made immediately to all third States Parties concerned.

   (b) An observation flight shall count as many observation flights against the individual and total active quotas of the observing Party as observed Parties belonging to the group are overflown. It shall count one observation flight against the total passive quota of each observed Party.

   (c) Each State Party in respect of which one or more members of a group of States Parties hold active quotas shall have the right to conduct over the territory of any member of the group 50 per cent more observation flights, rounded up to the nearest whole number, than its individual active quota in respect of that member of the group or to conduct two such overnights if it holds no active quota in respect of that member of the group.

   (d) In the event that it exercises this right the State Party concerned shall reduce its active quotas in respect of other members of the group in such a way that the total sum of observation flights it conducts over their territories shall not exceed the sum of the individual active quotas that the

State Party holds in respect of all the members of the group in the current year.

(e) The maximum flight distances of observation flights over the territories' of each member of the group shall apply. In case of an observation flight conducted over several members, after completion of the maximum flight distance for one member all sensors shall be switched off until the observation aircraft reaches the point over the territory of the next member of the group of States Parties where the observation flight is planned to begin. For such follow-on observation flight the maximum flight distance related to the Open Skies airfield nearest to this point shall apply.

3. (a) A group of States Parties shall, at its request, be entitled to a common total passive quota which shall be allocated to it and common individual and total active quotas shall be distributed in respect of it,

(b) In this case, the total passive quota is the total number of observation flights that the group of States Parties is obliged to accept each year. The total active quota is the sum of the number of observation flights that the group of States Parties has the right to conduct each year. Its total active quota shall not exceed the total passive quota.

(c) An observation flight resulting from the total active quota of the group of States Parties shall be carried out on behalf of the group.

(d) Observation flights that a group of States Parties is obliged to accept may be conducted over the territory of one or more of its members.

(e) The maximum flight distances of each group of States Parties shall be specified pursuant to Annex A, Section HI and Open Skies airfields shall be designated pursuant to Annex E to this Treaty.

4. In accordance with the general principles set out in Article X, paragraph 3, any third State Party that considers its rights under the provisions of Section I, paragraph 3 of this Article to be unduly restricted by the operation of a group of States Parties may raise this problem before the Open Skies Consultative Commission.

5. The group of States Parties shall ensure that procedures are established allowing for the conduct of observation flights over the territories of its members during one single mission, including refuelling

if necessary. In the case of a group of States Parties established pursuant to paragraph 3 of this Section, such observation flights shall not exceed the maximum flight distance applicable to the Open Skies airfields at which the observation flights commence.

6. No earlier than six months after notification of the decision has been provided to all other States Parties:

(a) a group of States Parties established pursuant to the provisions of paragraph 2 of this Section may be transformed into a group of States Parties pursuant to the provisions of paragraph 3 of this Section;

(b) a group of States Parties established pursuant to the provisions of paragraph 3 of this Section may be transformed into a group of States Parties pursuant to the provisions of paragraph 2 of this Section;

(c) a State Party may withdraw from a group of States Parties; or

(d) a group of States Parties may admit further States Parties which hold quotas.

7. Following entry into force of this Treaty, changes in the allocation or distribution of quotas resulting from the establishment of or an admission to or a withdrawal from a group of States Parties according to paragraph 3 of this Section shall become effective on 1 January following the first annual review within the Open Skies Consultative Commission occurring after the six-month notification period. When necessary, new Open Skies airfields shall be designated and maximum flight distances established accordingly.

Article IV Sensors

1. Except as otherwise provided for in paragraph 3 of this Article, observation aircraft shall be equipped with sensors only from amongst the following categories:

(a) optical panoramic and framing cameras;

(b) video cameras with real-time display;

(c) infra-red line-scanning devices; and

(d) sideways-looking synthetic aperture radar,

2. A State Party may use, for the purposes of conducting observation flights, any of the sensors specified in paragraph 1 above, provided that such sensors are commercially available to all States Parties, subject to the following performance limits:

(a) in the case of optical panoramic and framing cameras, a ground resolution of no better than 30 centimetres at the minimum height above ground level determined in accordance with the provisions of Annex D, Appendix 1, obtained from no more than one panoramic camera, one vertically-mounted framing camera and two obliquely-mounted framing cameras, one on each side of the aircraft, providing coverage, which need not be continuous, of the ground up to 50 kilometres of each side of the flight path of the aircraft;

(b) in the case of video cameras, a ground resolution of no better than 30 centimetres determined in accordance with the provisions of Annex D, Appendix 1;

(c) in the case of infra-red line-scanning devices, a ground resolution of no better than 50 centimetres at the minimum height above ground level determined in accordance with the provisions of Annex D, Appendix 1, obtained from a single device; and

(d) in the case of sideways-looking synthetic aperture radar, a ground resolution of no better than three metres calculated by the impulse response method, which, using the object separation method, corresponds to the ability to distinguish on a radar image two corner reflectors, the distance between the centres of which is no less than five metres, over a swath width of no more than 25 kilometres, obtained from a single radar unit capable of looking from either side of the aircraft, but not both simultaneously.

3. The introduction of additional categories and improvements to the capabilities of existing categories of sensors provided for in this Article shall be addressed by the Open Skies Consultative Commission pursuant to Article X of this Treaty.

4. All sensors shall be provided with aperture covers or other devices which inhibit the operation of sensors so as to prevent collection of data during transit flights or flights to points of entry or from points of exit over the territory of the observed Party. Such covers or such other devices shall be removable or operable only from outside the observation aircraft.

5. Equipment that is capable of annotating data collected by sensors in accordance with Annex B, Section II shall be allowed on observation aircraft. The State Party providing the observation aircraft for an observation flight shall annotate the data collected by sensors with the information provided for in Annex B, Section II to this Treaty.

6. Equipment that is capable of displaying data collected by sensors in real-time shall be allowed on observation aircraft for the purposes of monitoring the functioning and operation of the sensors during the conduct of an observation flight.

7. Except as required for the operation of the agreed sensors, or as required for the operation of the observation aircraft, or as provided for in paragraphs 5 and 6 of this Article, the collection, processing, retransmission or recording of electronic signals from electromagnetic waves are prohibited on board the observation aircraft and equipment for such operations shall not be on that observation aircraft.

8. In the event that the observation aircraft is provided by the observing Party, the observing Party shall have the right to use an observation aircraft equipped with sensors in each sensor category that do not exceed the capability specified in paragraph 2 of this Article.

9. In the event that the observation aircraft used for an observation flight is provided by the observed Party, the observed Party shall be obliged to provide an observation aircraft equipped with sensors from each sensor category specified in paragraph 1 of this Article, at the maximum capability and in the numbers specified in paragraph 2 of this Article, subject to the provisions of Article XVIII, Section II, unless otherwise agreed by the observing and observed Parties. The package and configuration of such sensors shall be installed in such a way so as to provide coverage of the ground provided for in paragraph 2 of this Article. In the event that the observation aircraft is provided by the observed Party, the latter shall provide a sideways-looking synthetic aperture radar with a ground resolution of no worse than six metres, determined by the object separation method.

10. When designating an aircraft as an observation aircraft pursuant to Article V of this Treaty, each State Party shall inform all other States Parties of the technical information on each sensor installed on such aircraft as provided for in Annex B to this Treaty.

11. Each State Party shall have the right to take part in the certification of sensors installed on observation aircraft in accordance with the provisions of Annex D. No observation aircraft of a given type shall be used for observation flights until such type of observation aircraft and its sensors has been certified in accordance with the provisions of Annex D to this Treaty.

12. A State Party designating an aircraft as an observation aircraft shall, upon 90-day prior notice to all other States Parties and subject to the provisions of Annex D to this Treaty, have the right to remove,

replace or add sensors, or amend the technical information it has provided in accordance with the provisions of paragraph 10 of this Article and Annex B to this Treaty. Replacement and additional sensors shall be subject to certification in accordance with the provisions of Annex D to this Treaty prior to their use during an observation flight.

13. In the event that a State Party or group of States Parties, based on experience with using a particular observation aircraft, considers that any sensor or its associated equipment installed on an aircraft does not correspond to those certified in accordance with the provisions of Annex D, the interested States Parties shall notify all other States Parties of their concern, the State Party that designated the aircraft shall:

(a) take the steps necessary to ensure that the sensor and its associated equipment installed on the observation aircraft correspond to those certified in accordance with the provisions of Annex D, including, as necessary, repair, adjustment or replacement of the particular sensor or its associated equipment; and

(b) at the request of an interested State Party, by means of a demonstration flight set up in connection with the next time that the aforementioned observation aircraft is used, in accordance with the provisions of Annex F, demonstrate that the sensor and its associated equipment installed on the observation aircraft correspond to those certified in accordance with the provisions of Annex D. Other States Parties that express concern regarding a sensor and its associated equipment installed on an observation aircraft shall have the right to send personnel to participate in such a demonstration flight.

14. In the event that, after the steps referred to in paragraph 13 of this Article have been taken, the States Parties remain concerned as to whether a sensor or its associated equipment installed on an observation aircraft correspond to those certified in accordance with the provisions of Annex D, the issue may be referred to the Open Skies Consultative Commission.

Article V

Aircraft Designation

1. Each State Party shall have the right to designate as observation aircraft one or more types or models of aircraft registered by the relevant authorities of a State Party.

2. Each State Party shall have the right to designate types or models of aircraft as observation aircraft or add new types or models of aircraft to those designated earlier by it, provided that it notifies all other States Parties 30 days in advance thereof. The notification of the designation of aircraft of a type or model shall contain the information specified in Annex C to this Treaty.

3. Each State Party shall have the right to delete types or models of aircraft designated earlier by it, provided that it notifies all other States Parties 90 days in advance thereof.

4. Only one exemplar of a particular type and model of aircraft with an identical set of associated sensors shall be required to be offered for certification in accordance with the provisions of Annex D to this Treaty.

5. Each observation aircraft shall be capable of carrying the flight crew and the personnel specified in Article VI, Section III.

Article VI

Choice of Observation Aircraft General Provisions for the Conduct of Observation Flights, and Requirements for Mission Planning

Section I. Choice of observation Aircraft and General Provisions for the Conduct of Observation Flights

1. Observation flights shall be conducted using observation aircraft that have been designated by a State Party pursuant to Article V. Unless the observed Party exercises its right to provide an observation aircraft that it has itself designated, the observing Party shall have the right to provide the observation aircraft. In the event that the observing Party provides the observation aircraft, it shall have the right to provide an aircraft that it has itself designated or an aircraft designated by another State Party. In the event that the observed Party provides the observation aircraft, the observing Party shall have the right to be provided with an aircraft capable of achieving a minimum unrefuelled range, including the necessary fuel reserves, equivalent to one-half of the flight distance, as notified in accordance with paragraph 5, subparagraph (G) of this Section.

2. Each State Party shall have the right, pursuant to paragraph 1 of this Section, to use an observation aircraft designated by another State Party for observation flights. Arrangements for the use of such aircraft shall be worked out by the States Parties involved to allow for active participation in the Open Skies regime.

3. States Parties having the right to conduct observation flights may co-ordinate their plans for conducting observation flights in accordance with Annex H to this Treaty. No State Party shall be obliged to accept more than one observation flight at any one time during the 96-hour period specified in paragraph 9 of this Section, unless that State Party has requested a demonstration flight pursuant to Annex F to this Treaty. In that case, the observed Party shall be obliged to accept an overlap for the observation flights of up to 24 hours. After having been notified of the results of the co-ordination of plans to conduct observation flights, each State Party over whose territory observation flights are to be conducted shall inform other States Parties, in accordance with the provisions of Annex H, whether it will exercise, with regard to each specific observation flight, its fight to provide its own observation aircraft.

4. No later than 90 days after signature of this Treaty, each State Party shall provide notification to all other States Parties:

(a) of the standing diplomatic clearance number for Open Skies observation flights, flights of transport aircraft and transit flights; and

(b) of which language or languages of the Open Skies Consultative Commission specified in Annex L, Section I, paragraph 7 to this Treaty shall be used by personnel for all activities associated with the conduct of observation flights over its territory, and for completing the mission plan and mission report, unless the language to be used is the one recommended in Annex 10 to the Convention on International Civil Aviation, Volume II, paragraph 5.2.1.1.2.

5. The observing Party shall notify the observed Party of its intention to conduct an observation flight, no less than 72 hours prior to the estimated time of arrival of the observing Party at the point of entry of the observed Party. States Parties providing such notifications shall make every effort to avoid using the minimum pre-notification period over weekends. Such notification shall include:

(a) the desired point of entry and, if applicable. Open Skies airfield where the observation flight shall commence;

(b) the date and estimated time of arrival of the observing Party at the point of entry and the date and estimated time of departure for the flight from the point of entry to the Open Skies airfield, if applicable, indicating specific accommodation needs;

(c) the location, specified in Annex E, Appendix 1, where the conduct of the pre-flight inspection is desired and the date and start time of such pre-flight inspection in accordance with the provisions of Annex F;

(d) the mode of transport and, if applicable, type and model of the transport aircraft used to travel to the point of entry in the event that the observation aircraft used for the observation flight is provided by the observed Party;

(e) the diplomatic clearance number for the observation flight or for the flight of the transport aircraft used to bring the personnel in and out of the territory of the observed Party to conduct an observation flight;

(f) the identification of the observation aircraft, as specified in Annex C;

(g) the approximate observation flight distance; and (H) the names of the personnel, their gender, date and place of birth, passport number and issuing State Party, and their function.

6. The observed Party that is notified in accordance with paragraph 5 of this Section shall acknowledge receipt of the notification within 24 hours. In the event that the observed Party exercises its right to provide the observation aircraft, the acknowledgement shall include the information about the observation aircraft specified in paragraph 5, subparagraph (F) of this Section. The observing Party shall be permitted to arrive at the point of entry at the estimated time of arrival as notified in accordance with paragraph 5 of this Section. The estimated time of departure for the flight from the point of entry to the Open Skies airfield where the observation flight shall commence and the location, the date and the start time of the pre-flight inspection shall be subject to confirmation by the observed Party.

7. Personnel of the observing Party may include personnel designated pursuant to Article XIII by other States Parties.

8. The observing Party, when notifying the observed Party in accordant with paragraph 5 of this Section, shall simultaneously notify all other States Parties of its intention to conduct the observation flight.

9. The period from the estimated time of arrival at the point of entry until completion of the observation flight shall not exceed 96 hours, unless otherwise agreed. In the event that the observed Party requests a demonstration flight pursuant to Annex F to the Treaty, it

shall extend the 96-hour period pursuant to Annex F; Section III, paragraph 4, if additional time is required by the observing Party for the unrestricted execution of the mission plan.

10. Upon arrival of the observation aircraft at the point of entry, the observed Party shall inspect the covers for sensor apertures or other devices that inhibit the operation of sensors to confirm that they are in their proper position pursuant to Annex E, unless otherwise agreed by all States Parties involved.

11. In the event that the observation aircraft is provided by the observing Party, upon the arrival of the observation aircraft at the point of entry or at the Open Skies airfield where the observation flight commences, the observed Party shall have the right to carry out the pre-flight inspection pursuant to Annex F, Section I. In the event that, in accordance with paragraph 1 of this Section, an observation aircraft is provided by the observed Party, the observing Party shall have the right to carry out the pre-flight inspection of sensors pursuant to Annex F, Section II. Unless otherwise agreed, such inspections shall terminate no less than four hours prior to the scheduled commencement of the observation flight set forth in the flight plan.

12. The observing Party shall ensure that its flight crew includes at least one individual who has the necessary linguistic ability to communicate freely with the personnel of the observed Party and its air traffic control authorities in the language or languages notified by the observed Party in accordance with paragraph 4 of this Section.

13. The observed Party shall provide the flight crew, upon its arrival at the point of entry or at the Open Skies airfield where the observation flight commences, with the most recent weather forecast and air navigation information and information on flight safety, including Notices to Airmen. Updates of such information shall be provided as requested. Instrument procedures, and information about alternate airfields along the flight route, shall be provided upon approval of the mission plan in accordance with the requirements of Section II of this Article.

14. While conducting observation flights pursuant to this Treaty, all observation aircraft shall be operated in accordance with the provisions of this Treaty and in accordance with the approved flight plan. Without prejudice to the provisions of Section II, paragraph 2 of this Article, observation flights shall also be conducted in compliance with

(a) published ICAO standards and recommended practices; and

(b) published national air traffic control rules, procedures and guidelines on flight safety of the State Party whose territory is being overflown.

15. Observation flights shall take priority over any regular air traffic. The observed Party shall ensure that its air traffic control authorities facilitate the conduct of observation flights in accordance with this Treaty.

16. On board the aircraft the pilot-in-command shall be the sole authority for the safe conduct of the flight and shall be responsible for the execution of the flight plan.

17. The observed Party shall provide:

(a) a calibration target suitable for confirming the capability of sensors in accordance with the procedures set forth in Annex D, Section III to this Treaty, to be overflown during the demonstration flight or the observation flight upon the request of either Party, for each sensor that is to be used during the observation flight. The calibration target shall be located in the vicinity of the airfield at which the pre-flight inspection is conducted pursuant to Annex F to this Treaty;

(b) customary commercial aircraft fuelling and servicing for the observation aircraft or transport aircraft at the point of entry, at the Open Skies airfield, at any refuelling airfield, and at the point of exit specified in the flight plan, according to the specifications that are published about the designated airfield;

(c) meals and the use of accommodation for the personnel of the observing Party; and

(d) upon the request of the observing Party, further services, as may be agreed upon between the observing and observed Parties, to facilitate the conduct of the observation flight.

18. All costs involved in the conduct of the observation flight, including the costs of the recording media and the processing of the data collected by sensors, shall be reimbursed in accordance with Annex L, Section I, paragraph 9 to this Treaty.

19. Prior to the departure of the observation aircraft from the point of exit, the observed Party shall confirm that the covers for sensor apertures or other devices that inhibit the operation of sensors are in their proper position pursuant to Annex E to this Treaty,

20. Unless otherwise agreed, the observing Party shall depart from the point of exit no later than 24 hours following completion of the observation flight, unless weather conditions or the airworthiness of the observation aircraft or transport aircraft do not permit, in which case the flight shall commence as soon as practicable.

21 The observing Party shall compile a mission report of the observation flight using the appropriate format developed by the Open Skies Consultative Commission. The mission report shall contain pertinent data on the date and time of the observation flight, its route and profile, weather conditions, time and location of each observation period for each sensor, the approximate amount of data collected by sensors, and the result of inspection of covers for sensor apertures or other devices that inhibit the operation of sensors in accordance with Article VII and Annex E. The mission report shall be signed by the observing and observed Parties at the point of exit and shall be provided by the observing Party to all other States Parties within seven days after departure of the observing Party from the point of exit.

Section II. Requirements for Mission Planning

1. Unless otherwise agreed, the observing Party shall, after arrival at the Open Skies airfield, submit to the observed Party a mission plan for the proposed observation flight that meets the requirements of paragraphs 2 and 4 of this Section.

2. The mission plan may provide for an observation flight that allows for the observation of any point on the entire territory of the observed Party, including areas designated by the observed Party as hazardous airspace in the source specified in Annex I. The flight path of an observation aircraft shall not be closer than, but shall be allowed up to, ten kilometres from the border with an adjacent State that is not a State Party.

3. The mission plan may provide that the Open Skies airfield where the observation flight terminates, as well as the point of exit, may be different from the Open Skies airfield where the observation flight commences or the point of entry. The mission plan shall specify, if applicable, the commencement time of the observation flight, the desired time and place of planned refuelling stops or rest periods, and the time of continuation of the observation flight after a refuelling stop or rest period within the 96-hour period specified in Section I, paragraph 9 of this Article.

4. The mission plan shall include all information necessary to file the flight plan and shall provide that:

(a) the observation flight does not exceed the relevant maximum flight distance as set forth in Annex A, Section I;

(b) the route and profile of the observation flight satisfies observation flight safety conditions in conformity with ICAO standards and recommended practices, taking into account existing differences in national flight rules, without prejudice to the provisions of paragraph 2 of this Section;

(c) the mission plan takes into account information on hazardous airspace, as provided in accordance with Annex I;

(d) the height above ground level of the observation aircraft does not permit the observing Party to exceed the limitation on ground resolution for each sensor, as set forth in Article IV, paragraph 2;

(e) the estimated time of commencement of the observation flight shall be no less than 24 hours after the submission of the mission plan, unless otherwise agreed;

(f) the observation aircraft flies a direct route between the coordinates or navigation fixes designated in the mission plan in the declared sequence; and

(g) the flight path does not intersect at the same point more than once, unless otherwise agreed, and the observation aircraft does not circle around a single point, unless otherwise agreed. The provisions of this subparagraph do not apply for the purposes of taking off, flying over calibration targets, or landing by the observation aircraft.

5. In the event that the mission plan filed by the observing Party provides for flights through hazardous airspace, the observed Party shall:

(a) specify the hazard to the observation aircraft;

(b) facilitate the conduct of the observation flight by coordination or suppression of the activity specified pursuant to subparagraph (A) of this paragraph; or

(c) propose an alternative flight altitude, route, or time.

6. No later than four hours after *submission* of the mission plan, the observed Party shall accept the mission plan or propose changes to it in accordance with Article VIII, Section I, paragraph 4 and paragraph 5 of this Section. Such changes shall not preclude observation of any point on the entire territory of the observed Party including areas

designated by the observed Party as hazardous airspace in the source specified in Annex I to this Treaty. Upon agreement, the mission plan shall be signed by the observing and observed Parties. In the event that the Parties do not reach agreement on the mission plan within eight hours of the submission of the original mission plan, the observing Party shall have the right to decline to conduct the observation flight in accordance with the provisions of Article VIII of this Treaty.

7. If the planned route of the observation flight approaches the border of other States Parties or other States, the observed Party may notify that State or those States of the estimated route, date and time of the observation flight.

8. On the basis of the agreed mission plan the State Party providing the observation aircraft shall, in co-ordination with the other State Party, file the flight plan immediately, which shall have the content specified in Annex 2 to the Convention on International Civil Aviation and shall be in the format specified by ICAO Document No. 4444-RAC/501/12, “Rules of the Air and Air Traffic Services”, as revised or amended.

Section III. Special Provisions

1. In the event that the observation aircraft is provided by the observing Party, the observed Party shall have the right to have on board the observation aircraft two flight monitors and one interpreter, in addition to one flight monitor for each sensor control station on board the observation aircraft, unless otherwise agreed. Flight monitors and interpreters shall have the rights and obligations specified in Annex G to this Treaty.

2. Notwithstanding paragraph 1 of this Section, in the event that an observing Party uses an observation aircraft which has a maximum take-off gross weight of no more than 35,000 kilograms for an observation flight distance of no more than 1,500 kilometres as notified in accordance with Section I, paragraph 5, subparagraph (G) of this Article, it shall be obliged to accept only two flight monitors and one interpreter on board the observation aircraft, unless otherwise agreed.

3. In the event that the observation aircraft is provided by the observed Party, the observed Party shall permit the personnel of the observing Party to travel to the point of entry of the observed Party in the most expeditious manner. The personnel of the observing Party may elect to travel to the point of entry using ground, sea, or air transportation, including transportation by an aircraft owned by any

State Party. Procedures regarding such travel are set forth in Annex E to this Treaty.

4. In the event that the observation aircraft is provided by the observed Party, the observing Party shall have the right to have on board the observation aircraft two flight representatives and one interpreter, in addition to one flight representative for each sensor control station on the aircraft, unless otherwise agreed. Flight representatives and interpreters shall have the rights and obligations set forth in Annex G to this Treaty.

5. In the event that the observing State Party provides an observation aircraft designated by a State Party other than the observing or observed Party, the observing Party shall have the right to have on board the observation aircraft two representatives and one interpreter, in addition to one representative for each sensor control station on the aircraft, unless otherwise agreed. In this case, the provisions on flight monitors set forth in paragraph 1 of this Section shall also apply. Representatives and interpreters shall have the rights and obligations set forth in Annex G to this Treaty.

Article VII

Transit Flights

1. Transit flights conducted by an observing Party to and from the territory of an observed Party for the purposes of this Treaty shall originate on the territory of the observing Party or of another State Party.

2. Each State Party shall accept transit flights. Such transit flights shall be conducted along internationally recognized Air Traffic Services routes, unless otherwise agreed by the States Parties involved, and in accordance with the instructions of the national air traffic control authorities of each State Party whose airspace is transited. The observing Party shall notify each State Party whose airspace is to be transited at the same time that it notifies the observed Party in accordance with Article VI.

3. The operation of sensors on an observation aircraft during transit flights is prohibited. In the event that, during the transit flight, the observation aircraft lands on the territory of a State Party, that State Party shall, upon landing and prior to departure, inspect the covers of sensor apertures or other devices that inhibit the operation of sensors to confirm that they are in their proper position.

Article VIII

Prohibitions, Deviations from Flight Plans and Emergency Situations

Section I, Prohibition of Observation Flights and Changes to Mission Plans

1. The observed Party shall have the right to prohibit an observation flight that is not in compliance with the provisions of this Treaty.

2. The observed Party shall have the right to prohibit an observation flight prior to its commencement in the event that the observing Party fails to arrive at the point of entry within 24 house after the estimated time of arrival specified in the notification provided in accordance with Article VI, Section 1, paragraph 5, unless otherwise agreed between the States Parties involved.

3. In the event that an observed State Party prohibits an observation flight pursuant to this Article or Annex F, it shall immediately state the facts for the prohibition in the mission plan. Within seven days the observed Party shall provide to all States Parities, through diplomatic channels, a written explanation for this prohibition in the mission report provided pursuant to Article VI, Section I, paragraph 21. An observation flight that has been prohibited shall not be counted against the quota of either State Party.

4. The observed Party shall have the right to propose changes to the mission plan as a result of any of the following circumstances:

(a) the weather conditions affect flight safety;

(b) the status of the Open Skies airfield to be used, alternate airfields, or refuelling airfields prevents their use; or

(c) the mission plan is inconsistent with Article VI, Section II, paragraphs 2 and 4.

5. In the event that the observing Party disagrees with the proposed changes to the mission plan, it shall have the right to submit alternatives to the proposed changes. In the event that agreement on a mission plan is not reached within eight hours of the submission of the original mission plan, and if the observing Party considers the changes to the mission plan to be prejudicial to its rights under this Treaty with respect to the conduct of the observation flight, the observing Party shall have the right to decline to conduct the observation flight, which shall not be recorded against the quota of either State Party.

6. In the event that an observing Party declines to conduct an observation flight pursuant to this Article or Annex F, it shall immediately provide an explanation of its decision in the mission plan prior to the departure of the observing Party. Within seven days after departure of the observing Party, the observing Party shall provide to all other States Parties, through diplomatic channels, a written explanation for this decision in the mission report provided pursuant to Article VI, Section I, paragraph 21.

Section II. Deviations from the Flight Plan

1. Deviations from the flight plan shall be permitted during the observation flight if necessitated by:

(a) weather conditions affecting flight safety;

(b) technical difficulties relating to the observation aircraft;

(c) a medical emergency of any person on board; or

(d) air traffic control instructions related to, circumstances brought about by *force majeure.*

2. In addition, if weather conditions prevent effective use of optical sensors and infra-red line-scanning devices, deviations shall be permitted, provided that

(a) flight safety requirements are met;

(b) in Cases where national rules so require, permission is granted by air traffic control authorities; and

(c) the performance of the sensors does not exceed the capabilities specified in Article IV, paragraph 2, unless otherwise agreed.

3. The observed Party shall have the right to prohibit the use of a particular sensor during a deviation that brings the observation aircraft below the minimum height above ground level for operating that particular sensor, in accordance with the limitation on ground resolution specified in Article IV, paragraph 2. In the event that a deviation requires the observation aircraft to alter its flight path by more than 50 kilometres from the flight path specified in the flight plan, the observed Party shall have the right to prohibit the use of all the sensors installed on the observation aircraft beyond that 50-kilometre limit.

4. The observing Party shall have the right to curtail an observation flight during its execution in the event of sensor malfunction. The pilot-in-command shall have the right to curtail an observation flight

in the event of technical difficulties affecting the safety of the observation aircraft.

5. In the event that a deviation from the flight plan permitted by paragraph 1 of this Section results in curtailment of the observation flight, or a curtailment occurs in accordance with paragraph 4 of this Section, an observation flight shall be counted against the quotas of both States Parties, unless the curtailment is due to:

(a) sensor malfunction on an observation aircraft provided by the observed Party;

(b) technical difficulties relating to the observation aircraft provided by the observed Party;

(c) a medical emergency of a member of the flight crew of the observed Party or of flight monitors; or

(d) air traffic control instructions related to circumstances brought about by *force majeure.*

In such cases, the observing Party shall have the right to decide whether to count it against the quotas of both States Parties.

6. The data collected by the sensors shall be retained by the observing Party only if the observation flight is counted against the quotas of both States Parties.

7. In the event that a deviation is made from the flight plan, the pilot-in-command shall take action in accordance with the published national flight regulations of the observed Party. Once the factors leading to the deviation have ceased to exist, the observation aircraft may, with the permission of the air traffic control authorities continue the observation flight in accordance with the flight plan. The additional flight distance of the observation aircraft due to the deviation shall not count against the maximum flight distance.

8. Personnel of both States Parties on board the observation aircraft shall be immediately informed of all deviations from the flight plan.

9. Additional expenses resulting from provisions of this Article shall be reimbursed in accordance with Annex L, Section I, paragraph 9 to this Treaty.

Section III. Emergency Situations

1. In the event that an emergency situation arises, the pilot-in-command shall be guided by “Procedures for Air Navigation Services—Rules of the Air and Air Traffic Services”, ICAO Document No. 4444-RAC/501/12, as revised or amended, the national flight regulations of

the observed Party, and the flight operation manual of the observation aircraft.

2. Each observation aircraft declaring an emergency shall be accorded the full range of distress and navigational facilities of the observed Party in order to ensure the most expeditious recovery of the aircraft to the nearest suitable airfield.

3. In the event of an aviation accident involving the observation aircraft on the territory of the observed Party, search and rescue operations shall be conducted by the observed Party in accordance with its own regulations and procedures for such operations.

4. Investigation of an aviation accident or incident involving an observation aircraft shall be conducted by the observed Party, with the participation of the observing Party, in accordance with the ICAO recommendations set forth in Annex 13 to the Convention on International Civil Aviation ("Investigation of Aviation Accidents") as revised or amended and in accordance with the national regulations of the observed Party.

5. In the event that the observation aircraft is not registered with the observed Party, at the conclusion of the investigation all wreckage and debris of the observation aircraft and sensors, if found and recovered, shall be returned to the observing Party or to the Party to which the aircraft belongs, if so requested.

Article IX

Sensor Output from Observation Flights

Section I. General Provisions

1. For the purposes of recording data collected by sensors during observation flights, the following recording media shall be used:

(a) in the case of optical panoramic and framing cameras, black and white photographic film;

(b) in the case of video cameras, magnetic tape;

(c) in the case of infra-red line-scanning devices, black and white photographic film or magnetic tape; and

(d) in the case of sideways-looking synthetic aperture radar, magnetic tape.

The agreed format in which such data is to be recorded and exchanged on other recording media shall be decided within the Open Skies Consultative Commission during the period of provisional application of this Treaty.

2. Data collected by sensors during observation flights shall remain on board the observation aircraft until completion of the observation flight. The transmission of data collected by sensors from the observation aircraft during the observation flight is prohibited.

3. Each roll of photographic film and cassette or reel of magnetic tape used to collect data by a sensor during an observation flight shall be placed in a container and sealed in the presence of the States Parties as soon as is practicable after it has been removed from the sensor.

4. Data collected by sensors during observation flights shall be made available to States Parties in accordance with the provisions of this Article and shall be used exclusively for the attainment of the purposes of this Treaty.

5. In the event-that, on the basis of data provided pursuant to Annex B, Section I to this Treaty, a data recording medium to be used by a State Party during an observation flight is incompatible with the equipment of another State Party for handling that data recording medium, the States Parties involved shall establish procedures to ensure that all data collected during observation flights can be handled, in terms of processing, duplication and storage by them.

Section II. Output from Sensors that Use Photographic Film

1. In the event that output from duplicate optical cameras is to be exchanged, the cameras, film and film processing shall be of an identical type.

2. Provided that the data collected by a single optical camera is subject to exchange, the States Parties shall consider, within the Open Skies Consultative Commission during the period of provisional application of this Treaty, the issue of whether the responsibility for the development of the original film negative shall be borne by the observing Party or by the State Party providing the observation aircraft. The State Party developing the original film negative shall be responsible for the quality of processing the original negative film and producing the duplicate positive or negative. In the event that States Parties agree that the film used during the observation flight conducted on an observation aircraft provided by the observed Party shall be processed by the observing Party, the observed Party shall bear no responsibility for the quality of the processing of the original negative film.

3. All the film used during the observation flight shall be developed:

(a) in the event that the original film negative is developed at a film processing facility arranged for by the observed Party,

no later than three days, unless otherwise agreed, after the arrival of the observation aircraft at the point of exit; or

(b) in the event that the original film negative is developed at a film processing facility arranged for by the observing Party, no later than ten days after the departure of the observation aircraft from the territory of the observed Party.

4. The State party that is developing the original film negative shall be obliged to accept at the film processing facility up to two officials from the other State Party to monitor the unsealing of the film cassette or container and each step in the storage, processing, duplication and handling of the original film negative, in accordance with the provisions of Annex K, Section II to this Treaty. The State Party monitoring the film processing and duplication shall have the right to designate such officials from among its nationals present on the territory on which the film processing facility arranged for by the other State Party is located provided that such individuals are on the list of designated personnel in accordance with Article XIII, Section I of this Treaty. The State Party developing the film shall assist the officials of the other State Party in their functions provided for in this paragraph to the maximum extent possible.

5. Upon completion of an observation flight, the State Party that is to develop the original film negative shall attache 21-step sensitometric test strip of the same film type used during the observation flight or shall expose a 21-step optical wedge onto the leader or trailer of each roll of original film negative used during the observation flight. After the original film negative has been processed and duplicate film negative or positive has been produced, the States Parties shall assess the image quality of the 21-step sensitometric test strips or images of the 21-step optical wedge against the characteristics provided for that type of original film negative or duplicate film negative or positive in accordance with the provisions of Annex K, Section I to this Treaty.

6. In the event that only one original film negative is developed:

(a) the observing Party shall have the right to retain or receive the original film negative; and

(b) the observed Party shall have the right to select and receive a complete first generation duplicate or part thereof, either positive or negative, of the original film negative. Unless otherwise agreed, such duplicate shall be:

(1) of the same format and film size as the original film negative;

(2) produced immediately after development of the original film negative; and

(3) provided to the officials of the observed Party immediately after the duplicate has been produced.

7. In the event that two original film negatives are developed:

(a) if the observation aircraft is provided by the observing Party, the observed Party shall have the right, at the completion of the observation flight, to select either of the two original film negatives, and the original film negative not selected shall be retained by the observing Party; or

(b) if the observation aircraft is provided by the observed Party, the observing Party shall have the right to select either of the original film negatives, and the original film negative not selected shall be retained by the observed Party.

Section III. Output from Sensors that Use Other Recording Media

1. The State Party that provides the observation aircraft shall record at least one original set of data collected by sensors using other recording media.

2. In the event that only one original set is made:

(a) if the observation aircraft is provided by the observing Party, the observing Party shall have the right to retain the original set and the observed Party shall have the right to receive a first generation duplicate copy; or

(b) if the observation aircraft is provided by the observed Party, the observing Party shall have the right to receive the original set and the observed Party shall have the right to receive a first generation duplicate copy.

3. In the event that two original sets are made:

(a) if the observation aircraft is provided by the observing Party, the observed Party shall have the right, at the completion of the observation flight, to select either of the two sets of recording media, and the set not selected shall be retained by the observing Party; or

(b) if the observation aircraft is provided by the observed Party, the observing Party shall have the right to select either of the two sets of recording media, and the set not selected shall be retained by the observed Party.

4. In the event that the observation aircraft is provided by the observing Party, the observed Party shall have the right to receive the data collected by a sideways-looking synthetic aperture radar in the form of either initial phase information or a radar image, at its choice.

5. In the event that the observation aircraft is provided by the observed Party, the observing Party shall have the right to receive the data collected by a sideways-looking synthetic aperture radar in the form of either initial phase information or a radar image, at its choice.

Section IV Access to Sensor Output

Each State Party shall have the right to request and receive from the observing Party copies of data collected by sensors during an observation flight. Such copies shall be in the form of first generation duplicates produced from the original data collected by sensors during an observation flight. The State Party requesting copies shall also notify the observed Party. A request for duplicates of data shall include the following information:

(a) the observing Party;
(b) the observed Party;
(c) the date of the observation flight;
(d) the sensor by which the data was collected;
(e) the portion or portions of the observation period during which the data was collected; and
(f) the type and format of duplicate recording medium, either negative or positive film, or magnetic tape.

Article X

Open Skies Consultative Commission

1. In order to promote the objectives and facilitate the implementation of the provisions of this Treaty, the States Parties hereby establish an Open Skies Consultative Commission.

2. The Open Skies Consultative Commission shall take decisions or make recommendations by consensus. Consensus shall be understood to mean the absence of any objection by any State Party to the taking of a decision or the making of a recommendation.

3. Each State Party shall have the right to raise before the Open Skies Consultative Commission, and have placed on its agenda, any issue relating to this Treaty, including any issue related to the case when the observed Party provides an observation aircraft.

4. Within the framework of the Open Skies Consultative Commission the States Parties to this Treaty shall:

(a) consider questions relating to compliance with the provisions of this Treaty;

(b) seek to resolve ambiguities and differences of interpretation that may become apparent in the way this Treaty is implemented;

(c) consider and take decisions on applications for accession to this Treaty; and

(d) agree as to those technical and administrative measures, pursuant to the provisions of this Treaty, deemed necessary following the accession to this Treaty by other States.

5. The Open Skies Consultative Commission may propose amendments to this Treaty for consideration and approval in accordance with Article XVI. The Open Skies Consultative Commission may also agree on improvements to the viability and effectiveness of this Treaty, consistent with its provisions. Improvements relating only to modification of the annual distribution of active quotas pursuant to Article III and Annex A, to updates and additions to the categories or capabilities of sensors pursuant to Article IV, to revision of the share of costs pursuant to Annex L, Section I, paragraph 9, to arrangements for the sharing and availability of data pursuant to Article IX, Sections HI and IV and to the handling of mission reports pursuant to Article VI, Section I, paragraph 21, as well as to minor matters of an administrative or technical nature, shall be agreed upon within the Open Skies Consultative Commission and shall not be deemed to be amendments to this Treaty.

6. The Open Skies Consultative Commission shall request the use of the facilities and administrative support of the Conflict Prevention Centre of the Conference on Security and Co-operation in Europe, or other existing facilities in Vienna, unless it decides otherwise.

7. Provisions for the operation of the Open Skies Consultative Commission are set forth in Annex L to this Treaty.

Article XI

Notifications and Reports

The States Parties shall transmit notifications and reports required by this Treaty in written form. The States Parties shall transmit such notifications and reports through diplomatic channels or, at their choice, through other official channels, such as the communications network of the Conference on Security and Co-operation in Europe.

Article XII

Liability

A State Party shall, in accordance with international law and practice, be liable to pay compensation for damage to other States

Parties, or to their natural or juridical persons or their property, caused by it in the course of the implementation of this Treaty.

Article XIII

Designation of Personnel and Privileges and Immunities

Section I. Designation of Personnel

1. Each State Party shall, at the same time that it deposits its instrument of ratification to either of the Depositaries, provide to all other States Parties, for their review, a list of designated personnel who will carry out all duties relating to the conduct of observation flights for that State Party, including monitoring the processing of the sensor output. No such list of designated personnel shall Include more than 400 individuals at any time. It shall contain the name, gender, date of birth, plate of birth, passport number, and function for each individual included. Each State Party shall have the right to amend its list of designated personnel until 30 days after entry into force of this Treaty and once every six months thereafter.

2. In the event that any individual included on the original or any amended list is unacceptable to a State Party reviewing the list, that State Party shall, no later than 30 days after receipt of each list, notify the State Party providing that list that such individual shall not be accepted with respect to the objecting State Party. Individuals not declared unacceptable within that 30-day period shall be deemed accepted. In the event that a State Party subsequently determines that an individual is unacceptable, that State Party shall so notify the State Party that designated such individual. Individuals who are declared unacceptable shall be removed from the list previously submitted to the objecting State Party.

3. The observed Party shall provide visas and any other documents as required to ensure that each accepted individual may enter and remain on the territory of that State Party for the purpose of carrying out duties relating to the conduct of observation flights, including monitoring the processing of the sensor output. Such visas and any other necessary documents shall be provided either:

(a) no later than 30 days after the individual is deemed to be accepted, in which case the visa shall be valid for a period of no less than 24 months; or

(b) no later than one hour after the arrival of the individual at the point of entry, in which case the visa shall be valid for the duration of that individual's duties; or

(c) at any other time, by mutual agreement of the States Parties involved.

Section II. Privileges and Immunities

1. In order to exercise their functions effectively, for the purpose of implementing this Treaty and not for their personal benefit, personnel designated in accordance with the provisions of Section I, paragraph 1 of this Article shall be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 29; Article 30, paragraph 2; Article 31, paragraphs 1, 2 and 3; and Articles 34 and *35* of the Vienna Convention on Diplomatic Relations of 18 April 1961, hereinafter referred to as the Vienna Convention. In addition, designated personnel shall be accorded the privileges enjoyed by diplomatic agents pursuant to Article 36, paragraph 1, subparagraph *(b)* of the Vienna Convention, except in relation to articles, the import or export of which is prohibited by law or controlled by quarantine regulations.

2. Such privileges and immunities shall be accorded to designated personnel for the entire period between arrival on and respect to acts previously performed in the exercise of their official functions. Such personnel shall also, when transiting the territory of other States Parties, be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 40, paragraph 1 of the Vienna Convention.

3. The immunity from jurisdiction may be waived by the observing Party in those cases when it would impede the course of justice and can be waived without prejudice to this Treaty. The immunity of personnel who are not nationals of the observing Party may be waived only by the States Parties of which such personnel are nationals. Waiver must always be express.

4. Without prejudice to their privileges and immunities or the rights of the observing Party set forth in this Treaty, it is the duty of designated personnel to respect the laws and regulations of the observed Party.

5. The transportation means of the personnel shall be accorded the same immunities from search, requisition, attachment or execution as those of a diplomatic mission pursuant to Article 22, paragraph 3 of the Vienna Convention, except as otherwise provided for in this Treaty.

Article XIV

Benelux

1. Solely for the purposes of Articles II to IX and Article XI, and of Annexes A to I and Annex K to this Treaty, the Kingdom of Belgium,

the Grand Duchy of Luxembourg, and the Kingdom of the Netherlands shall be deemed a single State Party, hereinafter referred to as the Benelux.

2. Without prejudice to the provisions of Article XV, the above-mentioned States Parties may terminate this arrangement by notifying all other States Parties thereof. This arrangement shall be deemed to be terminated on the next 31 December following the 60-day period after such notification.

Article XV

Duration and Withdrawal

1. This Treaty shall be of unlimited duration.

2. A State Party shall have the right to withdraw from this Treaty. A State Party intending to withdraw shall provide notice of its decision to withdraw to either Depositary at least six months in advance of the date of its intended withdrawal and to all other States Parties. The Depositaries shall promptly inform all other States Parties of such notice.

3. In the event that a State Party provides notice of its decision to withdraw from this Treaty in accordance with paragraph 2 of this Article, the Depositaries shall convene a conference of the States Parties no less than 30 days and no more than 60 days after they have received such notice, in order to consider the effect of the withdrawal on this Treaty.

Article XVI

Amendments and Periodic Review

1. Each State Party shall have the right to propose amendments to this Treaty. The text of each proposed amendment shall be submitted to either Depositary, which shall circulate it to all States Parties for consideration. If so requested by no less than three States Parties within a period of 90 days after circulation of the proposed amendment, the Depositaries shall convene a conference of the States Parties to consider the proposed amendment. Such a conference shall open no earlier than 30 days and no later than 60 days after receipt of the third of such requests.

2. An amendment to this Treaty shall be subject to the approval of all States Parties, either by providing notification, in writing, of their approval to a Depositary within a period of 90 days after circulation of the proposed amendment, or by expressing their approval at a conference convened in accordance with paragraph 1 of this Article.

An amendment so approved shall be subject to ratification in accordance with the provisions of Article XVII, paragraph 1, and shall enter into force 60 days after the deposit of instruments of ratification by the States Parties.

3. Unless requested to do so earlier by no less than three States Parties, the Depositaries shall convene a conference of the States Parties to review the implementation of this Treaty three years alter entry into force of this Treaty and at live-year intervals thereafter.

Article XVII

Depositaries, Entry into Force and Accession

1. This Treaty shall be subject to ratification by each State Party in accordance with its constitutional procedures. Instruments of ratification and instruments of accession shall be deposited with the Government of Canada or the Government of the Republic of Hungary or both, hereby designated the Depositaries. This Treaty shall be registered by the Depositaries pursuant to Article 102 of the Charter of the United Nations.

2. This Treaty shall enter into force 60 days after the deposit of 20 instruments of ratification, including those of the Depositaries, and of States Parties whose individual allocation of passive quotas as set forth in Annex A is eight or more.

3. This Treaty shall be open for signature by Armenia, Azerbaijan, Georgia, Kazakhstan, Kirgistan, Moldova, Tajikistan. Turkmenistan and Uzbekistan and shall be subject to ratification by them Any of these States which do not sign this Treaty before it enters into force in accordance with the provisions of paragraph 2 of this Article may accede to it at any time by depositing an instrument of accession with one of the Depositaries.

4. For six months after entry into force of this Treaty, any other State participating in the Conference on Security and Co-operation in Europe may apply for accession by submitting a written request to one of the Depositaries. The Depositary receiving such a request shall circulate it promptly to all States Parties. The States applying for accession to this Treaty may also, if they so wish, request an allocation of a passive quota and the level of this quota.

The matter shall be considered at the next regular meeting of the Open Skies Consultative Commission and decided in due course.

5. Following six months after entry into force of this Treaty, the Open Skies Consultative Commission may consider the accession to

this Treaty of any State which, in the judgement of the Commission, is able and willing to contribute to the objectives of this Treaty.

6. For any State which has not deposited an instrument of ratification by the time of entry into force, but which subsequently ratifies or accedes to this Treaty, this Treaty shall enter into force 60 days after the date of deposit of its instrument of ratification or accession.

7. The Depositaries shall promptly inform all States Parties of:

(a) the date of deposit of each instrument of ratification and the date of entry into force of this Treaty;

(b) the date of an application for accession, the name of the requesting State and the result of the procedure;

(c) the date of deposit of each instrument of accession and the date of entry into force of this Treaty for each State that subsequently accedes to it;

(d) the convening of a conference pursuant to Articles XV and XVI;

(e) any withdrawal in accordance with Article XV and its effective date;

(f) the date of entry into force of any amendments to this Treaty; and

(g) any other matters of which the Depositaries are required by this Treaty to inform the States Parties.

Article XVIII

Provisional Application and Phasing of Implementation of the Treaty

In order to facilitate the implementation of this Treaty, certain of its provisions shall be provisionally applied and others shall be implemented in phases.

Section I. Provisional Application

1. Without detriment to Article XVII, the signatory States shall provisionally apply the following provisions of this Treaty:

(a) Article VI, Section I, paragraph 4;

(b) Article X, paragraphs 1, 2, 3, 6 and 7;

(c) Article XI;

(d) Article XIII, Section I, paragraphs 1 and 2;

(e) Article XIV; and

(f) Annex L, Section I.

2. This provisional application shall be effective for a period of 12 months from the date when this Treaty is opened for signature. In the event that this Treaty does not enter into force before the period of provisional application expires, that period may be extended if all the signatory States so decide. The period of provisional application shall in any event terminate when this Treaty enters into force. However, the States Parties may then decide to extend the period of provisional application in respect of signatory States that have not ratified this Treaty.

Section II. Phasing of Implementation

1. After entry into force, this Treaty shall be implemented in phases in accordance with the provisions set forth in this Section. The provisions of paragraphs 2 to 6 of this Section shall apply during the period from entry into force of this Treaty until 31 December of the third year following the year during which entry into force takes place.

2. Notwithstanding the provisions of Article IV, paragraph 1, no State Party shall during the period specified in paragraph 1 above use an infra-red line-scanning device if one is installed on an observation aircraft, unless otherwise agreed between the observing and observed Parties. Such sensors shall not be subject to certification in accordance with Annex D. If it is difficult to remove such sensor from the observation aircraft, then it shall have covers or other devices that inhibit its operation in accordance with the provisions of Article IV, paragraph 4 during the conduct of observation flights.

3. Notwithstanding the provisions of Article IV, paragraph 9, no State Party shall, during the period specified in paragraph 1 of this Section, be obliged to provide an observation aircraft equipped with sensors from each sensor category, at the maximum capability and in the numbers specified in Article IV, paragraph 2, provided that the observation aircraft is equipped with:

(a) a single optical panoramic camera; or

(b) not less than a pair of optical framing cameras.

4. Notwithstanding the provisions of Annex D, Section II, paragraph 2, subparagraph (A) to this Treaty, data recording media shall be annotated with data in accordance with existing practice of States Parties during the period specified in paragraph 1 of this Section.

5. Notwithstanding the provisions of Article VI, Section I, paragraph 1, no State Party during the period specified in paragraph 1 of this

Section shall have the right to be provided with an aircraft capable of achieving any specified unrefuelled range.

6. During the period specified in paragraph 1 of this Section, the distribution of active quotas shall be established in accordance with the provisions of Annex A, Section II, paragraph 2 to this Treaty.

7. Further phasing in respect of the introduction of additional categories of sensors or improvements to the capabilities of existing categories of sensors shall be addressed by the Open Skies Consultative Commission in accordance with the provisions of Article IV, paragraph 3 concerning such introduction or improvement.

Article XIX

Authentic Texts

The originals of this Treaty, of which the English, French, German, Italian, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositaries. Duly certified copies of this Treaty shall be transmitted by the Depositaries to all the States Parties.

ANNEX-A

QUOTAS AND MAXIMUM FLIGHT DISTANCES

Section I. Allocation of Passive Quotas

1. The allocation of individual passive quotas is set forth as follows and shall be effective only for those States Parties having ratified the Treaty:

For the Federal Republic of Germany	12
For the United States of America	42
For the Republic of Belarus and the Russian Federation group of States Parties	42
For Benelux	6
For the Republic of Bulgaria	4
For Canada	12
For the Kingdom of Denmark	6
For the Kingdom of Spain	4
For the French Republic	12
For the United Kingdom of Great Britain and Northern Ireland	12

For the Hellenic Republic	4
For the Republic of Hungary	4
For the Republic of Iceland	4
For the Italian Republic	12
For the Kingdom of Norway	7
For the Republic of Poland	6
For the Portuguese Republic	2
For Romania	6
For the Czech and Slovak Federal Republic	4
For the Republic of Turkey	12
For Ukraine	12

2. In the event that an additional State ratifies or accedes to the Treaty in accordance with the provisions of Article XVII and Article X, paragraph 4, subparagraph (C), and taking into account Article X, paragraph 4, subparagraph (D), an allocation of passive quotas to such a State shall be considered during the regular session of the Open Skies Consultative Commission following the date of deposit of its instrument of ratification or accession.

Section II. First Distribution of Active Quotas for Observation Flights

1. The first distribution of active quotas pursuant to Article III, Section I, paragraph 6 of the Treaty shall be such that each State Party shall be obliged to accept over its territory a number of observation flights no greater than 75 per cent, rounded down to the nearest whole number, of the individual passive quota allocated as set forth in Section I, paragraph 1 of this Annex. On this basis, and for those States Parties which have conducted negotiations in the framework of the Open Skies Conference in Vienna, the first distribution in respect of each other shall be valid from the date of entry into force of the Treaty until 31 December following the year during which the Treaty has entered into force and shall be effective only for those States Parties having ratified the Treaty. This first distribution is set forth as follows:

The Federal Republic of Germany shall have the right to conduct three observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of Ukraine;

The United States of America shall have the right to conduct eight observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight, shared with Canada, over the territory of Ukraine;

The Republic of Belarus and the Russian Federation group of States Parties shall have the right to conduct two observation flights over the territory of Benelux, as referred to in Article XIV of the Treaty, two observation flights over the territory of Canada, two observation flights over the territory of the Kingdom of Denmark, three observation flights over the territory of the French Republic, three observation flights over the territory of the Federal Republic of Germany, one observation flight over the territory of the Hellenic Republic, two observation flights over the territory of the Italian Republic, two observation flights over the territory of the Kingdom of Norway, two observation flights over the territory of the Republic of Turkey, three observation flights over the territory of the United Kingdom of Great Britain and Northern Ireland, and four observation flights over the territory of the United States of America;

The Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, referred to as the Benelux, shall have the right to conduct one observation flight over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of the Republic of Poland;

The Republic of Bulgaria shall have the right to conduct one observation flight over the territory of the Hellenic Republic, one observation flight over the territory of the Italian Republic, and one observation flight over the territory of the Republic of Turkey;

Canada shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, one observation flight over the territory of the Czech and Slovak Federal Republic, one observation flight over the territory of the Republic of Poland, and one observation flight, shared with the United States of America, over the territory of Ukraine;

The Kingdom of Denmark shall have the right to conduct one observation flight over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of the Republic of Poland;

The Kingdom of Spain shall have the right to conduct one observation flight over the territory of the Czech and Slovak Federal Republic;

The French Republic shall have the right to conduct three observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of Romania;

The United Kingdom of Great Britain and Northern Ireland shall have the right to conduct three observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of Ukraine;

The Hellenic Republic shall have the right to conduct one observation flight over the territory of the Republic of Bulgaria, and one observation flight over the territory of Romania;

The Republic of Hungary shall have the right to conduct one observation flight over the territory of Romania, and one observation flight over the territory of Ukraine;

The Italian Republic shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, one observation flight over the territory of the Republic of Hungary, and one observation flight, shared with the Republic of Turkey, over the territory of Ukraine;

The Kingdom of Norway shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties and one observation flight over the territory of the Republic of Poland;

The Republic of Poland shall have the right to conduct one observation flight over the territory of the Federal Republic of Germany, one observation flight over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of Ukraine;

Romania shall have the right to conduct one observation flight over the territory of the Republic of Bulgaria, one observation flight over the territory of the Hellenic Republic, one observation flight over the territory of the Republic of Hungary, and one observation flight over the territory of Ukraine;

The Czech and Slovak Federal Republic shall have the right to conduct one observation flight over the territory of the Federal Republic of Germany, and one observation flight over the territory of Ukraine;

The Republic of Turkey shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, one observation flight over the territory of the Republic of Bulgaria and two observation

flights, one of which is shared with the Italian Republic, over the territory of Ukraine,

Ukraine shall have the right to conduct one observation flight over the territory of the Czech and Slovak Federal Republic, one observation flight over the territory of the Republic of Hungary, one observation flight over the territory of the Republic of Poland, one observation flight over the territory of Romania, and two observation flights over the territory of the Republic of Turkey.

2. Following this first distribution and until the date of full implementation of the Treaty specified in Article XVIII to that effect for the use of active quotas, annual distributions shall be based on the 75 per cent rule established in paragraph 1 of this Section in relation to the allocation of individual passive quotas.

3. From the date of full implementation of the Treaty each State Party shall accept during subsequent distributions of active quotas over its territory, if so requested, a number of observation flights up to the full amount of its individual passive quota. Whenever possible or requested and unless otherwise agreed, those distributions shall be based on a proportionate increase of the active quotas distributed in the first distribution.

4. In the event that an additional State ratifies or accedes to the Treaty in accordance with the provisions of Article XVII, the distribution of active quotas to such State shall be considered during the regular session of the Open Skies Consultative Commission following the date of the deposit of its instrument of ratification or accession, subject to the following provisions:

(a) the ratifying or acceding State shall have the right to request observation flights over the territories of States Parties within the passive quota allocated to that State in accordance with the provisions of Section I, paragraph 2 of this Annex, and within the passive quotas of the States Parties requested for observation flights, unless otherwise agreed by the States Parties involved; and

(b) all States Parties shall have at the same time the right to request observation flights over the territory of that signing or acceding State within their active quotas and within the passive quota allocated to that State.

Section III. Maximum Flight Distances of Observation Flights

The maximum flight distances of observation flights over the territories of observed Parties commencing from each Open Skies airfield are as follows:

The Federal Republic of Germany	
Wunstorf	1,200 kilometres
Landsberg-Lech	1,200 kilometres
The United States of America	
Washington-Dulles	4,900 kilometres
Travis AFB	4,000 kilometres
Elmendorf AFB	3,000 kilometres
Lincoln-Municipal	4,800 kilometres
The Republic of Belarus and the Russian Federation group of States Parties	
Kubinka	5,000 kilometres
Ulan Ude	5,000 kilometres
Vorkuta	6,500 kilometres
Magadan	6,500 kilometres
Benelux	
Zaventem/Melsbroek	945 kilometres
The Republic of Bulgaria	
Sofia,	660 kilometres
Burgas	660 kilometres
Canada	
Ottawa	5,000 kilometres
Iqalutt	6,000 kilometres
Yellowknife	5,000 kilometres
The Kingdom of Denmark	
Metropolitan	800 kilometres
Faroe Islands	250 kilometres
Greenland	5,600 kilometres
The Kingdom of Spain	
Getafe	1,300 kilometres
Gando	750 kilometres
Valencia	1,300 kilometres
Valladolid	1,300 kilometres
Moron	1,300 kilometres
The French Republic	
Orleans-Bricy	1,400 kilometres
Nice-Cote d'Azur	800 kilometres
Toulouse-Blagnac	700 kilometres
The United Kingdom of Great Britain and Northern Ireland	
Brize Norton	1,150 kilometres

Scampton	1,150 kilometres
Leuchars	1,150 kilometres
with Scilly Islands	1,500 kilometres
with Shetland Islands	1,500 kilometres
The Hellenic Republic	
Thessaloniki	900 kilometres
Elefsis	900 kilometres
with Crete, Karpathos, Rhodes, Kos Islands	1,100 kilometres
The Republic of Hungary	
Budapest-Ferihegy	860 kilometres
The Republic of Iceland	1,500 kilometres
The Italian Republic	
Milano-Malpensa	1,130 kilometres
Palermo-Punta Raisi	1,400 kilometres
The Kingdom of Norway	
Oslo-Gardermoen	1,700 kilometres
Tromsoe-Langnes	1,700 kilometres
The Republic of Poland	
Warszawa-Okecie	1,400 kilometres
The Portuguese Republic	
Lisboa	1,200 kilometres
Sta. Maria	1,700 kilometres
Porto Santo	1,030 kilometres
Romania	
Bucharest-Otopeni	900 kilometres
Timisoara	900 kilometres
Bacau	900 kilometres
The Czech and Slovak Federal Republic	
Praha	600 kilometres
Bratislava	700 kilometres
Kosice	400 kilometres
The Republic of Turkey	
Eskisehir	1,500 kilometres
Diyarbakir	1,500 kilometres
Ukraine	
Borispol	2,100 kilometres

ANNEX -B

INFORMATION ON SENSORS

Section I. Technical Information

1. Pursuant to Article IV, paragraph 10, each State Party shall inform all other States Parties of the applicable technical information listed in this Section on each sensor installed on the observation aircraft designated by that State Party pursuant to Article V of the Treaty.

2. The following technical information shall be provided for optical panoramic and framing cameras:

(a) type and model;

(b) field of view along and across the flight path, or scan angles, in degrees;

(c) frame size, in millimetres by millimetres;

(d) exposure times, in seconds;

(e) types and colours of optical filters used and their filter factor;

(f) for each lens:

(1) name;

(2) focal length, in millimetres;

(3) maximum relative aperture of the lens;

(4) resolving power at a contrast ratio of 1000 to 1 or the equivalent modulation of 1.0, at the maximum relative aperture, in lines per millimetre;

(g) minimum and maximum photographic time intervals, in seconds, or cycle rates, in frames per second, if applicable;

(h) maximum velocity over height ratio, if applicable;

(i) for optical framing cameras, the maximum angle measured from the horizontal, or the minimum angle measured from the vertical, in degrees; and

(j) maximum altitude for operation in metres, if applicable.

3. The following technical information shall be provided for video cameras:

(a) type and model;

(b) field of view, along and across the flight path, in degrees;

(c) for the lens

(1) focal length, in millimetres;

(2) maximum relative aperture;

(3) resolving power at a contrast ratio of 1000 to 1 or the equivalent modulation of 1.0, at the maximum relative aperture, in lines per millimetre;

(d) detector element size, in micrometres; or equivalent information on the tube;

(e) number of detector elements;

(f) system light sensitivity, in lux or watts per square centimetre; and

(g) spectral bandwidth, in nanometres.

4. The following technical information shall be provided for infra-red line-scanning devices:

(a) type and model;

(b) field of view or scan angles, in degrees;

(c) minimum instantaneous field of view, along and across the flight path, in milliradians;

(d) spectral bandwidth, in micrometres;

(e) minimum resolvable temperature difference, in degrees Celsius;

(f) temperature of detector during operation, in degrees Celsius;

(g) time required from switch-on for the system to start up and cool down to its normal operating temperature, in minutes;

(h) maximum operating time, if applicable;

(i) maximum velocity over height ratio; and

(j) maximum altitude for operation in metres, if applicable.

5. The following technical information shall be provided for sideways-looking synthetic aperture radar:

(a) type and model;

(b) radar frequency bands, and specific operating frequency, in megahertz;

(c) polarisations;

(d) number of radar pulses, per metre or second;

(e) near range angular limit of operation, in degrees from vertical;

(f) swath width, in kilometres;

(g) ground resolution in range and azimuth, in the slant plane, in metres;

(h) maximum altitude for operation in metres, if applicable; and (I) transmitter output power, in watts.

6. The following technical information shall be provided for sensors that record data on photographic film:

(a) the types of film that may be used with each sensor;

(b) width of film, in millimetres;

(c) film resolution at a contrast ratio of 1000 to 1 or the equivalent modulation of 1.0, in lines per millimetre; and

(d) capacity of magazine for each type of film, in metres.

7. The following technical information shall be provided for sensors that record data on other recording media:

(a) type and model of the data recording equipment;

(b) type and format of data recording media;

(c) bandwidth, in hertz, if applicable;

(d) data recording rate, in megabits per second, if applicable;

(e) capacity of recording media, in minutes or megabits; and

(f) format for storage of data collected by sensors and data annotation.

Section II. Annotation of Data

1. The following items of information shall be annotated on data collected by sensors during an observation period on the leader of each roll of the original film negative or at the beginning of each other recording medium in accordance with the provisions of Appendix 1 to this Annex:

(a) observation flight reference number;

(b) date of observation flight;

(c) sensor description;

(d) sensor configuration; and

(e) focal length, if applicable.

2. The following items of information shall be recorded manually or electronically from the navigation and avionics systems of the observation aircraft and annotated on data collected by sensors during an observation period in a manner that does not obscure detail, in accordance with the provisions of Appendix 1 to this Annex:

(A) for optical cameras:

(1) at the start of the observation period and at any intermediate location during the observation period where there is a significant change of height above ground level, heading or

groundspeed, and at intervals to be determined by the Open Skies Consultative Commission within the period of provisional application:

(a) height above ground level;

(b) location;

(c) true heading; and

(d) scan angle;

(2) on every frame of photographic film:

(a) frame number;

(b) time; and

(c) roll angle;

(B) for video cameras and infra-red line-scanning devices, at the start of the observation period and at any intermediate location during the observation period where there is a significant change of height above ground level, heading or groundspeed, and at intervals to be determined by the Open Skies Consultative Commission within the period of provisional application:

(1) date and time;

(2) height above ground level;

(3) location;

(4) true heading; and

(5) scan angle;

(C) for sideways-looking synthetic aperture radar:

(1) at the start of the observation period and at any intermediate location during the observation period where there is a significant change of height above ground level, heading or groundspeed, and at intervals to be determined by the Open Skies Consultative Commission within the period of provisional application:

(a) date and time;

(b) height above ground level;

(c) location;

(d) true heading;

(e) look down angle to the nearest point of the swath width;

(f) swath width; and

(g) polarisations;

(2) each lime they are measured in order to ensure correct processing of the image:

(a) groundspeed;

(b) drift;

(c) pitch angle; and

(d) roll angle.

3. For copies of single frames or strips of imagery produced from the original film negative or other recording media, the items of information listed in paragraphs 1 and 2 of this Section shall be annotated on each positive print.

4. States Parties shall have the right to annotate data collected during an observation night using either alphanumeric values, or codes to be agreed by the Open Skies Consultative Commission during the period of provisional application.

APPENDIX 1 TO ANNEX B

Annotation of Data Collected During an Observation Flight

1. The reference number of the observation flight shall be indicated by a single group of six alphanumeric characters in accordance with the following convention:

(a) the letters “OS”;

(b) the last digit of the calendar year for which the individual active quota applies; and

(c) a three-digit number to represent each individual observation flight comprising the active quota distributed during the annual review within the framework of the Open Skies Consultative Commission for a calendar year to a State Party over the territory of another State Party.

2. The sensor description shall be indicated by a single block of up to six alphanumeric characters comprising two groups in accordance with the following convention:

(a) a group of up to four characters to represent the category of the sensor in accordance with the following convention:

(1) “OP” — optical panoramic camera;
(2) “OF — optical framing camera;
(3) “TV” — video camera;
(4) “IRLS” — infra-red line-scanning device; or
(5) “SAR” — sideways-looking synthetic aperture radar;

(b) a group of two characters to represent the type of the recording medium in accordance with the following convention:

(1) "BI" — black and white, iso-panchromatic;
(2) "BM" — black and white, monochromatic;
(3) "BP" — black and white, panchromatic;
(4) "BR" — black and white, reversal;
(5) "TA" — tape, analogue; or
(6) "TD" — tape, digital.

3. The sensor configuration shall be indicated by a single block of up to nine alphanumeric characters comprising three groups in accordance with the following convention:

(a) a group of four alphanumeric characters to represent the installation of the sensor on the observation aircraft either as:

(1) an internal installation, which shall be denoted by the code "INT", followed by a number to indicate the; relative location of the installation of the sensor on the observation aircraft in sequence from nose to tail of the observation aircraft; or

(2) a podded installation, which shall be denoted by the code "POD", followed by one of the following three letters:

(a) "L" — mounted under left wing;
(b) "R" — mounted under right wing; or
(c) "C" — mounted on the aircraft centre line;

(b) a group of up to three alphanumeric characters to represent the type of installation in accordance with the following convention:

(1) a vertical installation in which the sensor is not tilted more than five degrees from the vertical shall be denoted by the letter "V;

(2) an oblique installation in which the sensor is tilted more than five degrees from the vertical shall be denoted by one of the following two letters, followed by the depression angle in degrees:

(a) "L" — left pointing;
(b) "R" — right pointing;

(3) a fan installation of two or more sensors shall be denoted by the letter "F",

(C) for a fan installation, a group of up to two numbers to indicate the number and position of the sensors as follows:

(1) the first number to indicate the total number of sensors in that installation; and

(2) the second number to indicate the individual sensor position, in sequence from left to right relative to the direction of flight of the observation aircraft.

4. The focal length of a lens shall be provided in millimetres.

5. The date and time shall be provided to the nearest minute of Co-ordinated Universal Time.

6. The average height above ground level of the observation aircraft shall be denoted by a five-digit number, followed by a code to represent the units of measurement in either feet, by the letter “F” or metres, by the letter “M”.

7. The latitude and longitude of the location of the observation aircraft shall he provided in degrees to the nearest one-hundredth of a degree, in the format “dd.dd(N or S) ddd.dd(E or W)”, or in degrees and minutes to the nearest minute, in the format “dd mm(N or S) ddd mm(R or W)”.

8. The true heading of the observation aircraft shall be provided in degrees to the nearest degree.

9. The roll angle of the observation aircraft shall be provided in degrees followed by a code to indicate whether the roll is to the left, by the letter “L”, or to the right, by the letter “R”.

10. The pitch angle of the observation aircraft shall be provided in degrees followed by a code to indicate whether the pitch is up, by the letter “U”, or down, by the letter “D”, relative to the horizontal.

11. The drift angle of the observation aircraft shall be provided in degrees followed by a code to indicate whether the drift is to the left, by the letter “L”, or to the right, by the letter “R”, relative to the flight path of the observation aircraft.

12. The groundspeed of the observation aircraft shall be denoted by a three-digit number followed by a two-letter code to indicate the units of measurement in either nautical miles, by the letters “NM”, or kilometres, by the letters “KM”, per hour.

13. The nearest point of the swath width shall be provided in kilometres.

14. The look down angle shall be provided in degrees measured from the vertical.

15. The swath width shall be provided in kilometres.

16. For photographic film, each magazine used during an observation flight from the same sensor shall be numbered in sequence starting from one. Each frame on the original film negative exposed by each sensor shall be individually numbered in sequence, from the first frame to the last frame of that magazine of that sensor. In each case, when the film is numbered using one or two numbers per frame, a single frame shall be defined without ambiguity by specifying either the number closest to the centre of the frame, or, in the event that the numbers are equidistant from the centre, the smaller whole number.

ANNEX-C

INFORMATION ON OBSERVATION AIRCRAFT

Pursuant to the provisions of Article V, paragraph 2 of the Treaty, States Parties, when designating aircraft as observation aircraft, shall notify all other States Parties of the information specified below.

1. Identification:
   (a) type and model; and
   (b) number, category, type and configuration of each sensor installed on the observation aircraft, as provided in accordance with the provisions of Annex B to the Treaty;
2. Mission Planning:
   (a) for each type and configuration of sensor installed on the observation aircraft:
      (1) for which ground resolution is dependent upon height above ground level, the height above ground level in metres at which that sensor achieves the ground resolution for that category of sensor specified in Article IV, paragraph 2 of the Treaty;
      (2) for which ground resolution is not dependent upon height above ground level, the altitude for maximum range;
   (b) optimum cruising speed in kilometres per hour at each altitude specified in accordance with subparagraph (A) of this paragraph;
   (c) fuel consumption in kilograms per hour at optimum cruising speed at each altitude specified in accordance with subparagraph (A) of this paragraph.

3. Navigation, Communications and Landing Aids:

(a) each type of navigation equipment installed on the observation aircraft, including its positional accuracy, in metres; and

(b) radio communications, approach and landing aid equipment installed on the observation aircraft, in accordance with standard ICAO practice.

4. Ground Handling:

(a) length, wingspan, maximum height, wheel base, and turning radius;

(b) maximum take-off weight and maximum landing weight;

(c) airfield runway length and pavement strength required at maximum take-off and landing weights, including any capability for landing on unpaved strips;

(d) types and capacities of fuel, oils, hydraulic fluid and oxygen;

(e) types of electrical servicing and starting units; and

(f) any special requirements.

5. Accommodation facilities:

(a) number of flight crew;

(b) number of sensor operators;

(c) number of flight representatives, flight monitors or representatives who could be seated on board; and

(d) sleeping berths.

ANNEX-D

CERTIFICATION OF OBSERVATION AIRCRAFT AND SENSORS

Section I. General Provisions

1. Each State Party shall have the right to participate in the certification of an observation aircraft of each type and model and its associated set of sensors designated by another State Party pursuant to Article V of the Treaty, during which the observation aircraft and its sensors shall be examined both on the ground and in-flight.

2. Each certification shall be conducted in order to establish:

(a) that the aircraft is of a type and model designated pursuant to Article of the Treaty;

(b) that the sensors installed on the observation aircraft are of a category specified in Article IV, paragraph 1 of the Treaty

and satisfy the requirements specified in Article IV, paragraph 2 of the Treaty;

(c) that the technical information has been provided in accordance with the provisions of Annex B, Section I to the Treaty;

(d) in the event that the ground resolution of a sensor is dependent upon height above ground level, the minimum height above ground level from which each such sensor installed on an observation aircraft of that type and model may be operated during an observation flight, pursuant to the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty;

(e) in the event that the ground resolution is not dependent upon height above ground level, the ground resolution of each such sensor installed on an observation aircraft of that type and model, pursuant to the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty; and

(f) that the covers for sensor apertures or other devices that inhibit the operation of sensors are in their proper position in accordance with the provisions of Article IV, paragraph 4 of the Treaty.

3. Each State Party conducting a certification shall notify all other States Parties, no less than 60 days in advance, of the period of seven days during which the certification of that observation aircraft and its sensors will take place. Such notification shall specify:

(a) the State Party conducting the certification of the observation aircraft and its sensors;

(b) the point of entry at which personnel of the States Parties taking part in the certification should arrive;

(c) the location at which the certification is to be conducted;

(d) the dates on which the certification is to begin and end;

(e) the number, type and model of each observation aircraft to be certified; and

(f) the type and model, description and configuration of each sensor installed on the observation aircraft to be certified, in accordance with the format specified in Annex B, Appendix 1 to the Treaty.

4. No later than ten days after receipt of the notification pursuant to the provisions of paragraph 3 of this Section, each State Party shall

notify all other States Parties of its intention to participate in the certification of such aircraft and its sensors pursuant to the provisions of Article IV, paragraph 11. The number of individuals that shall participate in the certification from amongst those States Parties that notified their intention to participate shall be decided upon within the Open Skies Consultative Commission. Unless otherwise agreed, the number of individuals shall total no more than 40 and include no more than four from any one State Party. In the event that two or more States Parties notify their intention to conduct a certification during the same period, it shall be decided within the Open Skies Consultative Commission which of them shall conduct the certification in this period.

5. Each State Party taking part in the certification shall notify the State Party conducting the certification no less than 30 days prior to the date on which the certification of the observation aircraft is to begin, as notified in accordance with paragraph 3 of this Section, of the following:

(a) the names of the individuals taking part in the certification and, in the event that a non-commercial transport aircraft is used to travel to the point of entry, a list of the names of the crew members, in each case specifying gender, date of birth, place of birth and passport number. All such individuals shall be on the list of individuals designated pursuant to Article XIII, Section I of the Treaty;

(b) the date and the estimated time of arrival of such individuals at the point of entry; and

(c) the mode of transport used to arrive at the point of entry.

6. No less than 14 days prior to the date on which the certification of the observation aircraft is to begin, as notified in accordance with paragraph 3 of this Section, the State Party conducting the certification shall provide the States Parties which are taking part in the certification with the following information for each sensor installed on the observation aircraft, and for associated equipment used for the annotation of data collected by sensors:

(a) a description of each constituent part of the sensor, including its purpose, and any connection to associated equipment used for the annotation of data;

(b) photographs taken of each sensor separate from the observation aircraft, in accordance with the following specifications:

(1) each sensor shall fill at least 80 per cent of the photograph either horizontally or vertically;

(2) such photographs may be either colour or black and white and shall measure 18 centimetres by 24 centimetres, excluding the border; and

(3) each photograph shall be annotated with the category of the sensor, its type and model, and the name of the State Party that is presenting the sensor for certification;

(c) instructions on the in-flight operation of each sensor.

7. In the event that no State Party notifies its intention to take part in the certification in accordance with the provisions of paragraph 5 of this Section, the State Party shall conduct by itself an in-flight *examination in accordance with the* provisions of Section III of this Annex and complete a certification report in accordance with the provisions of Section IV of this Annex.

8. The provisions of Article XIII, Section II of the Treaty shall apply to the personnel of each State Party taking part in the certification during the entire period of their stay on the territory of the State Party conducting the certification.

9. The personnel of each State Party taking part in the certification shall leave the territory of the State Party conducting the certification promptly after signing the certification report.

Section II. Ground Examination

1. With the approval of the State Party conducting the certification, ground examinations by more than one State Party may be conducted simultaneously. States Parties shall have the right jointly to conduct a ground examination of the observation aircraft and its sensors. The State Party conducting the certification shall have the right to determine the number of personnel engaged at any one time in the ground examination of an observation aircraft and its sensors.

2. Unless otherwise agreed, the ground examination shall not exceed three eight-hour periods for each observation aircraft and its sensors.

3. Prior to the commencement of the ground examination, the State Party conducting the certification shall provide the States Parties taking part in the certification with the following information:

(a) for optical panoramic and framing cameras:

(1) the modulation transfer curve of the response of the lens to spatial frequency (frequency/contrast characteristic) at the maximum relative aperture of that lens, in lines per millimetre;

(2) specifications of the black and white aerial film that will be used to collect data during an observation flight, or for the duplication of such data, in accordance with the provisions of Annex K, Section I, paragraph 2 to the Treaty

(3) specifications of the film processors which will be used to develop original film negatives and duplicators that will be used to produce film positives or negatives, in accordance with the provisions of Annex K, Section I, paragraph 1 to the Treaty; and

(4) flight test data showing ground resolution as a function of height above ground level for each type of aerial film that will be used with the optical camera;

(b) for video cameras, flight test data from all output devices showing ground resolution as a function of height above ground level;

(c) for infra-red line-scanning devices, flight test data from all output devices showing ground resolution as a function of height above ground level; and

(d) for sideways-looking synthetic aperture radar, flight test data from all output devices showing ground resolution as a function of slant range from the aircraft.

4. Prior to the commencement of the ground examination, the State Party conducting the certification shall provide a briefing to the State Party or States Parties taking part in the certification on:

(a) its plan for the conduct of the ground examination of the observation aircraft and its sensors;

(b) the observation aircraft, as well as its sensors, associated equipment and covers for sensor apertures or other devices that inhibit the operation of sensors, indicating their location on the observation aircraft with the help of diagrams, photographs, slides and other visual materials;

(c) all necessary safety precautions that shall be observed during the ground examination of the observation aircraft and its sensors; and

(d) the inventory procedures that escorts of the State Party conducting the certification intend to use pursuant to paragraph 6 of this Section.

5. Prior to the commencement of the ground examination, each State Party taking part in the certification shall deliver to the State

Party conducting the certification a list of each item of equipment to be used during the ground examination or in-flight examination. The States Parties conducting the examination shall be permitted to take on board the observation aircraft and use video cameras, hand-held audio recorders and hand-held electronic computers. The States Parties taking part in the certification shall be permitted to use other items of equipment, subject to the approval of the State Party conducting the certification.

6. The States Parties taking part in the certification shall, together with the State Party conducting the certification, conduct an inventory of each item of equipment provided for in paragraph 5 of this Section, and review the inventory procedures which shall be followed to confirm that each item of equipment brought on board the observation aircraft by the States Parties taking part in the certification has been removed from the observation aircraft upon conclusion of the examination.

7. Personnel of each State Party taking part in the certification shall have the right to conduct the following activities during the ground examination on the observation aircraft and of each sensor installed on the observation aircraft:

(a) confirm that the number and configuration of each sensor installed on the observation aircraft correspond to the information provided in accordance with the provisions of Section I, paragraph 6 of this Annex, Annex C and Annex B, Section I;

(b) familiarise themselves with the installation of each sensor on the observation aircraft, including the constituent parts thereof and their connections to each other and to any associated equipment used for the annotation of data;

(c) obtain a demonstration of the control and operation of each sensor; and

(d) familiarise themselves with the flight test data provided in accordance with the provisions of paragraph 3 of this Section.

8. At the request of any State Party taking part in the certification, the State Party conducting the certification shall photograph any sensor installed on the observation aircraft, the associated equipment on the observation aircraft, or the sensor apertures with their covers or devices which inhibit the operation of sensors. Such photographs shall fulfil the requirements specified in Section I, paragraph 6, subparagraphs (B) (1), (2) and (3) of this Annex.

9. The State Party conducting the certification shall have the right to designate personnel to accompany throughout the ground

examination the personnel of the States Parties taking part in the certification to confirm compliance with the provisions of this Section. The personnel of the State Party conducting the certification shall not interfere with the activities of the States Parties taking part in the certification, unless such activities conflict with the safety precautions provided for in paragraph 4, subparagraph (C) of this Section.

10. The State Party conducting the certification shall provide the States Parties taking part in the certification access to the entire observation aircraft, its sensors and associated equipment and sufficient power to operate its sensors and associated equipment. The State Party conducting the certification shall open such compartments or remove panels or barriers, to the extent necessary to permit examination of any sensor and associated equipment subject to certification.

11. Notwithstanding the provisions of this Section, the ground examination shall be conducted in a manner that does not:

(a) degrade, damage, or prevent subsequent operation of the observation aircraft or its sensors;

(b) alter the electrical or mechanical structure of the observation aircraft or its sensors; or

(c) impair the airworthiness of the observation aircraft.

12. The States Parties taking part in the certification shall have the right to take measurements, and make notes, sketches, similar records and recordings using the items of equipment listed in paragraph 5 of this Section, relating to the observation aircraft, its sensors and their associated equipment. Such working materials may be retained by the State Party taking part in the certification and shall not be subject to any review or examination by the State Party conducting the certification.

13. The State Party conducting the certification shall make every effort to answer questions of the States Parties taking part in the certification that pertain to the ground examination.

14. Upon completion of the ground examination, the States Parties taking part in the certification shall leave the observation aircraft, and the State Party conducting the certification shall have the right to use its own inventory procedures set forth in accordance with paragraph 6 of this Section to confirm that all the equipment used during the ground examination in accordance with paragraph 5 of this Section has been removed from the observation aircraft.

Section III. In-Flight Examination

1. In addition to conducting a ground examination of the observation aircraft and its sensors, the State Party conducting the certification shall conduct one in-flight examination of its sensors which shall be sufficient to:

(a) permit observation of the operation of all the sensors installed on the observation aircraft;

(b) in the event that the ground resolution of a sensor is dependent upon height above ground level, establish the minimum height above ground level from which each such sensor installed on an observation aircraft of that type and model shall be operated for any observation flight, in accordance with the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty; and

(c) in the event that the ground resolution of a sensor is not dependent upon height above ground level, establish the ground resolution of each such sensor installed on an observation aircraft of that type and model is in accordance with the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty.

2. Prior to the commencement of the in-flight examination of the sensors, the State Party conducting the certification shall brief the States Parties participating in the certification on its plan for the conduct of the in-flight examination. This briefing shall include the following information:

(a) a diagram of the calibration targets that it intends to use for the in-flight examination in accordance with the provisions of Appendix 1, Section I, paragraph 5 to this Annex;

(b) the estimated time, meteorological conditions, number, direction and height above ground level of each pass over the calibration target appropriate to each sensor to be certified; and

(c) all necessary safety precautions that shall be observed during the in-flight examination of the observation aircraft and its sensors.

3. Prior to and during the conduct of the in-flight examination, States Parties taking part in the certification shall have the right to visit the location of the calibration targets. The State Party conducting the certification shall provide such items of equipment as required to

confirm that the calibration targets meet the specifications set forth in Appendix 1, Section I to this Annex.

4. The in-flight examination shall be conducted during clear atmospheric daytime conditions, unless otherwise agreed, over the calibration targets appropriate to each category of sensor installed on the observation aircraft in accordance with the provisions of Appendix 1, Section II to this Annex, to determine the ground resolution of each sensor.

5. The State Party conducting the certification shall provide such data on the meteorological conditions at the location of the calibration targets during the in-flight examination of the sensors as are necessary to make the calculations in accordance with the methodologies specified in Appendix 1, Section III to this Annex.

6. Each State Party shall have the right to designate personnel to take part in the in-flight examination. In the event that the number of individuals so designated exceeds the passenger capacity of the observation aircraft, the States Parties participating in the certification shall agree which of its personnel shall participate in the in-flight examination.

7. Personnel of the States Parties designated pursuant to paragraph 6 of this Section shall have the right to observe the operation of the sensors by personnel of the State Party conducting the certification.

8. Personnel of the States Parties taking part in the certification shall have the right to monitor the unsealing of the film cassette and the storage, processing and handling of the original film negative exposed during the in-flight examination, in accordance with the provisions of Annex K, Section II to the Treaty.

Section IV. Certification Report

1. Upon completion of the ground and in-flight examinations, data collected by sensors and from the calibration targets shall be examined jointly by the State Party conducting the certification and the States Parties taking part in the certification. These States Parties shall prepare a certification report which shall establish:

(a) that the observation aircraft is of a type and model designated pursuant to Article V of the Treaty;

(b) that the sensors installed on the observation aircraft are of a category provided for in Article IV, paragraph 1 of the Treaty and satisfy the requirements of Article IV, paragraph 2 of the Treaty;

(c) that the technical information on sensors has been provided in accordance with Annex B, Section I to the Treaty;

(d) in the event that the ground resolution of a sensor is dependent upon height above ground level, the minimum height above ground level at which each such sensor on an observation aircraft of that type and model may be operated during an observation flight pursuant to the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty;

(e) in the event that the ground resolution is not dependent upon height above ground level, the ground resolution of each such sensor installed on an observation aircraft of that type and model, pursuant to the limitations on ground resolution specified in Article IV, paragraph 2 of the Treaty; and

(f) that the covers for sensor apertures or other devices that inhibit the operation of sensors are in accordance with the provisions of Article IV, paragraph 4 of the Treaty.

2. A copy of the information for each sensor provided pursuant to Section I, paragraph 6 and Section II, paragraphs 3 and 8 of this Annex shall be attached to the certification report.

3. Copies of the certification report shall be provided to all other States Parties by the State Party conducting the certification. States Parties that did not take part in the certification shall not have the right to reject the conclusions contained in the certification report.

4. An observation aircraft and its associated set of sensors shall be deemed to be certified unless the States Parties taking part in the certification are unable to reach agreement on the contents of the certification report.

5. In the event that the State Party conducting the certification and States Parties taking part in the certification are unable to reach agreement on the contents of the certification report, the observation aircraft shall not be used for observation flights until the issue is resolved.

APPENDIX 1 TO ANNEX D

METHODOLOGIES FOR THE VERIFICATION OF THE PERFORMANCE OF SENSORS INSTALLED ON AN OBSERVATION AIRCRAFT

The ground resolution of each sensor installed on the observation aircraft, and, where its performance depends on height above ground level, the minimum height above ground level at which this sensor

may be operated during an observation flight, shall be determined and confirmed on the basis of data collected over calibration targets appropriate to each category of sensor in accordance with the specifications in Section I and calculated in accordance with the methodologies to be determined within the Open Skies Consultative Commission.

Section I. Specifications for Calibration Targets

1. Calibration targets shall be provided by the State Party conducting the certification in accordance with the provisions of Annex D to the Treaty. Such calibration targets shall be used to establish the ground resolution of sensors, of a type appropriate to each sensor category, and designed in accordance with characteristics specified below.

2. Calibration targets for establishing the ground resolution of optical cameras shall consist of a series of groups of alternating black and white bars. Each group of bars shall consist of a minimum of two black bars separated by a white bar. The width of black and white bars within a group shall remain constant. The width of the bars in groups of bars in the calibration target shall change in steps sufficient to ensure accurate measurement of the ground resolution. The length of the bars shall remain constant within each group. The contrast ratio of the black to white bars shall be consistent throughout the target and shall be at least 5 to 1 (equivalent to a modulation of 0.66).

3. Calibration targets for establishing the ground resolution of infra-red line-scanning devices shall be determined within the Open Skies Consultative Commission during the period of provisional application.

4. Calibration targets for establishing the ground resolution of sideways-looking synthetic aperture radar shall consist of arrays of trihedral corner reflectors whose configuration shall be in accordance with the methodologies determined within the Open Skies Consultative Commission during the period of provisional application.

5. Each State Party shall provide all other States Parties with a diagram of the calibration targets that it intends to use for the purpose of in-flight examination. Such diagrams shall be annotated with the overall dimensions of the calibration targets, their locations and the type of terrain on which they are deployed, as well as the information appropriate to each type of calibration target as determined within the Open Skies Consultative Commission during the period of provisional application.

Section II. Conduct of In-flight Examination

1. In order to establish the ground resolution of panoramic or vertically-installed framing cameras, the line of flight of the observation aircraft shall be directly over and parallel to the calibration target. In order to establish the ground resolution of obliquely-installed framing cameras, the line of flight of the observation aircraft shall be parallel to the calibration target at a range such that the image of the calibration target appears in the foreground of the field of view of the optical camera set at its maximum angle measured from the horizontal or minimum angle measured from the vertical.

2. In order to establish the ground resolution of an infra-red line-scanning device, the line of flight of the observation aircraft shall be directly over and parallel to the calibration target at an agreed range of heights above ground level,

3. In order to establish the ground "resolution of a sideways-looking synthetic aperture radar, the line of flight of the observation aircraft shall be to the side of the array of the corner reflectors.

Section III. Analysis of Data Collected During the In-flight Examination

1. Following the in-flight examination, the State Party conducting the certification and the States Parties taking part in the certification shall jointly analyse the data collected during the in-flight examination pursuant to Annex D, Section IV, paragraph 1 to the Treaty.

2. The methodology for calculating the minimum height above ground level at which each optical camera installed on the observation aircraft may be operated during an observation flight, including the value of the contrast ratio or the equivalent modulation to be used in this calculation, which shall be not less than 1.6:1 (correspondingly 0.23) and not greater than 4:1 (correspondingly 0.6), shall be determined within the Open Skies Consultative Commission during the period of provisional application and prior to 30 June 1992. The ground resolution of optical cameras shall be determined from a visual analysis of the image of the calibration target on the original film negative. The numerical value of ground resolution shall be equal to the width of the smallest bar of the calibration target that is distinguishable as a separate bar.

3. The methodology for calculating the minimum height above ground level at which each video camera installed on the observation aircraft may be operated during an observation flight shall be

determined within the Open Skies Consultative Commission during the period of provisional application.

4. The methodology for calculating the minimum height above ground level at which an infra-red line-scanning device installed on the observation aircraft may be operated during an observation flight, including the value of the minimum resolvable temperature difference to be used in this calculation, shall be determined within the Open Skies Consultative Commission during the period of provisional application.

5. The methodology for calculating the ground resolution of a sideways-looking synthetic aperture radar, including the determination of the relationship between the impulse response method and the object separation method, shall be determined within the Open Skies Consultative Commission during the period of provisional application.

ANNEX-E

PROCEDURES FOR ARRIVALS AND DEPARTURES

1. Each State Party shall designate one or more points of entry, one or more points of exit, and one or more Open Skies airfields on its territory. Points of entry and points of exit may or may not be the same as the Open Skies airfields. Unless otherwise agreed, if an Open Skies airfield is different from a point of entry, the Open Skies airfield shall be designated so that the observing Party can reach the Open Skies air field within five hours from the point of entry either in its own observation aircraft or in transportation provided by the observed Party. The observing Party, after arriving at a point of entry or an Open Skies airfield, shall have the right to a rest period, subject to the provisions of Article VI of the Treaty.

2. Each State Party shall have the right to designate entry fixes and exit fixes. If a State Party elects to designate entry fixes and exit fixes, such fixes shall facilitate flight from the territory of the observing Party to the point of entry of the observed Party. Planned flights between entry fixes and points of entry and between points of exit and exit fixes shall be conducted in accordance with published ICAO standards and recommended practices and national regulations. In the event that portions of the flights between entry fixes and points of entry or between points of exit and exit fixes lie in international airspace, the flight through international airspace shall be conducted in accordance with published international regulations.

3. Information on points of entry and points of exit, Open Skies airfields, entry fixes and exit fixes, refuelling airfields, and calibration targets shall initially be as specified in Appendix 1 to this Annex.

4. A State Party shall have the right to introduce changes to Appendix 1 to this Annex by notifying all other States Parties of such changes, in writing, no less than 90 days before such changes become effective.

5. Each State Party shall ensure effective observation of its entire territory as follows:

(a) for its mainland territory, Open Skies airfields shall be designated in such a way that no point on its territory is farther from one or more such airfields than 35 per cent of the maximum flight distance or distances established for that State Party in accordance with Annex A to the Treaty;

(b) for portions of its territory that are separated from the mainland territory:

(1) that State Party shall apply the provisions of subparagraph (A) of this paragraph; or

(2) in the event that the portion or portions of the territory are separated from the mainland territory by more than 600 kilometres, or if agreed between that State Party and the observing Party, or if otherwise provided for in Annex A, that State Party shall provide special procedures, including the possible use of refuelling airfields; or

(3) in the event that a portion or portions of the territory are separated from the mainland territory by less than 600 kilometres, and such portion or portions of the territory are not covered by the provisions of subparagraph (A) of this paragraph, that State Party may specify a separate maximum flight distance in Annex A to cover such portion or portions of its territory.

6. Immediately upon the arrival of an observation aircraft at the point of entry, and immediately prior to the departure of an observation aircraft from the point of exit, both the observed and observing Parties shall inspect the covers for sensor apertures or other devices that inhibit the operation of sensors installed in accordance with Article IV, paragraph 4. In the event that the point of entry is different from the Open Skies airfield from which the observation flight commences, both the observed and observing Parties shall inspect the covers for

sensor apertures or other devices that inhibit the operation of sensors immediately prior to departure of the observation aircraft from the point of entry *en route* to the Open Skies airfield from which the observation night commences. In the event that the point of exit is different from the Open Skies airfield at which the observation flight terminates, both the observed and observing Parties shall inspect the covers for sensor apertures or other devices that inhibit the operation of sensors immediately prior to departure of the observation aircraft from such airfield *en route* to the point of exit.

7. A State Party shall have the right to conduct an examination and inventory of the items of equipment that the other State Party intends to use for the purpose of conducting a pre-flight inspection of sensors and, if applicable, the observation aircraft, as well as items that the flight representatives intend to bring on board the observation aircraft. This examination and inventory:

(a) shall begin no later than one hour after arrival of such items at the point of entry or the Open Skies airfield, at the choice of the State Party conducting the inventory, and shall be completed within one hour; and

(b) shall be carried out in the presence of one or more designated individuals of the other State Party.

8. If, during the examination and inventory of the items of equipment to be used in the sensor inspection and, if applicable, observation aircraft inspection, as well as the items that the flight representatives intend to bring on board the observation aircraft, the State Party conducting the examination and inventory determines that the items do not conform to the list of authorized equipment contained in Annex D, Section II, paragraph 5, or to the items described in Annex G, Section I, paragraph 4, it shall have the right to deny permission for the use of such items. Items so identified that are brought into the territory of the observed Party by the observing Party shall be, unless otherwise agreed:

(a) placed in a sealed container for safekeeping; and

(b) subsequently removed from the territory of the observed Party at the earliest opportunity, but not later than the departure of the observing Party from the territory of the observed Party.

9. In the event that the observing Party travels to the point of entry specified in the notification provided in accordance with Article VI, Section I, paragraph 5 of this Treaty, using a transport aircraft

registered with the observing Party or with another State Party, the transport aircraft shall be permitted:

(a) to depart from the territory of the observed Party;

(b) in the event that the point of entry is the same as the point of exit, to remain at the point of entry until departure of the observing Party from the territory of the observed Party; or

(c) in the event that the point of entry is not the same as the point of exit, to fly to the point of exit in sufficient time for further crew rest prior to departure of all the personnel of the observing Party from the territory of the observed Party.

10. In the event that the observation aircraft is provided by the observed Party and the observing Party does not use its own transport aircraft for transporting its personnel from the point of entry to the Open Skies airfield, the observed Party shall ensure that the personnel of the observing Party are transported from the point of entry to the open Skies airfield and from the Open Skies airfield to the point of exit.

ANNEX -F

PRE-FLIGHT INSPECTIONS AND DEMONSTRATION FLIGHTS

Section I. Pre-flight Inspection of Observation Aircraft and Sensors of the Observing Party

1. The purpose of the pre-flight inspection of observation aircraft and sensors provided by the observing Party is to confirm that the observation aircraft, its sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty. The observed Party shall have the right to conduct a pre-flight inspection of an observation aircraft and its sensors provided by the observing Party to confirm that:

(a) the observation aircraft, its sensors and associated equipment including, where applicable, lens and photographic film, correspond to those certified in accordance with the provisions of Annex D to the Treaty; and

(b) there are no items of equipment on board the observation aircraft other than those permitted by Article IV of the Treaty.

2. Upon arrival of the observation aircraft at the point of entry the observed Party shall:

(a) provide a list of the inspectors, the number of whom shall not exceed ten persons, unless otherwise agreed, including the general function of each of the inspectors;

(b) provide a list of the items of equipment that they intend to use during the pre-flight inspection provided for in Annex D, Section 11, paragraph 5 to the Treaty; and

(c) inform the observing Party of its plan for the pre-flight inspection of the observation aircraft and its sensors.

3. Prior to the commencement of the pre-flight inspection, a designated individual from the observing Party shall:

(a) brief the observed Party on the inventory procedures which shall be followed to confirm that all inspection equipment, as well as any non-destructive-testing equipment as provided for in paragraph 7 of this Section, brought on board the observation aircraft by the inspectors has been removed from the observation aircraft upon conclusion of the pre-flight inspection;

(b) together with the inspectors, conduct an examination and inventory of each item of equipment to be used during the pre-flight inspection; and

(c) brief the inspectors on all safety precautions that they shall observe during the pre-flight inspection of the observation aircraft and its sensors.

4. The pre-flight inspection shall not begin until the completion of the formal arrival procedures and shall take no longer than eight hours.

5. The observing Party shall have the right to provide its own escorts to accompany the inspectors throughout the pre-flight inspection of the observation aircraft and its sensors to confirm that the inspection is conducted in accordance with the provisions of this Section. The observing Party shall facilitate the inspection in accordance with the procedures specified in Annex D, Section II, paragraphs 7 and 8 to the Treaty.

6. In conducting the pre-flight inspection, the inspectors shall have the right of access to the observation aircraft, its sensors and associated equipment, in the same manner as provided for in Annex D, Section II, paragraph 10, and shall comply with the provisions of Annex D, Section II, paragraphs 11 and 12 to the Treaty.

7. ‘For the purposes of this inspection, the observed Party shall have the right to take on board and use the following non-destructive-testing equipment:

(a) video probe (borescope on video camera);

(b) X-ray and backscatter X-ray imaging equipment;

(c) ultrasonic imaging equipment;

(d) logic/data analyser;

(e) passive infra-red sensors; and

(f) 35 millimetre camera.

In addition, the observed Party shall have the right to take on board and use such other non-destructive-testing equipment as may be necessary to establish that no items of equipment are on board the observation aircraft other than those permitted by Article IV of the Treaty, as may be agreed by the Open Skies Consultative Commission prior to 30 June 1992.

8. Upon completion of the pre-flight inspection, the inspectors shall leave the observation aircraft, and the observing Party shall have the right to use its own inventory procedures to confirm that all inspection equipment used during the pre-flight inspection has been removed from the observation aircraft. If the observed Party is unable to demonstrate this to the satisfaction of the observing Party, the observing Party shall have the right to proceed with the observation flight or to cancel it, and when the observing Party is satisfied that it is safe to do so, depart from the territory of the observed Party. In the latter case, no observation flight shall be recorded against the quota of either State Party.

9. The inspectors shall immediately inform the observing Party if they establish that the observation aircraft, its sensors or associated equipment do not correspond to those certified in accordance with the provisions of Annex D to the Treaty, or that there are items of equipment on board the observation aircraft other than those permitted by Article IV of the Treaty. If the observing Party is unable to demonstrate that the observation aircraft, its sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty and that there are no items of equipment on board the observation aircraft other than those permitted by Article IV of the Treaty, and if the observing and observed Parties do not agree otherwise, the observed Party shall have the right to prohibit the observation flight pursuant to Article VIII of the Treaty. If the observation flight is prohibited, the observation aircraft shall promptly depart from the territory of the observed Party and no observation flight shall be recorded against the quota of either State Party.

10. Upon completion of the pre-flight inspection of the observation aircraft and its sensors, the observed and observing Parties shall prepare a pre-flight inspection report which shall state that:

(a) the observation aircraft, its sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty; and

(b) there are no items of equipment on board the observation aircraft other than those permitted by Article IV of the Treaty.

11. It. Signature of the pre-flight inspection report by the observed Party shall signify its agreement for the observing Party to use that observation aircraft to conduct an observation flight over the territory of the observed Party.

Section II. Pre-flight Inspection of Sensors of the Observed Party

1. The purpose of the pre-flight inspection of the sensors on an observation aircraft provided by the observed Party is to confirm that the sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty. The observing Party shall have the right to conduct a pre-flight inspection of the sensors and associated equipment installed on an observation aircraft provided by the observed Party to confirm that its sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty.

2. Upon arrival of the inspectors of the observing Party at the location of the pre-flight inspection, the observing Party shall;

(a) provide a list of the inspectors, the number of whom shall not exceed five persons, unless otherwise agreed, including the general function of each inspector;

(b) provide a list of the items of equipment that the inspectors intend to use during the pre-flight inspection; and

(c) inform the observed Party of its plan for the pre-flight inspection of the sensors and associated equipment on board the observation aircraft.

3. Prior to the commencement of the pre-flight inspection, a designated individual from the observed Party shall:

(a) brief the observing Party on the inventory procedures that shall be followed to confirm that each item of equipment brought on board the observation aircraft by the inspectors

has been removed from the observation aircraft upon conclusion of the pre-flight inspection;

(b) together with the inspectors, conduct an examination and inventory of each item of equipment to be used during the pre-flight inspection; and

(c) brief the inspectors on all necessary safety precautions that they must observe during the pre-flight inspection of the sensors and associated equipment installed on the observation aircraft.

4. The pre-flight inspection shall not begin until the completion of the formal arrival procedures and shall take no longer than eight hours.

5. The observed Party shall have the right to provide its own escorts to accompany the inspectors throughout the pre-flight inspection of the sensors and associated equipment on board the observation aircraft to confirm that the inspection is conducted in accordance with the provisions of this Section. The observed Party shall facilitate the inspection of the sensors and associated equipment on board the observation aircraft by the inspectors in accordance with the procedures specified in Annex D, Section II, paragraph 7 to the Treaty.

6. In conducting the pre-flight inspection, the inspectors shall have the right of access to the sensors and associated equipment on board the observation aircraft in the same manner as provided for in Annex D, Section II, paragraph 10 and shall comply with the provisions of Annex D, Section II, paragraphs 11 and 12 to the Treaty.

7. Upon completion of the pre-flight inspection, the inspectors shall leave the observation aircraft and the observed Party shall have the right to use its own inventory procedures to confirm that all items of equipment have been removed from the observation aircraft. If the observing Party is unable to demonstrate this to the satisfaction of the observed Party, the observed Party shall have the right to prohibit the observation flight in accordance with Article VIII of the Treaty, and no observation flight shall be recorded against the quota of either State Party.

8. The inspectors shall immediately inform the observed Party if they establish that any of the sensors or associated equipment on board the observation aircraft do not correspond to those certified in accordance with the provisions of Annex D to the Treaty. If the observed Party is unable to demonstrate that the sensors or associated equipment on board the observation aircraft correspond to those certified in

accordance with Annex D to the Treaty, the observing Party shall have the right to:

(a) agree to use an alternative package of sensor types or capabilities proposed by the observed Party;

(b) proceed according to the original mission plan;

(c) accept a delay in the commencement of the observation flight to permit the observed Party to rectify the problem determined to exist by the observing Party pursuant to this paragraph. In the event that the problem is resolved to the satisfaction of the observing Party, the flight shall proceed according to the mission plan, revised as necessary due to any delay. In the event that the problemis not rectified to the satisfaction of the observing Party, the observing Party shall depart the territory of the observed Party; or

(d) cancel the observation flight, and immediately depart the territory of the observed Party.

9. If the observing Party leaves the territory of the observed Party not having conducted an observation flight, as provided for in paragraph 8, subparagraphs (C) and (D) of this Section, no observation flight shall be counted against the quota of either State Party.

10. Upon completion of the pre-flight inspection of the sensors and associated equipment installed on the observation aircraft, the observed Party and the observing Party shall prepare a pre-flight inspection report that shall state that the sensors correspond to those certified in accordance with the provisions of Annex D to the Treaty. Signature of the pre-flight inspection report by the observing Party shall signify its agreement to use that observation aircraft to conduct an observation flight over the territory of the observed Party.

Section III. Demonstration Flights

1. In the event that the aircraft is provided by the observing Party, at the request of the observed Party, the observing Party shall, following the pre-flight inspection, conduct a demonstration flight to allow the inspectors to observe the functioning of the sensors that are to be used during the observation flight and to collect sufficient data to allow them to confirm that the capability of those sensors is in accordance with the provisions of Article IV, paragraph 8 of the Treaty.

2. In the event that the aircraft is provided by the observed Party, at the request of the observing Party, the observed Party shall, following the pre-flight inspection, conduct a demonstration flight to allow the

inspectors to observe the functioning of the sensors that are to be used during the observation flight and to collect sufficient data to allow them to confirm that the capability of those sensors is in accordance with the provisions of Article IV, paragraph 9 of the Treaty.

3. In the event that either the observed or observing Party exercises its right to request a demonstration flight:

(a) the demonstration flight shall be performed in accordance with the requirements of Annex D, Section HI;

(b) the demonstration flight shall last for no more than two hours;

(c) the observed Party shall provide calibration targets in accordance with the specifications in Appendix 1 to Annex D to the Treaty in the vicinity of the airfield at which the pre-flight inspection is to be conducted;

(d) any delay in carrying out a request for a demonstration flight caused by weather conditions or problems with the aircraft or sensors of the observed Party shall not count against the time allocated for such flights, unless otherwise agreed;

(e) the observed Party shall process the data collected by sensors at a facility in the vicinity of the airfield at which the pre-flight inspection is to be conducted, in the presence of personnel of the observing Party, in accordance with the provisions of Article IX, Sections II and III of the Treaty; and

(f) the cost of the demonstration flight, including the provision of data recording media and the processing of data, shall be distributed in accordance with the provisions of Annex L, Section I, paragraph 9 to the Treaty.

4. In the event that the observed Party exercises its right to request a demonstration flight, the observing Party shall have the right to add a period of up to 24 hours to the 96 hours allowed for the conduct of the observation flight, pursuant to Article VI, Section I, paragraph 9. This shall not affect the right of other States Parties to conduct observation flights after the original period of 96 hours as provided for in Article VI, Section I, paragraph 3 of the Treaty.

5. In the event that the observing Party exercises its right to request a demonstration flight, this shall be accomplished within the period of 96 hours allowed for the conduct of the observation flight, pursuant to Article VI, Section I, paragraph 9 of the Treaty.

6. In the event that the observed Party is not satisfied that the capability of any sensor installed on the observation aircraft provided by the observing Party is in accordance with the provisions of Article IV, paragraph 8 of the Treaty, the observed Party shall have the right to:

(a) in the case of a sensor for which ground resolution is dependent upon height above ground level, propose an alternative minimum height above ground level at which that sensor shall be permitted to be operated during the observation flight;

(b) in the case of sensors for which ground resolution is not dependent upon height above ground level, prohibit the operation of that sensor during the observation flight; or

(c) prohibit the observation flight pursuant to the provisions of Article VIII of the Treaty.

7. In the event that the observing Party is not satisfied that the capability of any sensor installed on the observation aircraft provided by the observed Party is in accordance with the provisions of Article IV, paragraph 9 of the Treaty, the observing Party shall have the right to:

(a) agree to use an alternative package of sensor types or capabilities proposed by the observed Party;

(b) in the case of a sensor for which ground resolution is dependent upon height above ground level, propose an alternative minimum height above ground level at which that sensor shall be permitted to be operated during the observation flight;

(c) in the case of sensors for which ground resolution is not dependent upon height above ground level, conduct the observation flight as planned, and the cost of the data recording media for that sensor shall be borne by the observed Party;

(d) accept a delay in the commencement of the observation flight to permit the observed Party to rectify the problem determined to exist by the observing Party. In the event that the problem is resolved to the satisfaction of the observing Party, the flight shall proceed according to the mission plan, revised as necessary due to any delay. In the event that the problem is not rectified to the satisfaction of the observing Party, the observing Party shall depart the territory of the observed Party; or

(e) cancel the observation flight pursuant to Article VIII of the Treaty, and immediately depart the territory of the observed Party.

8. In the event that the observation flight is prohibited or cancelled by the State Party requesting the demonstration flight, no observation flight shall be counted against the quota of either State Party, and the State Party requesting the demonstration flight shall convey the matter to the Open Skies Consultative Commission.

ANNEX-G

FLIGHT MONITORS, FLIGHT REPRESENTATIVES AND REPRESENTATIVES

Section I. Flight Monitors and Flight Representatives

1. The provisions set forth in this Annex shall apply to personnel designated in accordance with Article XIII. Each State Party shall have the right to have at any one time the number of flight monitors and flight representatives on board the observation aircraft as set forth in Article VI, Section III. The provisions of that Section shall govern their activities with respect to the organisation and conduct of observation flights. Each State Party shall facilitate the activities of the flight monitors and flight representatives pursuant to this Annex.

2. The observed Party shall appoint one of the flight monitors as chief flight monitor. The chief flight monitor shall be a national of the observed Party. The observing Party shall appoint one of the flight representatives as chief flight representative. The chief flight representative shall be a national of the observing Party.

3. In preparing for the observation flight, flight monitors and flight representatives shall have the right:

(a) to acquaint themselves with the technical literature relating to the functioning and operation of the sensors and the flight operation manual of the observation aircraft; and

(b) to acquaint themselves with the equipment of the observation aircraft relating to the control of the flight regime and the functioning and operation of the sensors installed on the observation aircraft.

4. Flight monitors and flight representatives shall have the right:

(a) to remain on board the observation aircraft throughout the observation flight, including any stops for refuelling or emergencies,

(b) to bring on board the observation aircraft and use maps, flight charts, publications, and operations manuals;

(c) to move unencumbered about the observation aircraft, including the flight deck, during the observation flight, except for flight safety reasons. In exercising their rights, the flight monitors or flight representatives shall not interfere with the activities of the flight crew;

(d) to monitor compliance with the flight plan and to observe the flight regime of the observation aircraft and the functioning and operation of the sensors;

(e) to listen to internal and external radio communications on board the aircraft and to make internal radio communications; and

(f) to record the parameters of the flight regime and the functioning and operation of the sensors on maps, charts, and notepads.

5. In addition to those rights specified in paragraph 4 of this Section, the chief flight monitor shall have the right,:

(a) to consult the flight crew regarding compliance with national flight rules and the provisions of the Treaty;

(b) to observe the activities of the flight crew, including activities on *the flight* deck, during the observation flight, as well as to monitor the functioning and operation of the flight and navigation instruments of the observation aircraft;

(c) to provide recommendations to the flight crew regarding compliance with the flight plan;

(d) to ask the flight crew, without interfering with their activities, for information on the flight regime; and

(e) to communicate with air traffic control authorities, as appropriate, and to help relay and interpret communications from air traffic control authorities to flight crew and from the flight crew to the air traffic control authorities about the conduct of the observation flight; for this purpose, the chief flight monitor shall be permitted to make external radio communications using the radio equipment of the observation aircraft.

6. In the event that the chief flight monitor believes that the observation aircraft is deviating from its flight plan, the chief flight monitor shall advise the flight crew and may inform the air traffic

control authorities of any deviations of the observation aircraft from the flight plan that the chief flight monitor believes could threaten flight safety.

7. In addition to the rights specified in paragraph 5 of this Section, the chief flight representative shall have:

(a) the rights as described in paragraph 5, subparagraphs (A), (B) and (D) of this section with regard to the flight crew; and

(b) the right, in case of deviation from the flight plan, to receive an explanation from the flight crew as to the reasons for such a deviation.

8. Flight representatives shall have the right to direct the operation of the sensors during the observation flight. In addition, upon notification to the observed Party prior to the commencement of the observation flight, flight representatives shall have the right to operate the sensors during the observation flight. In the event that the flight representatives exercise their right to operate the sensors pursuant to this paragraph, the observed Party shall not be responsible for any failure or inadequacy in the quality of the data collected by the sensors due to the operation of the sensors by the flight representatives.

Section II. Representatives

1. An observing Party using an observation aircraft designated by a third State Party shall have the right to have at any one time the number of representatives on board the observation aircraft set forth in Article VI, Section III of the Treaty.

2. The observing Party shall appoint one of its representatives as chief representative. The chief representative shall have the rights of the chief flight representative as specified in Section I of this Annex. In addition, the chief representative shall:

(a) advise the pilot-in-command regarding compliance with the provisions of the Treaty;

(b) have the right to monitor compliance by the observed Party with the provisions of the Treaty; and

(c) have the right, in case of deviations from the flight plan, to receive an explanation from the pilot-in-command as to the reasons for such a deviation.

3. Representatives shall have the rights of flight representatives as specified in Section I of this Annex.

ANNEX-H

CO-ORDINATION OF PLANNED OBSERVATION FLIGHTS

1. In order to avoid potential time conflict regarding the conduct of observation flights over the same State Party, each State Party having the right to conduct observation flights following the annual distribution of active quotas may notify all other States Parties, no later than 1 November of each year, of its plans to utilise all or part of its active quota during the following year. The notification shall indicate the number of observation flights that the notifying State Party plans to conduct over the territory of other States Parties during each quarter of that year.

2. In no case shall the total number of observation flights planned and notified in accordance with paragraph 1 of this Annex over the territory of any one State Party during a given quarter exceed 16. Except as provided for in Article VI, Section I, paragraph 3, no State Party shall be obliged to accept more than one observation flight at any time during the period specified in Article VI, Section I, paragraph 9 of the Treaty.

3. States Parties that have notified, in accordance with paragraph 1 of this Annex, their plans to utilise one or more active quotas for observation flights over the territory of the same State Party during a given quarter or quarters shall hold consultations, if necessary, to avoid any conflict in their planned observation flights. In the event that agreement on avoidance of conflict cannot be reached through consultation among the States Parties involved, the issue shall be resolved by the drawing of lots by such States Parties. The first of those consultations, regarding observation flights in the quarter beginning 1 January of the following year, shall begin promptly following receipt of the notification provided for in paragraph 1 of this Annex. Subsequent consultations among the States Parties involved shall be conducted between 1 February and 15 February for the quarter beginning 1 April; between 1 May and 15 May for the quarter beginning 1 July; and between 1 August and 15 August for the quarter beginning 1 October. The States Parties involved shall notify the resulting sequence of observation flights established in these consultations to all States Parties no later than 15 November, 15 February, 15 May and 15 August, respectively.

4. No later than seven days after the notification of the sequence of observation flights established pursuant to paragraph 3 of this Annex,

each State Party shall notify all States Parties planning to conduct observation flights over its territory during that quarter of each flight for which it intends to exercise the right to provide its own observation aircraft.

5. Each State Party that has not provided a notification pursuant to paragraph 1 of this Annex or has not notified its plans to utilise all of its active quotas, or has not conducted an observation flight during the quarter for which it had notified such planned flight, shall have the right to utilise such remaining active quotas, provided that such observation flights have been accommodated within the existing agreement reached pursuant to paragraph 3 of this Annex.

ANNEX-I

INFORMATION ON AIRSPACE AND FLIGHTS IN HAZARDOUS AIRSPACE

1. No earlier than 90 days after entry into force of the Treaty, at the request of any other State Party, a State Party shall provide, no later than 30 days after the receipt of such a request, the following information in accordance with ICAO provisions:

(a) its airspace structure, as published in the Aeronautical Information Publication (AIP) series;

(b) detailed information on all hazardous airspace; and

(c) airfield information and arrival and departure procedures for each of its:

(1) points of entry and points of exit;

(2) Open Skies airfields; and

(3) alternate airfields and refuelling airfields for its points of entry, points of exit, and Open Skies airfields.

2. Each State Party shall promptly notify States Parties that have requested information in accordance with the provisions of paragraph 1 of this Annex of any changes to the information provided in accordance with paragraph 1 of this Annex. Notwithstanding the provisions of this paragraph, Notices to Airmen (NOTAMs) need not be provided.

3. No later than 90 days after entry into force of the Treaty, each State Party shall notify all other States Parties of the source of the information to be provided in accordance with paragraph 1 of this Annex.

ANNEX-J

MONTREUX CONVENTION

1. Observation flights conducted under the provisions of the Treaty providing for the observation of the entire territory of States Parties shall not prejudice the Montreux Convention of 20 July 1936.

2. The routing and notification of transit flights of aircraft for the purpose of the Treaty falling within the scope of Article 23 of the Montreux Convention shall be governed by the provisions of that Article.

ANNEX-K

INFORMATION ON FILM PROCESSORS, DUPLICATORS AND PHOTOGRAPHIC FILMS AND PROCEDURES FOR MONITORING THE PROCESSING OF PHOTOGRAPHIC FILM

Section I. Information on Film Processors, Duplicators and Photographic Films

1. Pursuant to Annex D, Section II, paragraph 3, subparagraph (A) (3) to the Treaty, each State Party, when notifying other States Parties of film processors or duplicators that it intends to use to develop original film negatives or produce duplicate film positives or negatives, shall provide the following manufacturer's information:

(a) the processor or duplicator name;

(b) the maximum and minimum width and length, if applicable, of film which may be processed or duplicated;

(c) each type of film that may be processed or duplicated in that film processor; and

(d) each step in the process, including the range of exposure, temperature, duration, recommended film transport speed, chemicals and chemical mixes, for each type of film.

2. Pursuant to Annex D, Section II, paragraph 3, subparagraph (A) (2) to the Treaty, each State Party, when providing information on the types of black and white aerial film that it intends to use to collect data during the in-flight examination or an observation flight, or to duplicate such data, shall provide the following manufacturer's information, for each type of aerial film that may be processed or duplicated by means of the film processors or duplicators referred to in paragraph 1 of this Section, as necessary to confirm the capabilities

of the film. Depending upon national practices of the film manufacturer, such information may include:

(a) effective film speed;

(b) resolution/modulation;

(c) spectral sensitivity; and

(d) optical specular density or sensitometric characteristics.

3. For the purposes of determining the sensitometric characteristics of aerial film materials in accordance with its own national methodology, each State Party shall have the right to receive, upon request, unexposed samples of all types of photographic film to be used as data recording media, the chemicals for processing them, and to receive instructions for processing and duplication of such photographic films. Such samples and instructions shall be provided no later than 30 days after receipt of such a request.

Section II. Monitoring of Film Processing and Duplication

1. States Parties taking part in the certification of an observation aircraft and its sensors shall have the right to monitor the processing and duplication of the aerial film used during the in-flight examination. Personnel of the observed and observing Party shall have the right to monitor the processing and duplication of the aerial film used during a demonstration and observation flight,

2. While monitoring the processing and duplication of aerial film, the States Parties shall have the right to bring with them and use, in a manner that does not disrupt the processing or duplication of the film, the following equipment:

(a) litmus papers;

(b) thermometers;

(c) chemical test equipment, including pH meters and hydrometers;

(d) stopwatches;

(e) sensitometers;

(f) densitometers; and

(g) 21-step sensitometric test strips and optical wedges.

3. Prior to the processing of the films exposed during the in-flight examination, demonstration flight and observation flight, States Parties shall check the film processing equipment and chemicals by processing a 21-step sensitometric test strip or exposing and processing a 21-step optical wedge to confirm that the sensitometric data for the processing

of that type of film using that film process meets the specifications provided pursuant to Section I of this Annex. Unless otherwise agreed, the original or duplicate aerial film negatives or positives shall not be processed or duplicated until the processing of the 21-step sensitometric test strip or exposing and processing of the 21-step optical wedge meets the characteristics provided in accordance with the provisions of Section I of this Annex for that type of aerial film and film processor or duplicator.

4. Prior to the processing of the films exposed during the in-flight examination, demonstration flight and observation flight, States Parties shall have the right to check the film processing equipment and chemicals by exposing and processing a test film of the same type used during the in-flight examination, demonstration flight and observation flight to confirm that the washing and fixing process is suitable for the purposes of permanent archive storage.

ANNEX-L

OPEN SKIES CONSULTATIVE COMMISSION

Section I. General Provisions

Procedures and other provisions relating to the Open Skies Consultative Commission are established in this Annex pursuant to Article X of the Treaty.

1. The Open Skies Consultative Commission shall be composed of representatives designated by each State Party. Alternates, advisers and experts of a State Party may take part in the proceedings of the Open Skies Consultative Commission as deemed necessary by that State Party.

2. The initial session of the Open Skies Consultative Commission shall open within 60 days of the signature of the Treaty. The Chairman of the opening meeting shall be the representative of Canada.

3. The Open Skies Consultative Commission shall meet for no fewer than four regular sessions per calendar year unless it decides otherwise. Extraordinary sessions shall be convened at the request of one or more States Parties by the Chairman of tile Open Skies Consultative Commission, who shall promptly inform all other States Parties of the request. Such sessions shall open no later than 15 days after receipt of such a request by the Chairman.

4. Sessions of the Open Skies Consultative Commission shall last no longer than four weeks, unless it decides otherwise.

5. States Parties shall assume in rotation, determined by alphabetical order in the French language, the chairmanship of the Open Skies Consultative Commission. Each Chairman shall serve from the opening of a session until the opening of the following session, unless otherwise agreed.

6. Representatives at meetings shall be seated in alphabetical order of the States Parties in the French language.

7. The working languages of the Open Skies Consultative Commission shall be English, French, German, Italian, Russian and Spanish.

8. The proceedings of the Open Skies Consultative Commission shall be confidential, unless otherwise agreed. The Open Skies Consultative Commission may agree to make its proceedings or decisions public.

9. During the period of provisional application, and prior to 30 June 1992, the Open Skies Consultative Commission shall settle the distribution of costs arising under the Treaty. It shall also settle as soon as possible the scale of distribution for the common expenses associated with the operation of the Open Skies Consultative Commission.

10. During the period of provisional application of the Treaty the Open Skies Consultative Commission shall develop a document relating to notifications and reports required by the Treaty. Such document shall list all such notifications and reports and shall include appropriate formats as necessary.

11. The Open Skies Consultative Commission shall work out or revise, as necessary, its rules of procedure and working methods.

Section II. Annual Review of Active Quotas

Procedures for the annual review of active quotas as foreseen in Article III, Section I, paragraph 7 of the Treaty shall be as follows:

1. States Parties wishing to modify all or part of the past year's distribution with respect to their active quota shall notify all other States Parties and the Open Skies Consultative Commission, by 1 October of each year, of those States Parties over which they wish to conduct their observation flights during the next calendar year. Such proposed modifications shall be considered by the States Parties during this review, according to the rules set forth in the following paragraphs of this Section.

2. If the requests for observation flights over the territory of any given State Party do not exceed its passive quota, then the distribution

shall be established as requested, and presented to the Open Skies Consultative Commission for approval.

3. If the requests for observation flights over the territory of any given State Party exceed its passive quota, then the distribution shall be established by general agreement among the interested States Parties, and presented to the Open Skies Consultative Commission for approval.

Section III. Extraordinary Observation Flights

1. The Open Skies Consultative Commission shall consider requests from the bodies of the Conference on Security and Co-operation in Europe authorized to deal with respect to conflict prevention and crisis management and from other relevant international organisations to facilitate the organisation and conduct of extraordinary observation flights over the territory of a State Party with its consent.

2. The data resulting from such observation flights shall be made available to the bodies and organisations concerned.

3. Notwithstanding any other provision of the Treaty, States Parties may agree on a bilateral and voluntary basis to conduct observation flights over the territory of each other following the procedures regarding the conduct of observation flights. Unless otherwise agreed by the States Parties concerned, the data resulting from such observation flights shall be made available to the Open Skies Consultative Commission.

4. Observation flights conducted under the provisions of this Section shall not be counted against the active or passive quotas of the States Parties involved.

Section IV. Additional Fields for the Use of the Open Skies Regime

1. States Parties may raise for consideration in the Open Skies Consultative Commission proposals for the use of the Open Skies regime in additional specific fields, such as the environment.

2. The Open Skies Consultative Commission may take decisions on such proposals or, if necessary, may refer them to the first and subsequent conferences called to review the implementation of the Treaty, in accordance with the provisions of Article XVI, paragraph 3 of the Treaty in witness where of the undersigned, duly authorized, have signed this. Treaty. In WITNESS WHEREOF the undersigned, duly authorized, have signed this treaty. Done at Helsinki, this twenty-fourth day of March, one thousand nine hundred and ninety-two.

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Treaty on Conventional Armed Forces in Europe, November 19, 1990

Treaty on Conventional Armed Force in Europe
OPENED FOR SIGNATURE AT PARIS: 19 November 1990
ENTERED INTO FORCE: 8 November 1992
DEPOSITARY GOVERNMENT: The Netherlands
Total Number of Parties as on 31 December 1992: 29

The Kingdom of Belgium, the Republic of Bulgaria, Canada the Czech and Slovak Federal Republic, the Kingdom of Danmark, the French Republic, the Federal Republic of Germany, the Hellenic Republic, the Republic of Hungry the Republic of Iceland the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of Poland, the Portuguese Republic Romania, the Kingdom of Spain, the Republic of Turkey, the Union of Soviet Socialist Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America be referred to as the States Parties

Guided by the Mandate for Negotiation on Conventional Armed Forces in Europe of January 10,1989, and having conducted this negotiation of this Vienna beginning on March 9, 1989.

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 Conducted.

Recalling their obligation 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 and principles of the Chapter of the United Nations.

Conscious of the need to prevent any military conflict in Europe,

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

Striving to replace military confrontation with a new pattern of security relations among all the States Parties based on peaceful cooperation and thereby to contribute to overcoming the division of Europe.

Committed to the objectives of establishing a secure and stable balance of conventional armed forces in Europe at lower levels than heretofore, of eliminating disparities prejudicial to stability and security and of eliminating, as a matter of high priority, the capability for launching surprise attack and for initiating large-scale offensive action in Europe,

Recalling that they signed or acceded to the Treaty of Brussels of 1948, the Treaty of Washington of 1949 or the Treaty of Warsaw of 1955 and that they have the right to be or not to be a party to treaties of alliance,

Committed to the objective of ensuring that the numbers of conventional armaments and equipment limited by the Treaty within the area of application of this Treaty do not exceed 40,000 battle tanks, 60,000 armoured combat vehicles, 40,000 pieces of artillery, 13,600 combat aircraft and 4,000 attack helicopters,

Affirming that this Treaty is not intended to affect adversely the security interests of any State.

Affirming their commitment to continue the conventional arms control process including negotiations, taking into account future requirements for European stability and security in the light of political developments in Europe.

Have agreed as follows:

Article I

1. Each State Party shall carry out the obligations set forth in this Treaty in accordance with its provisions, including those obligations relating to the following five categories of conventional armed forces: battle tanks, armoured combat vehicles, artillery, combat aircraft and combat helicopters.

2. Each State Party also shall carry out the other measures set forth in this Treaty designed to ensure security and stability both during the period of reduction of conventional armed forces and after the completion of reductions.

3. This Treaty incorporates the Protocol on Existing Types of Conventional Armaments and Equipment hereinafter referred to as the Protocol on Existing Types, with an Annex thereto; the Protocol on Procedures Governing the Reclassification of Specific Models or Versions of Combat-Capable Trainer Aircraft Into Unarmed Trainer Aircraft, hereinafter referred to as the Protocol on Aircraft Reclassification; the Protocol on Procedures Governing the Reduction of Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe, hereinafter referred to as the Protocol on Reduction; the Protocol on Procedures Governing the Categorisation of Combat Helicopters and the Recategorisation of Multi-Purpose Attack Helicopters, hereinafter referred to as the Protocol on Helicopter Recategorisation; the Protocol on Notification and Exchange of Information, hereinafter referred to as the Protocol on Information Exchange, with an Annex on the Format for the Exchange of Information, hereinafter referred to as the Annex on Format the Protocol on Inspection; the Protocol on the Joint Consultative Group; and the Protocol on the Provisional Application of Certain Provisions of the Treaty on Conventional Armed Forces in Europe, hereinafter referred to as the Protocol on Provisional Application. Each of these documents constitutes an integral part of this Treaty.

Article II

I. For the Purposes of This Treaty

(A) The term “group of States Parties” means the group of States Parties that signed the Treaty of Warsaw[1] of 1955 consisting of the Republic of Bulgaria, the Czech and Slovak Federal Republic, the Republic of Hungary, the Republic of Poland, Romania and the Union of Soviet Socialist Republics, or the group of States Parties that signed or acceded to the Treaty of Brussels[2] of 1948 or the Treaty of Washington[3] of 1949 consisting of 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.

(B) 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 Union of Soviet Socialist Republics. In the case of the Union of Soviet Socialist Republics, the area of application includes all territory lying west of the Ural River and the Caspian Sea. In the case of the Republic of Turkey, the area of application includes the territory of the Republic of Turkey north and west of a line extending from the point of intersection of the Turkish border with the 39th parallel to Muradiye, Patnos, Karayazi, Tekman, Kemaliye, Feke, Ceyhan, Dogankent, Gozne and thence to the sea.

(C) The term “battle tank” means a self-propelled armoured fighting vehicle, capable of heavy firepower, primarily of a high muzzle velocity direct fire main gun necessary to engage armoured and other targets, with high cross-country mobility, with a high level of self-protection, and which is not designed and equipped primarily to transport combat troops. Such armoured vehicles serve as the principal weapon system of ground-force tank and other armoured formations.

Battle tanks are tracked armoured fighting vehicles which weigh at least 16.5 metric tonnes unladen weight and which are armed with a 360-degree traverse gun of at least 75 millimetres calibre. In addition, any wheeled armoured fighting vehicles entering into service which meet all the other criteria stated above shall also be deemed battle tanks.

(D) The term “armoured combat vehicle” means a self-propelled vehicle with armoured protection and cross-country capability. Armoured combat vehicles include armoured personnel carriers, armoured infantry fighting vehicles and heavy armament combat vehicles.

The term “armoured personnel carrier” means an armoured combat vehicle which is designed and equipped to transport a combat infantry squad and which, as a rule, is armed with an integral or organic weapon of less than 20 millimetres calibre.

The term “armoured, infantry fighting vehicle” means an armoured combat vehicle which is designed and equipped primarily to transport a combat infantry squad, which normally provides the capability for the troops to deliver fire from inside the vehicle under armoured protection, and which is armed with an integral or organic cannon of at least 20 millimetres calibre and sometimes an antitank missile launcher. Armoured infantry fighting vehicles serve as the principal weapon system of armoured infantry or mechanised infantry or motorised infantry formations and units of ground forces.

The term “heavy armament combat vehicle” means an armoured combat vehicle with an integral or organic direct fire gun of at least 75 millimetres calibre, weighing at least 6.0 metric tonnes unladen weight, which does

not fall within the definitions of an armoured personnel carrier, or an armoured infantry fighting vehicle or a battle tank.

(E) The term "unladen weight" means the weight of a vehicle excluding the weight of ammunition fuel, oil and lubricants; removable reactive armour; spare parts, tools and accessories: removable snorkelling equipment; and crew and their personal kit.

(F) The term "artillery" means large calibre systems capable of engaging ground targets by delivering primarily indirect fire. Such artillery systems provide the essential indirect fire support to combined arms formations.

Large calibre artillery systems are guns, howitzers, artillery pieces combining the characteristics of guns and howitzers, mortars and multiple launch rocket systems with, a calibre of 100 millimetres and above, In addition, any future large calibre direct fire system which has a secondary effective indirect fire capability shall be counted against the artillery ceilings.

(G) The term "stationed conventional armed forces" means conventional armed forces of a State Party that are stationed within the area of application on the territory of another State Party.

(H) The term "designated permanent storage site" means a place with a clearly defined physical boundary containing conventional armaments and equipment limited by the Treaty, which are counted within overall ceilings but which are not subject to limitations on conventional armaments and equipment limited by the Treaty in active units

(I) The term "armoured vehicle launched bridge" means a sell-propelled armoured transporter-launcher vehicle capable of carrying and, through built-in mechanisms, of emplacing and retrieving a bridge structure. Such a vehicle with a bridge structure operates as an integrated system.

(J) The term "conventional armaments and equipment limited by the Treaty" means battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters subject to the numerical limitations set forth in Articles IV, V and VI.

(K) The term "combat aircraft" means a fixed-wing or variable-geometry wing aircraft armed and equipped to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons, or other weapons of destruction, as well as any model or version of such an aircraft which performs other military functions such as reconnaissance or electronic warfare. The term "combat aircraft" does not include primary trainer aircraft.

(L) The term “combat helicopter” means a rotary wing aircraft armed and equipped to engage targets or equipped to perform other military functions. The term “combat helicopter” comprises attack helicopters and combat support helicopters. The term “combat helicopter” does not include unarmed transport helicopters.

(M) The term “attack helicopter” means a combat helicopter equipped to employ anti-armour, air-to-ground, or air-to-air guided weapons and equipped with an integrated fire control and aiming system for these weapons. The term “attack helicopter” comprises specialised attack helicopters and multi-purpose attack helicopters.

(N) The term “specialised attack helicopter” means an attack helicopter that is designed primarily to employ guided weapons.

(O) The term “multi-purpose attack helicopter” means an attack helicopter designed to perform multiple military functions and equipped to employ guided weapons.

(P) The term “combat support helicopter” means a combat helicopter which does not fulfill the requirements to qualify as an attack helicopter and which may he equipped with a variety of self-defence and area suppression weapons, such as guns, cannons and unguided rockets, bombs or cluster bombs, or which may be equipped to perform other military functions.

(Q) The term “conventional armaments and equipment subject to the Treaty” means battle tanks, armoured combat vehicles, artillery, combat aircraft, primary trainer aircraft, unarmed trainer aircraft, combat helicopters, unarmed transport helicopters, armoured vehicle launched bridges, armoured personnel carrier look-alikes and armoured infantry lighting vehicle look-alikes subject to information exchange in accordance with the Protocol on Information Exchange.

(R) The term “in service,” as it applies to conventional armed forces and conventional armaments and equipment, means battle tanks, armoured combat vehicles, artillery, combat aircraft, primary trainer aircraft, unarmed trainer aircraft, combat helicopters, unarmed transport helicopters, armoured vehicle launched bridges, armoured personnel carrier look-alikes and armoured infantry fighting vehicle look-alikes that are within the area of application, except for those that are held by organisations designed and structured to perform in peacetime internal security functions or that meet any of the exceptions set forth in Article III.

(S) The “armoured personnel carrier look-alike” and “armoured infantry fighting vehicle look alike” mean an armoured vehicle based

on the same chassis as, and externally similar to, an armoured personnel carrier or armoured infantry fighting vehicle, respectively, which does not have a cannon or gun of 20 millimetres calibre or greater and which has been constructed or modified in such a way as not to permit the transportation of a combat infantry squad. Taking into account the provisions of the Geneva Convention "For the Amelioration of the Conditions of the Wounded and Sick in Armed Forces in the field" of 12 August 1949 that confer a special status on ambulances, armoured personnel carrier ambulances shall not he deemed armoured combat vehicles or armoured personnel carrier look-alikes.

(T) The term 'reduction site" means a clearly designated location where the reduction of conventional armaments and equipment limited by the Treaty in accordance with Article VIII takes place.

(U) The term "reduction liability" means the number in each category of conventional armaments and equipment limited by the Treaty that a State Party commits itself to reduce during the period of 40 months following the entry into force of this Treaty in order to ensure compliance with Article VII.

2. Existing types of conventional armaments and equipment subject to the Treaty are listed in the Protocol on Existing Types. The lists of existing types shall be periodically updated in accordance with Article XVI, paragraph 2, subparagraph (D) and Section IV of the Protocol on Existing Types Such updates to the existing types lists shall not be deemed amendments to this Treaty.

3. The existing types of combat helicopters listed in the Protocol on Existing Types shall be categorised in accordance with Section I of the Protocol on Helicopter Recategorisation.

Article III

1. For the purposes of this Treaty, the States Parties shall apply the following counting rules:

All battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters, as defined in Article II within the area of application shall be subject to the numerical limitations and other provisions set fourth in Articles IV, V and VI, with the exception of those which in a manner consistent with a State Party's normal practices.

(a) are in the process of manufacture, including manufacturing related testing;

(b) are used exclusively for the purposes of research and development;

(c) belong to historical collections;

(d) are awaiting disposal, having been decommissioned from service in accordance with the provisions of Article IX;

(e) are awaiting, or are being refurbished for, export or re-export and are temporarily retained within the area of application. Such battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters shall be located elsewhere firm at sites declared under the terms of Section V of the Protocol on Information Exchange or at no more than 10 such declared sites which shall have been notified in the previous year's annual information exchange In the latter case, they shall be separately distinguishable from conventional armaments and equipment limited by the Treaty;

(f) are, in the case of armoured personnel carriers, armoured infantry fighting vehicles, heavy armament combat vehicles or multi-purpose attack helicopters, held by organisations designed and structured to perform in peacetime internal security functions; or

(g) are in transit through the area of application from a location outside the area of application to a final destination outside the area of application, and are in the area of application for no longer than a total of seven days.

2. If, in respect of any such battle tanks, armoured combat vehicles, artillery, combat aircraft or attack helicopters, the notification of which is required under Section IV of the Protocol on Information Exchange, a State Party notifies an unusually high number in more man two successive annual information exchanges, it shall explain the reasons in the Joint Consultative Group, if so requested.

Article IV

1. Within the area of application, as defined in Article II, each State Party shall limit and, as necessary, reduce its battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters so that, 40 months after entry into force of this Treaty and thereafter, for the group of States Parties to which it belongs, as defined in Article II, the aggregate numbers do not exceed.

(a) 20,000 battle tanks, of which no more than 16,500 shall be in active units,

(b) 30,000 armoured combat vehicles, of which no more than 27,300 shall be in active units. Of the 30,000 armoured combat vehicles, no more than 18,000 shall be armoured infantry fighting vehicles and heavy armament combat vehicles; of armoured infantry fighting vehicles and heavy armament combat vehicles, no more than 1,500 shall be heavy armament combat vehicles;

(c) 20,000 pieces of artillery, of which no more than 17,000 shall be in active units;

(d) 6,800 combat aircraft; and (E) 2,000 attack helicopters.

Battle tanks, armoured combat vehicles and artillery not in active units shall be placed in designated permanent storage sites; as defined in Article II, and shall be located only in the area described in paragraph 2 of this Article. Such designated permanent storage sites nay also be located in that part of the territory of the Union of Soviet Socialist Republics comprising the Odessa Military District and the southern part of the Leningrad Military District. In the Odessa Military District, no more than 400 battle tanks and no more than 500 pieces of artillery may be thus stored. In the southern part of the Leningrad Military District, no more than 600 battle tanks, no more than 800 armoured combat vehicles including no more than 300 armoured combat vehicles of any type with the remaining number consisting of armoured personnel carriers, and no more than 400 pieces of artillery may be thus stored. The southern part of the Leningrad Military District is understood to mean the territory within that military district south of the line East-West 60 degrees 15 minutes northern latitude.

2. Within the area consisting of the entire land territory in Europe, which includes all the European island territories, of 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, the Portuguese Republic including the islands of Azores and Madeira, the Kingdom of Spain including the Canary Islands, the United Kingdom of Great Britain and Northern Ireland and that part of the territory of the Union of Soviet Socialist Republics West of the Ural Mountains comprising the Baltic, Byelorussian, Carpathian, Kiev, Moscow and Volga-Ural Military Districts, 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

(A) 15,300 battle tanks, of which no more than 11,800 shall be in active units;

(b) 24,100 armoured combat vehicles, of which no more than 21,400 shall be in active units; and

(c) 14,000 pieces of artillery, of which no more than 11,000 shall be in active units.

3. Within the area consisting of the entire land territory in Europe, which includes all the European island territories, of 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, the United Kingdom of Great Britain and Northern Ireland and that part of the territory of the Union of Soviet Socialist Republics comprising the Baltic, Byelorussian Carpathian and Kiev Military Districts, 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:

(a) 10,300 battle tanks;

(b) 19,260 armoured combat vehicles; and

(c) 9,100 pieces of artillery; and

(d) in the Kiev Military District, the aggregate numbers in active units and designated permanent storage sites together shall not exceed:

(1) 2,250 battle tanks;

(2) 2,500 armoured combat vehicles; and

(3) 1,500 pieces of artillery.

4. Within the area consisting or the entire land territory in Europe, which includes all the European island territories, of the Kingdom of Belgium, the Czech and Slovak Federal Republic, the Federal Republic of Germany, the Republic of Hungary, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Poland, 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:

(a) 7,500 battle tanks;

(b) 11,250 armoured combat vehicles: and

(c) 5,000 pieces of artillery.

5. States Parties belonging to the same group of States Parties may locate battle tanks, armoured combat vehicles and artillery in active units in each of the areas described in this Article and Article V, paragraph 1, subparagraph (A) up to the numerical limitations applying in that area, consistent with the maximum levels for holdings notified pursuant to Article VII and provided that no State Party stations conventional armed forces on the territory of another State Party without the agreement of that State Party.

6. If a group of States Parties' aggregate numbers of battle tanks, armoured combat vehicles and artillery in active units within the area described in paragraph 4 of this Article are less than the numerical limitations set forth in paragraph 4 of this Article, and provided that no State Party is thereby prevented from reaching its maximum levels for holdings notified in accordance with Article VII, paragraphs 2, 3 and 5, then amounts equal to the difference between the aggregate numbers in each of the categories of battle tanks, armoured combat vehicles and artillery and the specified numerical limitations for that area may be located by States Parties belonging to that group of States Parties in the area described in paragraph 3 of this Article, consistent with the numerical limitations specified in paragraph 3 of this Article.

Article V

1. To ensure that the security of each State Party is not affected adversely at any stage:

(a) within the area consisting of the entire land territory in Europe, which includes all the European island territories, of the Republic of Bulgaria, the Hellenic Republic, the Republic of Iceland, the Kingdom of Norway, Romania, the part of the Republic of Turkey within the area of application and that part of the Union of Soviet Socialist Republics comprising the Leningrad, Odessa, Transcaucasus and North Caucasus Military Districts, 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:

(1) 4,700 battle tanks;

(2) 5,900 armoured combat vehicles; and

(3) 6,000 pieces of artillery,

(b) notwithstanding the numerical limitations set forth in subparagraph (A) of this paragraph, a State Party or States Parties may on a temporary basis deploy into the territory belonging to the members of the same group of States Parties within the area described in, subparagraph (A) of this paragraph additional aggregate numbers in active units for each group of States Parties not to exceed:

(1) 459 battle tanks;

(2) 723 armoured combat vehicles; and

(3) 420 pieces of artillery; and

(c) provided that for each group of States Parties no more than one-third of each of these additional aggregate numbers shall be deployed to any State Party with territory within the area described in subparagraph (A) of this paragraph that is:

(1) 153 battle tanks;

(2) 241 armoured combat vehicles; and

(3) 140 pieces of artillery.

2. Notification shall be provided to all other States Parties no later than at the start of the deployment by the State Party or States Parties conducting the deployment and by the recipient State Party or States Parties, specifying the total number in each category of battle tanks, armoured combat vehicles and artillery deployed. Notification also shall be provided to all other States Parties by the State Party or States Parties conducting the deployment and by the recipient State Party or States Parties within 30 days of the withdrawal of those battle tanks, armoured combat vehicles and artillery that were temporarily deployed, Article VI With the objective of ensuring that no single State party possesses more than approximately one-third of the conventional armaments and equipment limited by the Treaty within the area of application each State Party shall limit and as necessary reduce its battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters so that, 40 months after entry into force of this Treaty and thereafter, the numbers within the area of application for that State Party do not exceed:

(a) 13,300 battle tanks;

(b) 20,000 armoured combat vehicles;

(c) 13,700 pieces of artillery;

(d) 5,150 combat aircraft; and

(e) 1,500 attack helicopters

Article VII

1. In order that the limitations set forth in Articles IV, V and VI are not exceeded, no State Party shall exceed, from 40 months after entry into force of this Treaty, the maximum levels which it has previously agreed upon within its group of States Parties, in accordance with paragraph 7 of this Article, for its holdings of conventional armaments and equipment limited by the Treaty and of which it has provided notification pursuant to the provisions of this Article.

2. Each State Party shall provide at the signature of this Treaty notification to all other States Parties of the maximum levels for its holdings of conventional armaments and equipment limited by the Treaty. The notification of the maximum levels for holdings of conventional armaments and equipment limited by the Treaty provided by each State Party at the signature of this Treaty shall remain valid until the date specified in a subsequent notification pursuant to paragraph 3 of this Article.

3. In accordance with the limitations set forth in Articles IV, V and VI, each State Party shall have the right to change the maximum levels for its holdings of conventional armaments and equipment limited by the Treaty Any change in the maximum levels for holdings of a State Party shall be notified by that State Party to all other States Parties at least 90 days in advance of the dale, specified in the notification, on which such a change takes effect. In order not to exceed any of the limitations set forth in Articles IV and V, any increase in the maximum levels for holdings of a State Party that would otherwise cause those limitations to be exceeded shall be preceded or accompanied by a corresponding reduction in the previously notified maximum levels for holdings of conventional armaments and equipment limited by the Treaty of one or more States Parties belonging to the same group of States Parties. The notification of a change in the maximum levels for holdings shall remain valid from the date specified in the notification until the date specified in a subsequent notification of change pursuant to this paragraph.

4. Each notification required pursuant to paragraph 2 or 3 of this Article for armoured combat vehicle shall also include maximum levels for the holdings of armoured infantry fighting vehicles and heavy armament combat vehicles of the State Party providing the notification.

5. Ninety days before expiration of the 40-month period of reductions set forth in Article VIII and subsequently at the time of any notification of a change pursuant to paragraph 3 of this Article, each State Party shall provide notification of the maximum levels for its holdings of battle tanks, armoured combat vehicles and artillery with respect to each of the areas described in Article IV, paragraphs 2 to 4 and Article V, paragraph 1, subparagraph (A),

6. A decrease in the numbers of conventional armaments and equipment limited by the Treaty held by a Sate Party and subject to notification pursuant to the Protocol on Information Exchange shall by itself confer no right on any other State party to increase the maximum levels for its holdings subject to notification pursuant to this Article.

7. It shall be the responsibility solely of each individual State Party to ensure that the maximum levels for its holdings notified pursuant to the provisions of this Article are not exceeded. States Parties belonging to the same group of States Parties shall consult in order to ensure that the maximum levels for holdings notified pursuant to the provisions of this Article, taken together as appropriate, do not exceed the limitations set forth in Articles IV, V and VI.

Article VIII

1. The numerical limitations set forth in Articles IV, V and VI shall be achieved only by means of reduction in accordance with the Protocol on Reduction the Protocol on Helicopter Recategorisation, the Protocol on Aircraft Reclassification, the Footnote to Section I, paragraph 2, subparagraph (A) of the Protocol on Existing Types and the Protocol on Inspection.

2. The categories of conventional armaments and equipment subject to reductions are battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters. The specific types are listed in the Protocol on Existing Types.

(a) Battle tanks and armoured combat vehicles shall be reduced by destruction, conversion for non-military purposes, placement on static display, use as ground targets, or, in the case of armoured personnel carriers, modification in accordance with the Footnote to Section 1, paragraph 2, subparagraph (A) of the Protocol on Existing Types.

(b) Artillery shall be reduced by destruction or placement on static display, or, in the case of sell-propelled artillery, by use as ground targets.

(c) Combat aircraft shall be reduced by destruction, placement on static display, use for ground instructional purposes, or, in the case of specific models or versions of combat-capable trainer aircraft, reclassification into unarmed trainer aircraft.

(d) Specialised attack helicopters shall be reduced by destruction, placement on static display, or use for ground instructional purposes.

(e) Multi-purpose attack helicopters shall be reduced by destruction, placement on static display, use for ground instructional purposes, or recategorisation.

3. Conventional armaments and equipment limited by the Treaty shall be deemed to be reduced upon execution of the procedures set forth in the Protocols listed in paragraph 1 of this Article and upon notification as required by these Protocols. Armaments and equipment so reduced shall no longer be counted against the numerical limitations set forth in Articles IV, V and VI.

4. Reductions shall be effected in three phases and completed no later than 40 months after entry into force of this Treaty, so that:

(a) by the end of the first reduction phase, that is, no later than 16 months after entry into force of this Treaty, each State Party shall have ensured that at least 25 per cent of its total reduction liability in each of the categories of conventional armaments and equipment limited by the Treaty has been reduced;

(b) by the end of the second reduction phase, that is, no later than 28 months after entry into force of this Treaty, each State Party shall have ensured that at least 60 per cent of its total reduction liability in each of the categories of conventional armaments and equipment limited by the Treaty has been reduced.

(c) by the end of the third reduction phase, that is, no later than 40 months after entry into force of this ‘Treaty, each State Party shall have reduced its total reduction liability in each of the categories of conventional armaments and equipment limited by the Treaty. States Parties carrying out conversion for non-military purposes shall have ensured that the conversion of all battle tanks in accordance with Section VIII of the Protocol on Reduction shall have been completed by the end of the third reduction phase; and

(d) armoured combat vehicles deemed reduced by reason of having been partially destroyed in accordance with Section VIII, paragraph 6 of the Protocol on Reduction shall have been fully converted for non-military purposes, or destroyed in accordance with Section IV of the Protocol on Reduction, no later than 64 months after entry into force of this Treaty

5. Conventional armaments and equipment limited by the Treaty to be reduced shall have been declared present within the area of application in the exchange of information at signature of this Treaty.

6. No later than 30 days after entry into force of this Treaty, each State Party shall provide notification to all other States Parties of its reduction liability.

7. Except as provided for in paragraph 8 of this Article, a State Party's reduction liability in each category shall be no less than the difference between its holdings notified, in accordance with the Protocol on Information Exchange, at signature or effective upon entry into force of this Treaty, whichever is the greater, and the maximum levels for holdings it notified pursuant to Article VII.

8. Any subsequent revision of a State Party's holdings notified pursuant to the Protocol on information Exchange or of its maximum levels for holdings notified pursuant to Article VII shall be reflected by a notified adjustment to its reduction liability. Any notification of a decrease in a State Party's reduction liability shall be preceded or accompanied by either a notification of a corresponding increase in holdings not exceeding the maximum levels for holdings notified pursuant to Article VII by one or mote States Parties belonging to the same group of States Parties, or a notification of a corresponding increase in the reduction liability of one or more such States Parties.

9. Upon entry into force of this Treaty, each State Party shall notify all other States Parties, in accordance with the Protocol on Information Exchange, of the locations of its reduction sites, including those where the final conversion of battle tanks and armoured combat vehicles for non-military purposes will be carried out.

10. Each State Party shall have the right to designate as many reduction sites as it wishes, to revise without restriction its designation of such sites and to carry out reduction and final conversion simultaneously at a maximum of 20 sites States Parties shall have the right to share or co-locate reduction sites by mutual agreement.

11. Notwithstanding paragraph 10 of this Article, during the baseline validation period, that is, the interval between entry into force of this Treaty and 120 days after entry into force of this Treaty,

reduction shall be carried out simultaneously at no more than two reduction sites for each State Party.

12. Reduction of conventional armaments and equipment limited by the Treaty shall be carried out at reduction sites, unless otherwise specified in the Protocols listed in paragraph 1 of this Article, within the area of application.

13. The reduction process, including the results of the conversion of conventional armaments and equipment limited by the Treaty for non-military purposes both during the reduction period and in the 24 months following the reduction period, shall be subject to inspection, without right of refusal, in accordance with the Protocol on Inspection.

Article IX

1. Other than removal from service in accordance with the provisions of Article VIII, battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters within the area of application shall be removed from service only by decommissioning, provided that:

(a) such conventional armaments and equipment limited by the Treaty are decommissioned and awaiting disposal at no more than eight sites which shall be notified as declared sites in accordance with the Protocol on Information Exchange and shall be identified in such notifications as holding areas for decommissioned conventional armaments and equipment limited by the Treaty. If sites containing conventional armaments and equipment limited by the Treaty decommissioned from service also contain any other conventional armaments and equipment subject to the Treaty, the decommissioned conventional armaments; and equipment limited by the Treaty shall be separately distinguishable; and

(b) the numbers of such decommissioned conventional armaments and equipment limited by the. Treaty do not exceed, in the case of any individual State Party, one per cent of its notified holdings of conventional armaments and equipment limited by the Treaty, or a total of 250, whichever is greater, of which no mote than 200 shall be battle tanks, armoured combat vehicles and pieces of artillery, and no more than 50 shall be attack helicopters and combat aircraft.

2. Notification of decommissioning shall include the number and type of conventional armaments and equipment limited by the Treaty

decommissioned and the location of decommissioning and shall be provided to all other States Parties in accordance with Section IX, paragraph 1, subparagraph (B) of the Protocol on Information Exchange.

Article X

1. Designated permanent storage sites shall be notified in accordance with the Protocol on Information Exchange to all other States Parties by the State Party to which the conventional armaments and equipment limited by the Treaty contained at designated permanent storage sites belong. The notification shall include the designation and location, including geographic coordinates, of designated permanent storage sites and the numbers by type of each category of its conventional armaments and equipment limited by the Treaty at each such storage site.

2. Designated permanent storage sites shall contain only facilities appropriate for the storage and maintenance of armaments and equipment (e.g., warehouses, garages, workshops and associated stores as well as other support accommodation). Designated permanent storage sites shall not contain firing ranges or training areas associated with conventional armaments and equipment limited by the Treaty. Designated permanent storage sites shall contain only armaments and equipment belonging to the conventional armed forces of a State Party.

3. Each designated permanent storage site shall have a clearly defined physical boundary that shall consist of a continuous perimeter fence at least 1.5 metres in height. The perimeter fence shall have no more than three gates providing the sole means of entrance and exit for armaments and equipment.

4. Conventional armaments and equipment limited by the Treaty located within designated permanent storage sites shall be counted as conventional armaments and equipment limited by the ‘Treaty not in active units, including when they are temporarily removed in accordance with paragraphs 7, 8, 9 and 10 of this Article. Conventional armaments and equipment limited by the Treaty in storage other than in designated permanent storage sites shall be counted as conventional armaments and equipment limited by the Treaty in active units.

5. Active units or formations shall not be located within designated permanent storage sites, except as provided for in paragraph 6 of this Article.

6. Only personnel associated with the security or operation of designated permanent storage sites, or the maintenance of the armaments and equipment stored therein, shall be located within the designated permanent storage sites.

7. For the purpose of maintenance, repair or modification of conventional armaments and equipment limited by the Treaty located within designated permanent storage sites, each State Party shall have the right, without prior notification, to remove from and retain outside designated permanent storage sites simultaneously up to 10 per cent, rounded up to the nearest even whole number, of the notified holdings of each category of conventional armaments and equipment limited by the Treaty in each designated permanent storage site, or ten items of the conventional armaments and equipment limited by the Treaty in each category in each designated permanent storage site, whichever is less.

8. Except as provided for in paragraph 7 of this Article, no State Party shall remove conventional armaments and equipment limited by the ‘Treaty from designated permanent storage sites unless notification has been provided to all other States Parties at least 42 days in advance of such removal. Notification shall be given by the State Party to which the conventional armaments and equipment limited by the ‘Treaty belong Such notification shall specify:

(a) the location of the designated permanent storage site from which conventional armaments and equipment limited by the Treaty are to be removed and the numbers by type of conventional armaments and equipment limited by the Treaty of each category to be removed;

(b) the dates of removal and return of conventional armaments and equipment limited by the ‘Treaty; and

(c) the intended location and use of conventional armaments and equipment limited by the Treaty while outside the designated permanent storage site.

9. Except as provided for in paragraph 7 of this Article, the aggregate numbers of conventional armaments and equipment limited by the Treaty removed from and retained outside designated permanent storage sites by States Parties belonging to the same group of States Parties shall at no time exceed the following levels:

(a) 550 battle tanks;

(b) 1,000 armoured combat vehicles; and

(c) 300 pieces of artillery.

10. Conventional armaments and equipment limited by the Treaty removed from designated permanent storage sites pursuant to paragraphs 8 and 9 of this Article shall be returned to designated permanent storage sites no later than 42 days after their removal, except for those items of conventional armaments and equipment limited by the Treaty removed for industrial rebuild. Such items shall be returned to designated permanent storage sites immediately on completion of the rebuild.

11. Each State Party shall have the right to replace conventional armaments and equipment limited by the Treaty located in designated permanent storage sites. Each State Party shall notify all other States Parties, at the beginning of replacement, of the number, location, type and disposition of conventional armaments and equipment limited by the Treaty being replaced.

Article XI

1. Each State Party shall limit its armoured vehicle launched bridges 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 number of armoured vehicle launched bridges in active units within the area of application does not exceed 740.

2. All armoured vehicle launched bridges within the area of application in excess of the aggregate number specified in paragraph 1 of this Article for each group of States Parties shall be placed in designated permanent storage sites to defined in Article II. When armoured vehicle launched bridges are placed in a designated permanent storage site, either on their own or together with conventional armaments and equipment limited by the Treaty. Article X, paragraphs 1 to 6 shall apply to armoured vehicle launched bridges as well as to conventional armaments and equipment limited by the Treaty. Armoured vehicle launched bridges placed in designated permanent storage sites shall not be considered as being in active units.

3. Except as provided for in paragraph 6 of this Article, armoured vehicle launched bridges may be removed, subject to the provisions of paragraphs 4 and 5 of this Article, from designated permanent storage sites only alter notification has been provided to all other States Parties at least 42 days prior to such removal. This notification shall specify:

(a) the locations of the designated permanent storage sites from which armoured vehicle launched bridges are to be removed and the numbers of armoured vehicle launched bridges to be removed from each such site;

(b) the dates of removal of armoured vehicle launched bridges from and return to designated permanent storage sites; and

(c) the intended use of armoured vehicle launched bridges during the period of their removal, from designated permanent storage sites.

4. Except as provided for in paragraph 6 of this Article, armoured vehicle launched bridges removed from designated permanent storage sites shall be returned to them no later than 42 days after the actual date of removal.

5. The aggregate number of armoured vehicle launched bridges removed from and retained outside of designated permanent storage sites by each group of States Parties shall not exceed 50 at any one time.

6. States Parties shall have the right, for the purpose of maintenance or modification, to remove and have outside of designated permanent storage sites simultaneously up to 10 per cent, rounded up to the nearest even whole number, of their notified holdings of armoured vehicle launched bridges in each designated permanent storage site, or 10 armoured vehicle launched bridges from each designated permanent storage site, whichever is less.

7. In the event of natural disasters involving flooding or damage to permanent bridges, States Parties shall have the right to withdraw armoured vehicle launched bridges from designated permanent storage sites. Notification to all other States Parties of such withdrawals shall be given at the time of withdrawal.

Article XII

1. Armoured infantry fighting vehicles held by organisations of a State Party designed and structured to perform in peacetime internal security functions, which are not structured and organised for ground combat against an external enemy, are not limited by this Treaty. The foregoing notwithstanding, in order to enhance the implementation of this Treaty and to provide assurance that the number of such armaments held by such organisations shall not be used to circumvent the provisions of this Treaty, any such armaments in excess of 1,000 armoured infantry fighting vehicles assigned by a State Party to organisations designed and structured to perform in peacetime internal security functions shall constitute a portion of the permitted levels specified in Articles IV, V and VI. No more than 600 such armoured infantry lighting vehicles of a State Party, assigned to such organisations, may be located in that part of the area of application

described in Article V, paragraph 1, subparagraph (A). Each State Party shall further ensure that such organisations refrain from the acquisition of combat capabilities in excess of those necessary for meeting internal security requirements.

2. A State Party that intends to reassign battle tanks, armoured infantry fighting vehicles, artillery, combat aircraft, attack helicopters and armoured vehicle launched bridges in service with its conventional armed forces to any organisation of that State Party not a part of its conventional armed forces shall notify all other States Parties no later than the date such reassignment takes effect. Such notification shall specify the effective date of the reassignment, the date such equipment is physically transferred, as well as the numbers, by type, of the conventional armaments and equipment limited by the Treaty being reassigned.

Article XIII

For the purpose of ensuring verification of compliance with the provisions of this Treaty, each State Party shall provide notifications and exchange information pertaining to its conventional armaments and equipment in accordance with the Protocol on Information Exchange.

2. Such notifications and exchange of information shall be provided in accordance with Article XVII.

3. Each State Party shall be responsible for its own information; receipt of such information and of notifications shall not imply validation or acceptance of the information provided.

Article XIV

1. For the purpose of ensuring verification of compliance with the provisions of this Treaty, each State Party shall have the right to conduct, and the obligation to accept, within the area of application, inspections in accordance with the provisions of the Protocol on Inspection.

2. The purpose of such inspections shall be:

(a) to verify, on the basis of the information provided pursuant to the Protocol on Information Exchange, the compliance of States Parties with the numerical limitations set forth in Articles IV, V and VI;

(b) to monitor the process of reduction of battle tanks, armoured combat vehicles, artillery, combat aircraft and attack

helicopters carried out at reduction sites in accordance with Article VIII and the Protocol on Reduction', and

(c) to monitor the certification of recategorised multi-purpose attack helicopters and reclassified combat-capable trainer aircraft carried out in accordance with the Protocol on Helicopter Recategorisation and the Protocol on Aircraft Reclassification, respectively.

3. No State Party shall exercise the rights set forth in paragraphs 1 and 2 of this Article in respect of States Parties which belong to the group of States Parties to which it belongs in order to elude the objectives of the verification regime.

4. In the case of an inspection conducted jointly by more than one State Party, one of them shall be responsible for the execution of the provisions of this Treaty.

5. The number of inspections pursuant to Sections VII and VIII of the Protocol on Inspection which each State Party shall have the right to conduct and the obligation to accept during each specified time period shall be determined in accordance with the provisions of Section II of that Protocol.

6. Upon completion of the 120-day residual level validation period, each State Party shall have the right to conduct, and each State Party with territory within the area of application shall have the obligation to accept, an agreed number of aerial inspections within the area of application: Such agreed numbers and other applicable provisions shall be developed during negotiations referred to in Article XVIII.

Article XV

1. For the purpose of ensuring verification of compliance with the provisions of this Treaty, a State Party shall have the right to use, in addition to the procedures referred to in Article XIV, national or multinational technical means of verification at its disposal in a manner consistent with generally recognised principles of international law.

2. A State Party shall not interfere with national or multinational technical means of verification of another State Party operating in accordance with paragraph I of this Article.

3. A State Party shall not use concealment measures that impede verification of compliance with the provisions of this Treaty by national or multinational technical means of verification of another State Party operating in accordance with paragraph 1 of this Article, This obligation does not apply to cover or concealment practices associated with normal

V personnel training, maintenance or operations involving conventional armaments and equipment limited by the Treaty.

Article XVI

1. To promote the objectives and implementation of the provisions of this Treaty, the States Parties hereby establish a Joint Consultative Group.

2. Within the framework of the Joint Consultative Group, the States Parties shall:

(a) address questions relating to compliance with or possible circumvention of the provisions of this Treaty;

(b) seek to resolve ambiguities and differences of interpretation that may become apparent in the way this Treaty is implemented;

(c) consider and, if possible, agree on measures to enhance the viability and effectiveness of this Treaty,

(d) update the lists contained in the Protocol on Existing Types, as required by Article II, paragraph 2;

(e) resolve technical questions in order to seek common practices among the States Parties in the way this Treaty is implemented;

(f) work out or revise, as necessary, rules of procedure, working methods, the scale of distribution of expenses of the Joint Consultative Group and of conferences convened under this treaty and the distribution of costs of inspections between or among States Parties;

(g) consider and work out appropriate measures to ensure that information obtained through exchanges of information among the States Parties or as a result of inspections pursuant to this Treaty is used solely for the purposes of this Treaty, taking into account the particular requirements of each State Party in respect of safeguarding information which that State Party specifics as being sensitive;

(h) consider, upon the request of any State Party, any matter that a State Party wishes to propose for examination by any conference to convened in accordance with Article XXI; such consideration shall not prejudice the right of any State Party to resort to the procedures set forth in Article XXI and

(i) consider matters of dispute arising out of the implementation of this Treaty.

3. Each State Party shall have the right to raise before the Joint Consultative Group, and have placed on its agenda, any issue relating to this Treaty.

4. The Joint Consultative Group shall take decisions or make recommendations by consensus. Consensus shall be understood to mean the absence of any objection by any representative of a State Party to the taking of a decision or the making of a recommendation.

5. The Joint Consultative Group may propose amendments to this Treaty for consideration and confirmation in accordance with Article XX. The Joint Consultative Group may also agree on improvements to the viability and effectiveness of this Treaty, consistent with its provisions. Unless such improvements relate only to minor matters of an administrative or technical nature, they shall be subject to consideration and confirmation in accordance with Article XX before they can take effect.

6. Nothing in this Article shall be deemed to prohibit or restrict any State Party from requesting information from or undertaking consultations with other States Parties on matters relating to this Treaty and its implementation in channels or fora other than the Joint Consultative Group.

7. The Joint Consultative Group shall follow the procedures set forth in the Protocol on the Joint Consultative Group.

Article XVII

The States Parties shall transmit information and notifications requited by this Treaty in written form. They shall use diplomatic channels or other official channels designated by them, including in particular a communications network so be established by a separate arrangement.

Article XVIII

1. The, States Parties, after signature of this Treaty, shall continue the negotiations on conventional armed forces with the same Mandate and with the goal of building on this Treaty.

2. The objective for these, negotiations shall be to conclude an agreement on additional measures aimed it further strengthening security and stability in Europe, and pursuant to the Mandate, including measures to limit the personnel strength of their conventional armed forces within the area of application.

3. the States Parties shall seek to conclude these negotiations no later than the follow-up meeting of the Conference on Security and Cooperation in Europe to be held in Helsinki in 1992.

Article XIX

1. This Treaty shall be of unlimited duration. It may be supplemented by a further treaty.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardised its supreme interests. A State Party intending to withdraw shall give notice of its decision to do so to the Depositary and to all other States Parties. Such notice shall be given at least 150 days prior to the intended withdrawal from this Treaty. It shall include a statement of the extraordinary events the State Party regards as having jeopardised its supreme interests.

3. Each State Party shall, in particular, in exercising its national sovereignty, have the right to withdraw from this Treaty if another State Party increases its holdings in battle tanks, armoured combat vehicles, artillery, combat aircraft or attack helicopters, as defined in Article II, which are outside the scope of the limitations of this Treaty, in such proportions as to pose an obvious threat to the balance of forces within the area of application.

Article XX

1. Any State Party may propose amendments to this Treaty. The text of a proposed amendment shall be submitted to the Depositary, which shall circulate it to all the States Parties.

2. If an amendment is approved by all the States Patties, it shall enter into force in accordance with the procedures set forth in Article XXII governing the entry into force of this Treaty,

Article XXI

1. Forty-six months alter entry into force of this Treaty, and at five-year intervals thereafter, the Depositary shall convene a conference of the States Parties to conduct a review of the operation of this Treaty.

2. The Depositary shall convene an extraordinary conference of the States Parties, if requested to do so by any State Party which considers that exceptional circumstances relating to this Treaty have arisen, in particular, in the event that a State Party has announced its intention to leave its group of States Parties or to join the other group of States Parties, as defined in Article 11, paragraph 1, subparagraph (A). In order to enable the other States Parties to prepare for this conference, the request shall include the reason why that State Party deems an extraordinary conference to be necessary. The conference shall consider the circumstances set forth in the request

and their effect on the operation of this Treaty. The conference shall open no later than 15 days after receipt of the request and, unless it decides otherwise, shall last no longer than three weeks.

3. The Depositary shall convene a conference of the States Parties to consider an amendment proposed pursuant to Article XX, if requested to do so by three or more States Parties. Such a conference shall open no later than 21 days after receipt of the necessary requests.

4. In the event that a State Party gives notice of its decision to withdraw from this Treaty pursuant to Article XIX, the Depositary shall convene a conference of the States Parties which shall open no later than 21 days after receipt of the notice of withdrawal in order to consider questions relating to the withdrawal from this Treaty.

Article XXII

1. This Treaty shall be subject to ratification by each State Party in accordance with its constitutional procedures. Instruments of ratification shall be deposited with the Government of the Kingdom of the Netherlands, hereby designated the Depositary.

2. This Treaty shall enter into force 10 days after instruments of ratification have been deposited by all States Parties listed in the Preamble.

3. The Depositary shall promptly inform all States Parties of:

(a) the deposit of each instrument of ratification;

(b) the entry into force of this Treaty,

(c) any withdrawal in accordance with Article XIX and its effective date;

(d) the text of any amendment proposed in accordance with Article XX;

(e) the entry into force of any amendment to this Treaty;

(f) any request to convene a conference in accordance with Article XXI;

(g) the convening of a conference pursuant to Article XXI; and (H) any other matter of which the Depositary is required by this Treaty to inform the States Parties.

4. This Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

Article XXIII

The original of this Treaty, of which the English, French, German, Italian, Russian and Spanish texts are equally authentic, shall be

deposited in the archives of the Depositary. Duly certified copies of this Treaty shall be transmitted by the Depositary to all the States Parties.

Protocol on Existing Types of Conventional Armaments and Equipment

The States Parties hereby agree upon; (a) lists valid as of the date of Treaty signature, of existing types of conventional armaments and equipment subject to the measures of limitation, reduction, information exchange and verification; (b) procedures for the provision of technical data and photographs relevant to such existing types of conventional armaments and equipment; and (c) procedures for updating the lists of such existing types of conventional armaments and equipment, in accordance with Article II of the Treaty on Conventional Armed Forces in Europe of November 19, 1990, hereinafter referred, to as the Treaty

SECTION I

EXISTING TYPES OF CONVENTIONAL ARMAMENTS AND EQUIPMENT LIMITED BY THE TREATY

1. Existing types of battle tanks are:

M-l	T-34
M-60	T-54
M-48	T-55
M-47	T-62
Leopard 1	T-64
Leopard 2	T-72
AMX-30	T-80
Challenger	TR-85
Chieftain	TR-580
Centurion	
M-41	
NM-116	
T-54	
T-55	
T-72	

All models and versions of an existing type of battle tank listed above shall be deemed to be battle tanks of that type.

2. Existing types of armoured combat vehicles are:

(A) Armoured Personnel Carriers:

YPR-765
AMX-13VTT
M 113
M75
Spartan
Grizzly
TPz-1 Fuchs
VAB
M59
Leonidas
VCC1
VCC2
Saxon
AFV 432
Saracen
Humber
BDX
BMR-600
Chaimite V200
V150S
EBR-ETT
M3A1
YP 408
BLR
VIB
LVTP-7
6614/G
BTR-152
BTR-50
BTR-60
BTR-70
MT-LB[4]

BTR-40
BTR-152
BTR-50
BTR-60
OT-62(TOPAS)
OT-64(SKOT)
OT-90
FUG D-442
BTR-70
BTR-80
BTR-D
TAB-77
OT-810
PSZH D-944
TABC-79
TAB-71
MLVM
MT-LB[4]

All models and versions of an existing type of armoured personnel carrier listed above shall be deemed to be armoured personnel carriers of that type, unless such models and versions are included in the armoured personnel carrier look-alike list in Section II, paragraph 1 of this Protocol.

(B) Armoured Infantry Fighting Vehicles:

YPR-765 (25mm)
Marder
AMX-10P
Warrior
M2/M3 Bradley
AFV 432 Rarden
NM-135
BMP-l/BRM-1
BMP-2
BMP-1/BRM-1
BMP-2
BMP-23
MLI-84
BMD-1
BMD-2
BMP-3

All models and versions of an existing type of an armoured infantry fighting vehicle listed above shall he deemed to be armoured infantry lighting vehicles of that type, unless such models and versions are included in the armoured infantry fighting vehicle look-alike list in Section II, paragraph 2 of this Protocol.

(C) Heavy Armament Combat Vehicles:

AMX-10RC
ERC 90 Sagaye
BMR-625-90
Commando V150
Scorpion
Saladin
JPK-90
M-24
AMX-13
EBR-75 Panhard
PT-76
PT-76
SU-76
SU-100
ISU-152

All models and versions of an existing type of heavy armament combat vehicle listed above shall he deemed to be heavy armament combat vehicles of that type.

3. Existing types of artillery are:

(A) Guns, Howitzers and Artillery Pieces Combining the Characteristics of Guns and Howitzers:

105mm:	105 Light Gun	100mm:	BS-3 Field Gun
	M18		Model 53 Field Gun
	105 Krupp Gun		SkodaHow (Model
	105 R Metal Gun		1914/1934, 1930,
	105 Pack How		1934)
	M 56 Pack How		Skoda How
	M 101 Towed How		(Model 1939)
	M 102 Towed How		
	Abbot SP Gun	105mm:	Schneider Field Gun
	M 108 SP How		(Model 1936)
	M52 SP How		
	105 HM-2 How	120mm:	2B 16 How
	M-38 Gun (Skoda)		289 SP How
	105 AU 50 Fow		
	R58/M26 Towed How	122mm:	D30 How
			M-30 How
122/mm	122/46 Field Gun		D74 How
	D30 How		2S1 SP How
	M 30 How		A19 Gun (Model
	2S1 SP How		31/37)
			Model 89 SP How
130mm:	M 46 Gun	130 mm:	Gun 82
			M-46 Gun
140mm:	5.5" (139.7mm)	150mm:	Skoda How
	Towed How		(Model 1934)
			Ceh How (Model)
			1937)
150mm:	150 Skoda Gun	152mm:	D1 How
			2S3 SP How
152mm:	D20 Gun-How		2A65 How
	2S3 SP How		MI 20 How-Gun
			D20 Gun-How
155mm:	M114 Towed How		Gun 81
	M114/39 (M-139)		2A36 Gun

	Towed How		Dana SP Gun-How
	FH-70 Towed How		M77
	M109 SP How		2S5 SP Gun
	M198 Towed How		2S19 How
	155 TRFI Gun		Gun-How 85
	155 AUFI Gun		How Model 1938
	155 AMF3 Gun		How 81
	155 BF50 Gun		
	M44 SP How	203 mm:	B4 How
	M59 Towed Gun	2S7 Gun	
	SP70 SP How		
175mm:	M 107 SP Gun		
203mm:	M115 Towed How		
	M 110 SP How		
	M55 SP How		
(B)	Mortars:		
107mm:	4.2” (ground mountedor on M106 armoured vehicle)	107mm:	Mortar M-1938
		120mm:	2B11 (2S12)
120mm:	Brandt (M60, SLM-120-AM-50)	M-120-60;	M 120 Model 38/43 Tundzha/Tundzha
	M120 RTF 1		Sani SP Mortar
	M 120 M51		(mounted on
	Soltam/Tampella		MT-LB)
	(ground mounted		Mortar Mode 1982
	or on M113 armoured vehicle)		B-24
	Ecia Mod I.	160mm:	M 160
	(ground mounted		
	M-L or mounted	240mm:	M240
	on either the	2S4 SP Mortar	
	BMR-600 or		
	M113 armoured vehicle)		
	HY12(Tosam)		
	2B11 (2S12)		

(C) Multiple Launch Rocket Systems:

110mm:	LARS	122mm:	BM-21 (BM-21-1, BM-21 V)
	122 mm:	BM-21	RM-70
	RM 70		APR-21
			APR-40
140 mm:	Teruel MLAS		
		130mm:	M-51
227mm:	MI, RS		RM-130
			BM-13
			R.2
		140mm:	RM-14
		220mm:	BM-22/27
		240mm:	BM-24.
		280mm:	Uragan 9P140
		300mm:	Smerch

All models and versions of an existing type of artillery listed above shall be deemed to be artillery of that type.

4. Existing types of combat aircraft are:

A-7	IAR-93
A- 10	IL-28
Alpha Jet A	MiG-15
AM-X	MiG-17
Buccaneer	MiG-21
Canberra	MiG-23
Draken	MiG-25
F-4	MiG-27
F-5	MiG-29
F-15	MiG-31
F-16	SU-7
F-18	SU-15
F-84	SU-17
F-102	SU-20
F-104	SU-22
F-111	SU-24
G-91	SU-25
Harrier	SU-27

Hunter
Jaguar
Lighting
MiG-21
MiG-23
MiG-29
MB-339
Mirage F1
Mirage 111
Mirage IV
Mirage V
Mirage 2000
SU-22
Tornado
TU-16
TU-22
TU-22M
TU-128
Yak-28

All models or versions of an existing type of combat aircraft listed above shall be deemed to be combat aircraft of that type.

5. Existing types of attack helicopters are:

(A) Specialised Attack Helicopters:

A-129 Mangusta
AH-1 Cobra
AH-64 Apache
Mi-24
Mi-24

Subject to the provisions in Section I, paragraph 3 of the Protocol on Helicopter Recategorisation, all models or versions of an existing type of specialised attack helicopter listed above shall be deemed to he specialised attack helicopters of that type.

(B) Multi-Purpose Attack Helicopters:

A-109 Hirundo
Alouette III
BO-105/PAH-1
Fennec AS 550 C-2
Gazelle
Lynx
Mi-8
OH-58 Kiowa/AB-206/CH-136
Scout
Wessex
IAR-316
Mi-8/Mi-17,

Subject to the provisions in Section 1, paragraphs 4 and 5 of the Protocol on Helicopter Recategorisation, all models or versions of an existing type of multi-purpose attack helicopter listed above shall be deemed to be multipurpose attack helicopters of that type.

SECTION II

EXISTING TYPES OF CONVENTIONAL ARMAMENTS AND EQUIPMENT NOT LIMITED BY THE TREATY

1. Existing types of armoured personnel carrier look-alikes are:

YPR-765	MILAN	BTR-40	CP
	CP		
	PRCOC1	BTR-50	PU
	PRCOC2		PUM
	PRCOC4		P
	PRCOC5		PUR 82
	PRMR		PK (MRF)
	UR-67		
AMX-13 VIT	MILAN		PK(B)
	PC		MTP-1
		BTR-152	CP
MI 13	MILAN		
	A1/A2 (ATCW)	BTR-60	PU
	E/W TOW		PU-12/PA PU-12
	ARTFC		PAU
	ARTOBS		BBS
	FACONT		ABS
	MORTFC		R-137B
	All		R-140 BM
	Mortar Carrier		R-145
	SIG		R-156
	HFTRSM		R-409 BM
	CP		P-238BT
	CPSVC		P-240BT
	AICP		P-241BT
	AIECP		E-351BR
	4.2”/M106 A1 4.2"		R-975
	M106 81mm		MTP-2

	M-125 A1 81mm		IV18, IV19
	M125 A2 81mm		IV118
	M125		B
	BTR-70		KShM
TPz-1 FUCHS	HETRS 1		SPR-2
	AD CP		BREM
	CP		ZS-88
	ENGRCP		Kh
	ELOKA		
	NBC	BTR-80	1V119
	RASIT		RCHM-4
M59	CP	BTR-D	ZD
			RD
LEONIDAS	1		
		OT-62(TOPAS)	CP
VAB	PC		WPT/DPT-62
			BREM
BMR-600	SIG		R-2M
	PC		R-3M
	81mm		R-3MT
			R-4MT
SPARTAN	STRIKER		
	SAMSON	OT-64(SKOT)	CP
	CP		R-37
	JAVELIN		R-2M
	MILAN		R-3MT
			R-4.
SAXON	AD	R-4MT	
	CP		R-2AM
	MAINT		PROPAGANDA
			R-4M
AFV 432	CP/RA	R-4M R-6	
	81mm		WPT/DR-64
	CYMB		BREM
	AFV 435		S-260 inz.
	AFV 436		S-260 art.
	AFV 439		
		OT-810	OT-810/R 112

HUMBER	SQUIRT		
		OT 90	VP 90
SARACEN	SQUIRT		
	CP	FUG D-442	VS
	ADR		MRP
			OT-65/R-112
YP 408	PWMR		OT-65 D
	PWCO		OT-65 CH
	PWAT		
	PWRDR	PSZH D-944	CP
	PWV		
		MT-LB	AT
BTR-50	PU		KShM-R-81
	PK(MRF)		R-80
	(PK (B)		9S743
			PI
BTR-60	PU-12/PA PU-12		IW-13-16
	BBS		IQ-21-25
	ABS		1W-12
	R-137B		MP-21-25
	R-140 BM		AFMS
	R-145		R-381T
	R-156		R-330P
	R-409 BM		Beta 3M
	P-238 BT		SPR-1
	P-240 BT		WPT/DTP
	P-241 BT		BREM
	B		TRI
			MTP-LB
MT-LB	PI		BRM Sova/
	MP-21-25		BRM 30
	1W-13-16		
	AFMS	TAB-71	A
	R-381 T		TERA-71-1.
	R-330 P		AR
	Beta 3M		
	MTP-LB	TAB-17	A
			TERA-77-L
			RCH-84
			PCOMA

		TABC-79	AR
			A-POMA
		TAB	TCG-80
		MIVM	AR

2. Existing types of armoured infantry fighting vehicle look alikes are:

WARRIOR	RA	BMP-1	KSh
	REP		9S743
	REC		PRP-3, 4
			MP-31
BMP-1	MTP		B
	MP-31		SVO
			DTB-80
			VPV
			IRM
			MTP
			BRFM-4-2-D
		BMD-1	KSh
		BRM-1	KSh

3. Existing types of primary tramer aircraft which are designed and constructed for primary flying training and which may possess only limited armament capability necessary for basic training in weapon delivery techniques are:

Alpha Jet I:	I-22
C-101 Avoijet	IAR-99
Fouga	L-29
Hawk	L-39
Jet Provost	TS-11
L-39	
MB-326	
PD-808	
T-2	
T-33/CT-133	
T-37	
T-38	

4. Existing types of combat support helicopters are

A-109 Hirundo	AIR 3165
AH-412	IAR-330
Alouette II	Mi-2
Alouette III	Mi-6

Blackhawk
Bell 47/AB 47/Sioux
BO 105
CH 53
Chinook
Fennec AS 555 A
Hughes 300
Hughes 500/OH-6
Mi-8
OH-58 Kiowa/AB-136
Puma
Sea King.
UH-IA/1B/ AB-204
UH-ID/1H/AB-205
UH-IN/AB -212
Wessex
Mi-8/Mi-17

5. Existing types of unarmed transport helicopters which are not equipped for the employment of weapon are:

AB 47
AB 412
Alouette II
CH53
Chinook
Ceugar A8 532 U
Dauphin AS 365 NI
Hughes 300
NH 500
Puma
Sea King/H-3F/HAR 3
SH-3D
UH-1D/1H/AB-205
UH-IN/AB-212
Mi-2
Mi-26
SA-365N
Dauphin
W-3 Sokol

6. Existing types of armoured vehicle launched bridges are:

M47 AVLB
M48 AVLB
M60 AVLB
Centurion AVLB
Cheiftain AVLB
Brueckenlegepanzer Biber/
Leopard 1 AVLB
MTU
MI-20
MT-55A
MTU-72
BLG-60
BLG-67M
BLG-67M2

SECTION III

TECHNICAL DATA AND PHOTOGRAPHS

1. Technical data, in accordance with the agreed categories in the Annex to this Protocol, together with photographs presenting the right or left side, top and front views for each of its existing types of conventional armaments and equipment listed in Sections I and II of this Protocol shall be provided by each State Party to all other States Parties at the signature of the Treaty. In addition, photographs of armoured personnel carrier look-alikes and armoured infantry fighting vehicle look-alikes shall include a view of such vehicles so as to show clearly their internal configuration illustrating the specific characteristic which distinguishes this particular vehicle as a look-alike. Photographs in addition to those required by this paragraph may he provided at the discretion of each State Party.

2. Each existing type of conventional armaments and equipment listed in Sections I and II of this Protocol shall have a model or version of that type designated as an exemplar. Photographs shall he provided for each such designated exemplar pursuant to paragraph I of this Section. Photographs shall not he required of models and versions of a type that have no significant externally observable differences from the exemplar of that type. The photographs of each exemplar of a type shall contain an annotation of the existing type designation and national nomenclature for all models and versions of the type that the photographs of the exemplar represent. The photographs of each exemplar of a type shall contain an annotation of the technical data for that type in accordance with the agreed categories in the Annex to this Protocol. In addition, the annotation shall indicate all models and versions of the type that the photographs of the exemplar represent. Such technical data shall be annotated on the side view photograph.

SECTION IV

UPDATE EXISTING TYPES AND OBLIGATIONS OF THE STATES PARTIES

1. This Protocol constitutes agreement by the States Parties only with respect to existing pages of conventional armaments and equipment as well as with respect to the categories of technical data set forth in Sections 1 and II of the Annex to this Protocol.

2. Each State Party shall be responsible for the accuracy of technical data for only its own conventional armament and equipment provided in accordance with Section III of this Protocol.

3. Each State Party shall notify all other States Parties, upon the entry into service with the armed forces of that State Party within the area of application, of (a) any new type of conventional armaments and equipment which meets one of the definitions in Article II of the Treaty or which falls under a category listed in this Protocol, and (b) any new model or version or a type listed in this Protocol. At the same time, each State Party shall provide all other States Parties with the technical data and photographs required by Section III of this Protocol.

4. As soon as possible and in any case no later than 60 days following a notification pursuant to paragraph 3 of this Section, the States Parties shall initiate update actions, in accordance with the provisions set forth in Article XVI of the Treaty and the Protocol on the Joint Consultative Group, for the lists of existing types of conventional armaments and equipment in Sections I and II of this Protocol.

Annex to the Protocol on Existing Types of Conventional Armaments and Equipment

SECTION I

AGREED CATEGORIES OF TECHNICAL DATA

The following are agreed categories of technical data for each model and version of existing types of conventional armaments and equipment:

1. Bailie Tanks
   Existing Type
   National Nomenclature
   Main Gum Calibre
   Unladen Weight
2. Armoured Combat Vehicles
   Armoured Personnel Carriers
   Existing Type
   National Nomenclature
   Type and Calibre of Armaments, if any
   Armoured Infantry Fighting Vehicles
   Existing Type
   National Nomenclature
   Type and Calibre of Armaments
   Heavy Armament Combat Vehicles

Existing Type
National Nomenclature
Main Gun Calibre
Unladen Weight

3. Artillery
   Guns, Howitzers and Artillery Pieces Combining the Characteristics of Guns and Howitzers
   Existing Type
   National Nomenclature
   Calibre
   Mortars
   Existing Type
   National Nomenclature
   Calibre
   Multiple Launch Rocket Systems
   Existing Type
   National Nomenclature
   Calibre
4. Combat Aircraft
   Existing Type
   National Nomenclature
5. Attack Helicopters
   Existing Type
   National Nomenclature
6. Armoured Personnel Carrier Look-Alikes
   Existing Type
   National Nomenclature
   Type and Calibre of Armaments, if any
7. Armoured Infantry Fighting Vehicle Look-Alikes
   Existing Type
   National Nomenclature
   Type and Calibre of Armaments, if any
8. Primary Trainer Aircraft
   Existing Type
   National Nomenclature
   Type of Armaments if any
9. Combat Support Helicopters

Existing Type
National Nomenclature

10. Unarmed Transport Helicopters
Existing Type
National Nomenclature

11. Armoured Vehicle Launched Bridges
Existing Type
National Nomenclature

SECTION II

SPECIFICATIONS FOR PHOTOGRAPHS

Photographs provided pursuant to Section III of this Protocol shall be in black and white. The use of flash and lighting equipment shall be allowed. The object being photographed shall contrast with the background of the photograph. All photographs shall be of high resolutions, with continuous tone and in sharp focus. Photographs measuring 13 centimetres by 18 centimetres, not including a border, shall be provided. For aspects other than overhead, all photographs shall be taken from the same level as the equipment being photographed, with the camera placed along or perpendicular to the longitudinal axis of the object being photographed; for the top view, photographs shall show the top and may show the rear aspects of the equipment. The object being photographed shall fill at least 80 per cent of the photograph in either horizontal or vertical aspect. A reference gauge shall be included in each photograph together with the object. The gauge shall have alternating half-metre sections is black and white. It shall be long enough to provide accurate scaling and shall be placed on or against the object or in close proximity to it. Each photograph shall be labelled to provide the information required by Section III, paragraph 2 of this Protocol as well as the date when the photograph was taken.

Protocol on Procedures Governing the Reclassification of Specific Models or Versions of Combat-Capable Trainer Aircraft Into Unarmed Trainer Aircraft

The States Parties hereby agree upon procedures and provisions governing total disarming and certification of the unarmed status of specific models or versions of combat-capable trainer aircraft in accordance with Article VIII of the Treaty on Conventional Armed Forces in Europe of November 19, 1990, hereinafter referred to as the Treaty.

SECTION 1

GENERAL PROVISIONS

1. Each State Party shall have the right to remove from the numerical limitations on combat aircraft in Articles IV and VI of the Treaty only those specific models or versions of combat-capable trainer aircraft listed in Section II, paragraph 1 of this Protocol in accordance with the procedures set forth in this Protocol.

(a) Each State Party shall have the right to remove from the numerical limitations on combat aircraft in Articles IV and VI of the Treaty individual aircraft of the specific models or versions listed in Section II, paragraph 1 of this Protocol that have any of the components set forth in Section III, paragraphs 1 and 2 of this Protocol only by total disarming and certification.

(b) Each State Party shall have the right to remove from the numerical limitations on combat aircraft in Articles IV and VI of the Treaty individual aircraft of the specific models or versions listed in Section II, paragraph 1 of this Protocol that do not have any of the components set forth in Section III, paragraphs 1 and 2 of this Protocol by certification alone.

2. Models or versions of combat-capable trainer aircraft listed in Section II of this Protocol may be disarmed and certified, or certified alone, within 40 months after entry into force of the Treaty. Such aircraft shall count against the numerical limitations on combat aircraft in Articles IV and VI of the Treaty until such aircraft have been certified as unarmed in accordance with the procedures set forth in Section IV of this Protocol. Each State Party shall have the right to remove from the numerical limitations on combat aircraft in Articles IV and VI of the Treaty no more than 550 such aircraft, of which no more than 130 shall be of the MiG-25U model or version.

3. No later than entry into force of the Treaty, each State Party shall notify all other States Parties of:

(a) the total number of each specific model or version of combat-capable trainer aircraft that the State Party intends to disarm and certify in accordance with Section I, paragraph 1, subparagraph (A), Section III and Section IV of this Protocol; and

(b) the total number of each, specific model or version of combat-capable trainer aircraft that the State Party intends to certify alone, in accordance with Section I, paragraph I. subparagraph (B) and Section IV of this Protocol.

4. Each State Party shall use whatever technological means it deems necessary to implement the total disarming procedures set forth in Section III of this Protocol.

SECTION II

MODELS OR VERSIONS OF COMBAT-CAPABLE TRAINER AIRCRAFT ELIGIBLE FOR TOTAL DISARMING AND CERTIFICATION

1. Each State Party shall have the right to remove from the numerical limitations on combat aircraft in Articles IV and VI of the Treaty in accordance with the provisions of this Protocol only the following specific models or versions of combat-capable trainer aircraft:

SU-15U
SU-17U
MiG-15U
MiG-21U
MiG-23U
MiG-25U
UIL-28

2. The foregoing list of specific models or versions of combat-capable trainer aircraft is final and not subject to revision.

SECTION III

PROCEDURES FOR TOTAL DISARMING

1. Models or versions of combat-capable trainer aircraft being totally disarmed shall be rendered incapable of further employment of any type of weapon system as well as further operation of electronic warfare and/reconnaissance systems by the removal of the following components:

(a) provisions specifically for the attachment of weapon systems, such as special hardpoints, launching devices, or weapon mounting areas;

(b) units and panels of weapon control systems including weapon selection, arming and firing or launching systems;

(c) units of aiming equipment and weapon guidance systems not integral to navigation and flight control systems; and

(d) units and panels of electronic warfare and reconnaissance systems including associated antennae.

2. Notwithstanding paragraph 1 of this Section, any special hardpoints which are integral to the aircraft, as well as any special elements of general purpose hardpoints which are designed for use only with the components described in paragraph 1 of this Section, shall be rendered incapable of further employment with such systems. Electrical circuits of the weapon, electronic warfare, and reconnaissance systems described in paragraph 1 of this Section shall be rendered incapable of further employment by removal of the wiring or, if that is not technically practicable, by cutting out sections of the wiring in accessible areas.

3. Each State Party shall provide to all other States Parties the following information, no less than 42 days in advance of the total disarming of the first aircraft of each model or version of combat-capable trainer aircraft listed in Section II of this Protocol:

(a) a basic block diagram portraying all major components of weapon systems including aiming equipment and weapon guidance systems, provisions designed for the attachment of weapons as well as components of electronic warfare and reconnaissance systems, the basic function of the components described in paragraph 1 of this Section, and the functional connections of such components to each other;

(b) a general description of the disarming process including a list of components to be removed; and

(c) a photograph of each component to be removed illustrating its position in the aircraft prior to its removal, and a photograph of the same position after the corresponding component has been removed.

SECTION IV

PROCEDURES FOR CERTIFICATION

1. Each State Party that intends to disarm and certify, or certify alone, models or versions of combat-capable trainer aircraft shall comply with the following certification procedures in order to ensure that such aircraft do not possess any of the components listed in Section III, paragraphs 1 and 2 of this Protocol.

2. Each State Party shall notify all other States Parties in accordance with Section IX, paragraph 3 of the Protocol on Inspection of each certification. In the event of the first certification of an aircraft that does not require total disarming, the State Party that intends to conduct the certification shall provide to all other States Parlies the

information required In Section III, paragraph 3, subparagraphs (A), (B) and (C) of this Protocol for an armed model or version of the same aircraft type.

3. Each State Party shall have the right to inspect the certification of combat-capable trainer aircraft in accordance with Section IX of the Protocol on Inspection.

4. The process of total disarming and certification, or certification alone, shall be deemed completed when the certification procedures set forth in this Section have been completed regardless of whether any State Party exercises the certification inspection rights described in paragraph 3 of this Section and Section IX of the Protocol on Inspection, provided that within 30 days of receipt of the notification of completion of the certification and reclassification provided pursuant to paragraph 5 of this Section no State Party has notified all other States Parlies that it considers that there is an ambiguity relating to the certification and reclassification process. In the event of such an ambiguity being raised, such re-classification shall not be deemed complete until the matter relating to the ambiguity is resolved.

5. The State Party conducting the certification shall notify all other States Parties in accordance with Section IX of the Protocol on Inspection of completion of the certification.

6. Certification shall be conducted in the area of application. States Parties belonging to the same group of States Parties shall have the right to share locations for certification.

SECTION V

PROCEDURES FOR INFORMATION EXCHANGE AND VERIFICATION

All models or versions of combat-capable trainer aircraft certified as unarmed shall be subject to information exchange, in accordance with the provisions of the Protocol on Information Exchange, and verification, including inspection, in accordance with the Protocol on Inspection.

Protocol on Procedures Governing the Reduction of Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe

The States Parties hereby agree upon procedures governing the reduction of conventional armaments and equipment limited by the Treaty as set forth in Article VIII of the Treaty on Conventional Armed

Forces in Europe of November 19, 1990, hereinafter referred to as the Treaty.

SECTION I

GENERAL REQUIREMENTS FOR REDUCTION

1. Conventional armaments and equipment limited by the Treaty shall be reduced in accordance with the procedures set forth in this Protocol and the other protocols listed in Article VIII, paragraph 1 of the Treaty. Any one of such procedures shall be deemed sufficient, when conducted in accordance with the provisions of Article VIII of the Treaty or this Protocol, to carry out reduction.

2. Each State Party shall have the right to use any technological means it deems appropriate to implement the procedures for reducing conventional armaments and equipment limited by the Treaty.

3. Each State Party shall have the right to remove, retain and use those components and parts of conventional armaments and equipment limited by the Treaty which are not themselves subject to reduction in accordance with the provisions of Section II of this Protocol, and to dispose of debris.

4. Unless otherwise provided for in this Protocol, conventional armaments and equipment limited by the Treaty shall be reduced so as to preclude their further use or restoration for military purposes.

5. After entry into force of the Treaty, additional procedures for reduction may be proposed by any State Party. Such proposals shall be communicated to all other States Parties and shall provide the details of such procedures in the same format as the procedures set forth in this Protocol. Any such procedures shall be deemed sufficient to carry out the reduction of conventional armaments and equipment limited by the Treaty upon a decision to that effect by the Joint Consultative Group.

SECTION II

STANDARDS FOR PRESENTATION AT REDUCTION SITES

1. Each item of conventional armaments and equipment limited by the Treaty which is to be reduced shall be presented at a reduction site. Each such item shall consist, at a minimum, of the following parts and elements:

(a) for battle tanks: the hull, turret and integral main armament. For the purposes of this Protocol, an integral

main armament of a battle tank shall be deemed to include the gun tube, breech system, trunnions and trunnion mounts;

(b) for armoured combat vehicles: the hull, turret and integral main armament, if any. For the purposes of this Protocol, an integral main armament of an armoured combat vehicle shall be deemed to include the gun tube, breech system, trunnions and trunnion mounts. For the purposes of this Protocol, an integral main armament shall be deemed not to include machine guns of less than 20 millimetre calibre, all of which may be salvaged;

(c) for artillery: the tube, breech system, cradle including trunnions and trunnion mounts, trails, if any; or launcher tubes or launcher rails and their bases; or mortar tubes and their base plates. In the case of self-propelled pieces of artillery, the vehicle hull and turret, if any, shall also be presented;

(d) for combat aircraft: the fuselage; and (E) for attack helicopters: the fuselage, including the transmission mounting area.

2. In each case, the item presented at the reduction site in accordance with paragraph 1 of this Section shall consist of a complete assembly.

3. Parts and elements of conventional armaments and equipment limited by the Treaty not specified in paragraph I of this Section, as well as parts and elements which are not affected by reduction under the procedures of this Protocol, including the turrets of armoured personnel carriers equipped only with machine guns, may be disposed of as the State Party undertaking the reduction decides.

SECTION III

PROCEDURES FOR REDUCTION OF BATTLE TANKS BY DESTRUCTION

1. Each State Party shall have the light to choose any one of the following sets of procedures each time it carries out the destruction of battle tanks at reduction sites.

2. Procedure for destruction by severing:

(a) removal of special equipment from the chassis, including detachable equipment, that ensures the operation of on-board armament systems;

(b) removal of the turret, if any,

(c) for the gun breech system, either:

(1) welding the breech block to the breech ring in at least two places; or

(2) cutting of at least one side of the breech ring along the long axis of the cavity that receives the breech block;

(d) severing of the gun tube into two parts at a distance of no more than 100 millimetres from the breech ring;

(e) severing of either of the gun trunnions and its trunnion mount in the turret;

(f) severing of two sections from the perimeter of the hull turret aperture, each constituting a portion of a sector with an angle of no less than 60 degrees and, at a minimum, 200 millimetres in radial axis, centred on the longitudinal axis of the vehicle; and

(g) severing of sections from both sides of the hull which include the final drive apertures, by vertical and horizontal cuts in the side plates and diagonal cuts in the deck or belly plates and front or rear plates, so that, the final drive apertures are contained in the severed portions.

3. Procedure for destruction by explosive demolition:

(a) hull, hatches and cornerplates shall be open to maximise venting;

(b) an explosive charge shall be placed inside the gun tube where the trunnions connect to the gun mount or cradle;

(c) an explosive charge shall be placed on the outside of the hull between the second and third road wheels, or between the third and fourth road wheels in a six road wheel configuration, avoiding natural weaknesses such as welds or escape hatches. The charge must be located within the radius of the turret casting. A second charge shall be placed on the inside of the hull on the same side of the tank, offset and opposite to the external charge;

(d) an explosive charge shall be placed on the inside of the turret casting in the area of the main armament mounting; and

(e) all charges shall be fired simultaneously so that the main hull and turret are cracked and distorted; the breech block is stripped from the gun tube, fused or deformed; the gun tube is split or longitudinally cut; the gun mount or cradle

is ruptured so as to be unable to mount a gun tube; and damage is caused to the running gear so that at least one of the road wheel stations is destroyed.

4. Procedure for destruction by deformation:

(a) removal of special equipment from the chassis, including detachable equipment, that ensures the operation of on-board armament systems;

(b) removal of the turret, if any;

(c) for the gun breech system, either:

(1) welding the breech block to the breech ring in at least two places; or

(2) cutting of at least one side of the breech ring along the long axis of the cavity that receives the breech block;

(d) severing of the gun tube into two parts at a distance of no more than 100 millimetres from the breech ring;

(e) severing of either of the gun trunnions; and

(f) the hull and turret shall be deformed so that their widths are each reduced by at least 20 per cent.

5. Procedure for destruction by smashing:

(a) a heavy steel wrecking ball, or the equivalent, shall be dropped repeatedly onto the hull and turret until the hull is cracked in at least three separate places and the turret in at least one place;

(b) the hits of the ball on the turret shall render either of the gun trunnions and its trunnion mount inoperative, and deform visibly the breech ring; and

(c) the gun tube shall be visibly cracked or bent.

SECTION IV

PROCEDURES FOR THE REDUCTION OF ARMOURED COMBAT VEHICLES BY DESTRUCTION

1. Each State Party shall have the right to choose any of the following sets of procedures each time it carries out the destruction of armoured combat vehicles at reduction sites.

2. Procedure for destruction by severing:

(A) for all armoured combat vehicles, removal of special equipment from the chassis, including detachable equipment that ensures the operation of on-board armament systems;

(B) for tracked armoured combat vehicles, severing of sections from both sides of the hull which include the final drive apertures, by vertical and horizontal cuts in the side plates and diagonal cuts in the deck or belly plates and front or rear plates, so that the final drive apertures are contained in the severed portions;

(C) for wheeled armoured combat vehicles, severing of sections from both sides of the hull which include the front wheel final gearbox mounting areas by vertical, horizontal and irregular cuts in the side, front, deck and belly plates so that the front wheel final gearbox mounting areas are included in the severed portions at a distance of no less than 100 millimetres from the cuts; and

(D) in addition, for armoured infantry fighting vehicles and heavy armament combat vehicles:

(1) removal of the turret;

(2) severing of either of the gun trunnions and its trunnion mount in the turret;

(3) for the gun breech system:

(a) welding the breech block to the breech ring in at least two places;

(b) cutting of at least one side of the breech ring along the long axis of the cavity that receives the breech block; or

(c) severing of the breech casing into two approximately equal parts;

(4) severing of the gun tube into two parts at a distance of no more than 100 millimetres from the breech ring; and

(5) severing of two sections from the perimeter of the hull turret aperture, each constituting a portion of a sector with an angle of no less than 60 degrees and, at a minimum, 200 millimetres in radial axis, centred on the longitudinal axis of the vehicle.

3. Procedure for destruction by explosive demolition:

(a) an explosive charge shall be placed on the interior floor at the mid-point of the vehicle;

(b) a second explosive charge shall be placed as follows:

(1) for heavy armament combat vehicles, inside the gun where the trunnions connect to the gun mount or cradle;

(2) for armoured infantry fighting vehicles on the exterior of the receiver breech area and lower barrel group;

(c) all hatches shall be secured; and

(d) the charges shall be detonated simultaneously so as to split the sides and top of the hull. For heavy armament combat vehicles and armoured infantry fighting vehicles, damage to the gun system shall be equivalent to that specified in paragraph 2, subparagraph (D) of this section.

4. Procedure for destruction by smashing:

(a) a heavy steel wrecking ball, or the equivalent, shall be dropped repeatedly onto the hull and the turret, if any, until the hull is cracked in at least three separate places and the turret, if any, in one place;

(b) in addition, for heavy armament combat vehicles:

(1) the hits of the ball on the turret shall render either of the gun trunnions and its trunnion mount inoperative, and shall deform visibly the breech ring; and

(2) the gun tube shall be visibly cracked or bent.

SECTION V

PROCEDURES FOR THE REDUCTION OF ARTILLERY BY DESTRUCTION

1. Each State Party shall have the right to choose any one of the following sets of procedures each time it carries out the destruction of guns, howitzers, artillery pieces combining the characteristics of guns and howitzers, multiple launch rocket systems or mortars at reduction sites.

2. Procedure for destruction by severing of guns, howitzers, artillery pieces combining the characteristics of guns and howitzers, or mortars, that are not self-propelled:

(a) removal of special equipment, including detachable equipment, that ensures the operation of the gun, howitzer, artillery piece combining the characteristics of guns and howitzers or mortar;

(b) for the breech system, if any, of the gun, howitzer, artillery piece combining the characteristics of guns and howitzers or mortar, either:

(1) welding the breech block to the breech ring in at least two places; or

(2) cutting of at least one side of the breech ring along the long axis of the cavity that receives the breech block;

(c) severing of the tube into two parts at a distance of no more than 100 millimetres from the breech ring;

(d) severing of the left trunnion of the cradle and the mounting area of that trunnion in the upper carriage; and

(e) severing of the trails, or the base plate of the mortar, into two approximately equal parts.

3. Procedure for destruction by explosive demolition of guns, howitzers, or artillery pieces combining the characteristics of guns and howitzers that are not self-propelled:

(a) explosive charges shall be placed in the tube, on one cradle mount in the upper carriage and on the trails, and detonated so that:

(1) the tube is split or longitudinally torn within 1.5 metres of the breech;

(2) the breech block is torn off, deformed or partially melted;

(3) the attachments between the tube and the breech ring and between one of the trunnions of the cradle and the upper carriage are destroyed or sufficiently damaged to make them further inoperative; and

(4) the trails are separated into two approximately equal parts or sufficiently damaged to make them further, inoperative.

4. Procedure for destruction by explosive demolition of mortars that are not self-propelled: explosive charges shall be placed in the mortar tube and on the base plate so that, when the charges are detonated, the mortar tube is ruptured in its lower half and the base plate is severed into two approximately equal parts.

5. Procedure for destruction by deformation of mortars that are not self-propelled:

(a) the mortar tube shall be visibly bent approximately at its mid-point; and

(b) the base plate shall be bent approximately on the centre line at an angle of at least 45 degrees.

6. Procedure for destruction by severing of self-propelled guns, howitzers, artillery pieces combining the characteristics of guns and howitzers or mortars:

(a) removal of special equipment, including detachable equipment, that ensures the operation of the gun, howitzer,

artillery piece combining the characteristics of guns and howitzers or mortar;

(b) for the breech system, if any, of the gun, howitzer, artillery-piece combining the characteristics of guns and howitzers or mortar, either:

(1) welding the breech block to the breech ring in at least two places; or

(2) cutting of at least one side of the breech ring along the long axis of the cavity that receives the breech block;

(c) severing of the tube into two parts at a distance of no more than 100 millimetres from the breech ring;

(d) severing of the left trunnion and trunnion mount; and

(e) severing of sections of both sides from the hull which include the final drive apertures, by vertical and horizontal cuts in the side plates and diagonal cuts in the deck or belly plates and front or rear plates, so that the final drive apertures are contained in the severed portions.

7. Procedure for destruction by explosive demolition of self-propelled guns, howitzers, artillery pieces combining the characteristics of guns and howitzers or mortars:

(a) for self-propelled guns, howitzers, artillery pieces combining the characteristics of guns and howitzers or mortars with a turret: the method specified for battle tanks in Section III, paragraph 3 of this Protocol shall be applied in order to achieve results equivalent to those specified in that provision; and

(b) for self-propelled guns, howitzers, artillery pieces combining the characteristics of guns and howitzers or mortars without a turret: an explosive charge shall be placed in the hull under the forward edge of the traversing deck that supports the tube, and detonated so as to separate the deck plate from the hull. For the destruction of the weapon system, the method specified for guns, howitzers, or artillery pieces combining the characteristics of guns and howitzers in paragraph 3 of this Section shall be applied in order to achieve results equivalent to those specified in that provision.

8. Procedure for destruction by smashing of self-propelled guns, howitzers, artillery pieces combining the characteristics of guns and howitzers or mortars:

(a) a heavy steel wrecking ball, or the equivalent, shall be dropped repeatedly onto the hull and turret, if any, until the hull is cracked in at least three separate places and the turret in at least one place;

(b) the hits of the ball on the turret shall render either of the trunnions and its trunnion mount inoperative, and deform visibly the breech ring; and

(c) the tube shall be visibly cracked or bent at approximately its mid-point.

9. Procedure for destruction by severing of multiple launch rocket systems:

(a) removal of special equipment from the multiple launch rocket system, including detachable equipment, that ensures the operation of its combat systems; and

(b) removal of tubes or launch rails, screws (gears) of elevation mechanism sectors, tube bases or launch rail bases and their rotatable parts and severing them into two approximately equal parts in areas that are not assembly joints.

10. Procedure for destruction by explosive demolition of multiple launch rocket systems:

a linear shaped charge shall be placed across the tubes or launcher rails, and tube or launcher rail bases. When detonated, the charge shall sever the tubes or launcher rails, tube or launcher rail bases and their rotatable parts, into two approximately equal parts in areas that are not assembly joints.

11. Procedure for destruction by deformation of multiple launch rocket systems:

all tubes or launcher rails, tube or launcher rail bases and the sighting system shall be visibly bent at approximately the mid-point.

SECTION VI

PROCEDURE FOR THE REDUCTION OF COMBAT AIRCRAFT BY DESTRUCTION

1. Each State Party shall have the right to choose any one of the following sets of procedures each time it carries out the destruction of combat aircraft at reduction sites.

2. Procedure for destruction by severing:

the fuselage of the aircraft shall be divided into three parts not on assembly joints by severing its nose immediately forward of the cockpit and its tail

in the central wing section area so that assembly joints, if there are any in the areas to be severed, shall be contained in the severed portions.

3. Procedure for destruction by deformation:

the fuselage shall be deformed throughout by compression, so that its height, width or length is reduced by at least 30 per cent.

4. Procedure for destruction by use as target drones:

(a) each State Party shall have the right to reduce by use as target drones no more than 200 combat aircraft during the 40-month reduction period;

(b) the target drone shall be destroyed in flight by munitions fired by the armed forces of the State Party owning the target drone;

(c) if the attempt to shoot down the target drone fails and it is subsequently destroyed by a self-destruct mechanism, the procedures of this paragraph shall continue to apply. Otherwise the target drone may be recovered or may be claimed destroyed by accident in accordance with Section IX of this Protocol, depending on the circumstances; and

(d) notification of destruction shall be made to all other States Parties. Such notification shall include the type of the destroyed target drone and the location where it was destroyed. Within 90 days of the notification, the State Party claiming such reduction shall send documentary evidence, such as a report of the investigation, to all other States Parties. In the event of ambiguities relating to the destruction of a particular target drone, reduction shall not be considered complete until final resolution of the matter.

SECTION VII

PROCEDURES FOR THE REDUCTION OR ATTACK HELICOPTERS BY DESTRUCTIONS

1. Each State Party shall have the right to choose any one of the following sets of procedures each time it carries out the destruction of attack helicopters at reduction sites.

2. Procedure for destruction by severing:

(a) the tail boom or tail part shall be severed from the fuselage so that the assembly joint is contained in the severed portion; and

(b) at least two transmission mounts on the fuselage shall be severed, fused or deformed

3. Procedure for destruction by explosive demolition:

any type and number of explosives may be used so that, at a minimum, after detonation the fuselage is cut into two pieces through that section of the fuselage that contains the transmission mounting area.

4. Procedure for destruction by deformation:

the fuselage shall be deformed throughout by compression so that its height, width or length is reduced by at least 30 per cent.

SECTION VIII

RULES AND PROCEDURES FOR REDUCTION OR CONVENTIONAL ARMAMENTS AND EQUIPMENT LIMITED BY THE TREATY BY CONVERSION FOR NON-MILITARY PURPOSES

1. Each State Party shall have the right to reduce a certain number of battle tanks and armoured combat vehicles by conversion. The types of vehicles that may be converted are listed in paragraph 3 of this Section and the specific non-military purposes for which they may be converted are listed in paragraph 4 of this Section. Converted vehicles shall not be placed in service with the conventional armed forces of a State Party.

2. Each State Party shall determine the number of battle tanks and armoured combat vehicles it will convert. This number shall not exceed:

(a) for battle tanks, 5.7 per cent (not to exceed 750 battle tanks) of the maximum level for holdings of battle tanks it notified at the signature of the Treaty pursuant to Article VII of the Treaty, or 150 items whichever is the greater; and

(b) for armoured combat vehicles, 15 per cent (not to exceed 3,000 armoured combat vehicles) of the maximum level for holdings of armoured combat vehicles it notified at the signature of the Treaty pursuant to Article VII of the Treaty, or 150 items whichever is the greater.

3. The following vehicles may be converted for non-military purposes: T-54, T-55. T-62, T-64, T-72, Leopard 1, DMP-1, BTR-60, OT-64. The States Parties, within the framework of the Joint Consultative Group, may make changes to the list of vehicles which may be converted to non-military purposes. Such changes, pursuant to Article XVI, paragraph 5 of the Treaty shall be deemed improvements to the viability and effectiveness of the Treaty relating only to minor matters of a technical nature.

4. Such vehicles shall be converted for the following specific non-military purposes:

(a) general purpose prime movers;

(b) bulldozers;

(c) fire fighting vehicles;

(d) cranes;

(e) power unit vehicles;

(f) mineral fine crushing vehicles;

(g) quarry vehicles;

(h) rescue vehicles;

(i) casualty evacuation vehicles;

(j) transportation vehicles;

(k) oil rig vehicles;

(l) oil and chemical product spill cleaning vehicles;

(m) tracked ice breaking prime movers;

(n) environmental vehicles. The States Parties, within the framework of the Joint Consultative Group, may make changes to the list of specific non-military purposes. Such changes, pursuant to Article XVI, paragraph 5 of the Treaty shall he deemed improvements to the viability and effectiveness of the Treaty relating only to minor matters of a technical nature.

5. On entry into force of the Treaty, each State Party shall notify to all other States Parties the number of battle tanks and armoured combat vehicles that it plans to convert in accordance with the provisions of the Treaty. Notification of a State Party's intention to carry out conversion in accordance with this Section shall be given to all other States Parties at least 15 days in advance in accordance with Section X, paragraph 5 of the Protocol on Inspection. It shall specify the number and types of vehicles to be converted, the starting date and completion date of conversion, as well as the specific non-military purpose vehicles to emerge after conversion.

6. The following procedures shall be carried out before conversion of battle tanks and armoured combat vehicles at reduction sites:

(A) for battle tanks:

(1) removal of special equipment from the chassis, including detachable equipment, that ensures the operation of on-board armament systems:

(2) removal of the turret, if any;

(3) for the gun breech system, either:

(a) welding the breech block to the breech ring in at least two places; or

(b) cutting of at least one side of the breech ring along the long axis of the cavity that receives the breech block;

(4) severing of the gun tube into two parts at a distance of no more than 100 millimetres from the breech ring;

(5) severing of either of the gun trunnion and its trunnion mount in the turret; and

(6) cutting out and removal of a portion of the hull top armour beginning from the front glacis to the middle of the hull turret aperture, together with the associated portions of the side armour at a height of no less than 200 millimetres (for the T-64 and T-72, no less than 100 millimetres) below the level of the hull top armour, as well as the associated portion of the front glacis plate severed at the same height. The severed portion of this front glacis plate shall consist of no less than the upper third; and

(B) for armoured combat vehicles:

(1) for all armoured combat vehicles, removal of special equipment from the chassis, including detachable equipment, that ensures the operation of on-board armament systems;

(2) for rear-engined vehicles, cutting out and removal of a portion of the hull top armour from the front glacis to the bulkhead of the engine-transmission compartment, together with the associated portions of the side and front armour at a height of no less than 300 millimetres below the level of the top of the assault crew compartment;

(3) for front-engined vehicles, cutting out and removal of a portion of the hull top armour plate from the bulkhead of the engine transmission compartment to the rear of the vehicle together with the associated portions of the side armour at a height of no less than 300 millimetres below the level of the top of the assault crew compartment; and

(4) in addition, for armoured infantry fighting vehicles and heavy armament combat vehicles:

(a) removal of the turret;

(b) severing of either of the gun trunnions and its trunnion mount in the turret;

(c) or the gun breech system:

(i) welding the breech block to the breech ring in at least two places;

(ii) cutting of at least one side of the breech ring along the long axis of the cavity that receives the breech block; or

(iii) severing of the breech casing into two approximately equal pans; and

(d) severing of the gun tube into two parts at a distance of no more than 100 millimetres from the breech ring.

7. Battle tanks and armoured combat vehicles being reduced pursuant to paragraph 6 of this Section shall be subject to inspection, without right of refusal, in accordance with Section X of the Protocol on Inspection. Battle tanks and armoured combat vehicles shall be deemed reduced upon completion of the procedures specified in paragraph 6 of this Section and notification in accordance with Section X of the Protocol on Inspection.

8. Vehicles reduced pursuant to paragraph 7 of this Section shall remain subject to notification pursuant to Section IV of the Protocol on Information Exchange until final conversion for non-military purposes has been completed and notification has been made in accordance with Section X, paragraph 12 of the Protocol on Inspection.

9. Vehicles undergoing final conversion for non-military purposes shall also be subject to inspection in accordance with Section X of the Protocol on Inspection, with the following changes:

(a) the process of final conversion at a reduction site shall not be subject to inspection; and

(b) all other States Parties shall have the right to inspect fully converted vehicles, without right of refusal, upon receipt of a notification from the State Party conducting final conversion specifying when final conversion procedures will be completed.

10. If, having completed the procedures specified in paragraph 6 of this Section on a given vehicle, it is decided not to proceed with final conversion, then the vehicle shall be destroyed within the time limits for conversion set forth in Article VIII of the Treaty in accordance with the appropriate procedures set forth elsewhere in this Protocol

SECTION IX

PROCEDURE IN THE EVENT OF DESTRUCTION BY ACCIDENT

1. Each State Party shall have the right to reduce its reduction liability for each category of conventional armaments and equipment

limited by the Treaty in the event of destruction by accident by an amount no greater than 1.5 per cent of the maximum levels for holdings it notified at the signature of the Treaty for that category.

2. An item of conventional armaments and equipment limited by the Treaty shall be deemed reduced, in accordance with Article VIII of the Treaty, it the accident in which it was destroyed is notified to all other States Parties within seven days of its occurrence. Notification shall include the type of the destroyed item, the date of the accident, the approximate location of the accident and the circumstances related to the accident.

3. Within 90 days of the notification, the State Party claiming such reduction shall provide documentary evidence, such as a report of the investigation, to all other States Parties in accordance with Article XVII of the Treaty. In the event of ambiguities relating to the accident, such reduction shall not be considered complete until final resolution of the matter.

SECTION X

PROCEDURE FOR REDUCTION BY MEANS OF STATIC DISPLAY

1. Each State Party shall have the right to reduce by means of static display a certain number of conventional armaments and equipment limited by the Treaty.

2. No State Party shall use static display to reduce more than one per cent or eight items, whichever is the greater number, of its maximum levels for holdings it declared at the signature of the Treaty for each category of conventional armaments and equipment limited by the Treaty.

3. Notwithstanding paragraphs 1 and 2 of this Section, each State Party also shall have the right to retain in working order two items of each existing type of conventional armaments and equipment limited by the Treaty for the purpose of static display. Such conventional armaments and equipment shall be displayed at museums or other similar sites.

4. Conventional armaments and equipment placed on static display or in museums prior to the signature of the Treaty shall not be subject to any numerical limitations set forth in the Treaty, including the numerical limitations set forth in paragraphs 2 and 3 of this Section.

5. Such items to be reduced by means of static display shall undergo the following procedures at reduction sites:

(a) all items to be displayed that are powered by self-contained engines shall have their fuel tanks rendered incapable of holding fuel and:

(1) have their engine(s) and transmission removed and their mounts damaged so that these pieces cannot be ratified;

(2) have their engine compartment filled with concrete or a polymer resin;

(b) all items to be displayed equipped with 75 millimetre or larger guns with permanently fixed elevation and traversing mechanisms shall have their elevation and traversing mechanisms welded so that the tube can be neither traversed nor elevated. In addition, these items to be displayed which use pinion and rack or pinion and ring mechanisms for traversing or elevating shall have three consecutive gear teeth cut off from the rack or ring on each side of the pinion.

(c) all items to be displayed which are equipped with weapon systems that do not meet the criteria set forth in subparagraph (B) of this paragraph shall have their barrel and receiver ground filled with either concrete or a polymer resin, beginning at the face of he bolt/breech and ending within 100 millimetres of the muzzle.

SECTION XI

PROCEDURE FOR REDUCTION BY USE AS GROUND TARGETS

1. Each State Party shall have the right to reduce by use as ground targets a certain number of battle tanks, armoured combat vehicles and self-propelled pieces of artillery.

2. No State Party shall reduce by use as ground targets numbers of battle tanks or armoured combat vehicles greater than 2.5 per cent of its maximum level for holdings in each of those two categories as notified at the signature of the Treaty pursuant to Article VII of the Treaty. In addition, no State Party shall have the right to reduce by use as ground targets more than 50 self-propelled pieces of artillery.

3. Conventional armaments and equipment in use as ground targets prior to the signature of the Treaty shall not be subject to any numerical limitations set forth in Articles IV, V or VI of the Treaty, or to the numerical limitations set forth in paragraph 2 of this Section.

4. Such items to be reduced by use as ground targets shall undergo the following procedures at reduction sites:

(A) for battle tanks and self-propelled pieces of artillery:

(1) for the breech system, either:

(a) welding the breech block to the breech ring in at least two places; or

(b) cutting of at least one side of the breech ring along the long axis of the cavity that receives the breech block;

(2) severing of either of the trunnions and its trunnion mount in the turret; and

(3) severing of sections from both sides of the hull which include the final drive apertures, by vertical and horizontal cuts in the side plates and diagonal cuts in the deck or belly plates and front or rear plates, such that the final drive apertures are contained in the severed portions; and

(B) for armoured combat vehicles:

(1) for the gun breech system:

(a) welding the breech block to the breech ring in at least two places;

(b) cutting of at least one side of the breech ring along the axis of the cavity that receives the breech block; or

(c) severing of the breech casing into two approximately equal parts;

(2) severing of either of the gun trunnions and its trunnion mount in the turret;

(3) for tracked armoured combat vehicles, severing of sections from both sides of the hull which include the final drive apertures, by vertical and horizontal cuts in the side plates and diagonal cuts in the deck or belly plates and front or rear plates, so (hat the final drive apertures are contained in the severed portions; and for wheeled armoured combat vehicles, severing of sections from both sides of the hull which include the front wheel final gearbox mounting areas by vertical, horizontal and irregular cuts in the side, front, deck and belly plates so that the front wheel final gear box mounting areas are included in the severed portions at a distance of no less than 100 millimetres from the cuts.

SECTION XII

PROCEDURE FOR REDUCTION BY USE FOR GROUND INSTRUCTIONAL PURPOSES

1. Each State Party shall have the right to reduce by use for

ground instructional purposes a certain number of combat aircraft and attack helicopters.

2. No State Party shall reduce by use for ground instructional purposes numbers of combat aircraft or attack helicopters greater than five per cent of its maximum level for holdings in each of those two categories as notified at the signature of the Treaty pursuant to Article VII of the Treaty.

3. Conventional armaments and equipment limited by the Treaty in use for ground instructional purposes prior to the signature of the Treaty shall not be subject to any numerical limitations set forth in Article IV, V or VI of the Treaty, or the numerical limitations set forth in paragraph 2 of this Section.

4. Such items to be reduced by use for ground instructional purposes shall undergo the following procedures at reduction sites:

(A) for combat aircraft:

(1) severing of the fuselage into two parts in the central wing area;

(2) removal of engines, mutilation of engine mounting points and either filling of all fuel tanks with concrete, polymer or resin setting compounds or removal of the fuel tanks and mutilation of the fuel tank mounting points; or

(3) removal of all internal, external and removable armament and armament systems equipment, removal of the tail fin and mutilation of the tail fin mounting points, and filling of all but one fuel tank with concrete, polymer or resin setting compounds; and

(B) for attack helicopters:

severing of the tail boom or tail part from the fuselage so that the assembly joint is contained in the severed portion.

Protocol on Procedures Governing the Categorisation of Combat Helicopters and the Recategorisation of Multi-Purpose Attack Helicopters

The States Parties hereby agree upon procedures and provisions governing the categorisation of combat helicopters and recategorisation of multi-purpose attack helicopters as provided for in Article VIII of the Treaty on Conventional Armed Forces in Europe on November 19, 1990, hereinafter referred to as the Treaty.

SECTION I

GENERAL REQUIREMENTS FOR THE CATEGORISATION OF COMBAT HELICOPTERS

1. Combat helicopters shall be categorised as specialised attack, multi-purpose attack or combat support helicopters and shall be listed as such in the Protocol on Existing Types.

2. All models or versions of a specialised attack helicopter type shall be categorised as specialised attack helicopters.

3. Notwithstanding the provisions in paragraph 2 of this Section and as a unique exception to that paragraph, the Union of Soviet Socialist Republics 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.

4. Each State Party that holds both combat support and multi-purpose attack models or versions of a helicopter type shall categorise as attack helicopters all helicopters which have any of the features listed in Section III. paragraph 1 of this Protocol and shall have the right to categorise as combat support helicopters any helicopters that have none of the features listed in Section III, paragraph 1 of this Protocol.

5. Each State Party that holds only combat support models or versions of a helicopter type included on both the Multi-purpose Attack Helicopter and the Combat Support Helicopter lists in the Protocol on Existing Types shall have the right to categorise such helicopters as combat support helicopters.

SECTION II

GENERAL REQUIREMENTS FOR RECATEGORISATION

1. Only combat helicopters that are categorised as multi-purpose attack helicopters in accordance with the categorisation requirements

set forth in this Protocol shall be eligible for recategorisation as combat support helicopters.

2. Each State Party shall have the right to recategorise individual multi-purpose attack helicopters that have any of the features set forth in Section III, paragraph 1 of this Protocol only by conversion and certification. Each State Party shall have the right to recategorise individual multi-purpose attack helicopters that do not have any of the features set forth in Section III, Paragraph 1 of this Protocol by certification alone.

3. Each State Party shall use whatever technological means it deems necessary to implement the conversion procedures set forth in Section III of this Protocol.

4. Each combat helicopter subject to the recategorisation procedure shall bear the original manufacturer's serial number permanently stamped in a main airframe structural member.

SECTION III

PROCEDURES FOR CONVERSION

1. Multi-purpose attack helicopters being converted shall be rendered incapable of further employment of guided weapons by the removal of the following components:

(a) provisions specifically for the attachment of guided weapons, such as special hardpoints or launching devices. Any such special hardpoints which are integrate the helicopter, as well as any special elements of general purpose hardpoints which are designed for use only by guided weapons, shall be rendered incapable of further employment with guided weapons; and

(b) all integrated fire control and aiming systems for guided weapons, including wiring.

2. A State Party shall provide to all other States Parties the following information, either at least 42 days in advance of the conversion of the first helicopter of a type or at entry into force of the Treaty in the event that a State Party declares both multi-purpose attack helicopters and combat support helicopters of the same type:

(a) a basic block diagram portraying all major components of guided weapon integrated fire control and aiming systems as well as components of equipment designed for the attachment of guided weapons, the basic function of the components described in paragraph I of this Section, and the functional connections of such components to each other;

(b) a general description of the conversion process, including a list of components to be removed; and

(c) a photograph of each component to be removed, illustrating its position in the helicopter prior to its removal, and a photograph of the same position after the corresponding component has been removed

SECTION IV

PROCEDURES FOR CERTIFICATION

1. Each State Party that is recategorising multi-purpose attack helicopters shall comply with the following certification procedures, in order to ensure that such helicopters do not possess any of the features listed in Section III, paragraph I of this Protocol.

2. Each State Party shall notify all other States Parties of each certification in accordance with Section IX of the Protocol on Inspection.

3. Each State Party shall have the right to inspect the certification of helicopters in accordance with Section IX of the Protocol on Inspection.

4. The process of recategorisation shall be deemed complete when the certification procedures set forth in this Section have been completed regardless of whether any State Party exercises the certification inspection rights described in paragraph 3 of this Section and Section IX of the Protocol on Inspection, provided that within 30 days of receipt of the notification of completion of the certification and recategorisation provided pursuant to paragraph 5 of this Section no State Party has notified all other States Parties that it considers that there is an ambiguity relating to the certification and recategorisation process, In the event of such an ambiguity being raised, such recategorisation shall not be deemed complete until the matter relating to the ambiguity is resolved.

5. ‘the State Party conducting the certification shall notify all other States Parties in accordance with Section IX of the Protocol on Inspection of completion of the certification and recategorisation.

6. Certification shall be conducted within the area of application. States Parties belonging to the same group of States Parties shall have the right to share locations for certification.

SECTION V

PROCEDURES FOR INFORMATION EXCHANGE AND VERIFICATION

All combat helicopters within the area of application shall be subject to information exchange in accordance with the provisions of the Protocol on Information Exchange and verification, including inspection, in accordance with the Protocol on Inspection.

Protocol on Notification and Exchange of Information

The States Parties hereby agree on procedures and provisions regarding notification and exchange of information pursuant to Article XIII of the Treaty on Conventional Armed Forces in Europe of November 19, 1990, hereinafter referred to as the Treaty.

SECTION I

INFORMATION ON THE STRUCTURE OF EACH STATE PARTY'S LAND FORCES AND AIR AND AIR DEFENCE AVIATION FORCES WITHIN THE AREA OF APPLICATION

1. Each State Party shall provide to all other States Parties the following information about the structure of its land forces and air and air defence aviation forces within the area of application:

(a) the command organisation of its land forces, specifying the designation and subordination of all combat, combat support and combat service support formations and units at each level of command down to the level of brigade/regiment or equivalent level, including air defence formations and units subordinated at or below the military district or equivalent level. Independent units at the next level of command below the brigade/regiment level directly subordinate to formations above the brigade/regiment level (i.e., independent battalions) shall be identified, with the information indicating the formation or unit to which such units are subordinated; and

(b) the command organisation of its air and, air defence aviation forces, specifying the designation and subordination of formations and units at each level of command down to wing/air regiment or equivalent level. Independent units at the next level of command below the wing/air regiment level

directly subordinate to formations above the wing/air regiment level (i.e., independent squadrons) shall be identified, with information indicating the formation or unit to which such units are subordinated.

SECTION II

INFORMATION ON THE OVERALL HOLDINGS IN EACH CATEGORY OF CONVENTIONAL ARMAMENTS AND EQUIPMENT LIMITED BY THE TREATY

1. Each State Party shall provide to all other States Parties information on:

(a) overall numbers and numbers by type of its holdings in each category of conventional armaments and equipment limited by the Treaty; and

(b) overall numbers and numbers by type of its holdings of battle tanks, armoured combat vehicles and artillery limited by the Treaty in each of the areas described in Articles IV and V of the Treaty.

SECTION III

INFORMATION ON THE LOCATION NUMBER AND TYPES OF CONVENTIONAL ARMAMENTS AND EQUIPMENT IN SERVICE WITH THE CONVENTIONAL ARMED FORCES OF THE STATES PARTIES

1. For each of its formations and units notified pursuant to Section I, paragraph 1, sub-paragraphs (A) and (B) of this Protocol, as well as separately located battalions/squadrons or equivalents subordinate to those formations and units, each State Party shall provide to all other States Parties the following information:

(a) the designation and peacetime location of its formations and units at which conventional armaments and equipment limited by the Treaty in the following categories are held, including headquarters, specifying the geographic name and coordinates:

(1) battle tanks;

(2) armoured combat vehicles;

(3) artillery;

(4) combat aircraft; and

(5) attack helicopters;

(b) the holdings of its formations and units notified pursuant to subparagraph (A) of this paragraph, giving numbers (by type in the case, of formations and units at the level of division or equivalent and below) of the conventional armaments and equipment listed in subparagraph (A) of this paragraph, and of:

(1) combat support helicopters;

(2) unarmed transport helicopters;

(3) armoured vehicle launched budges, specifying those in active units;

(4) armoured infantry fighting vehicle look-alikes;

(5) armoured personnel carrier look-alikes;

(6) primary trainer aircraft;

(7) reclassified combat-capable trainer aircraft; and

(8) Mi-24R and Mi-24K helicopters not subject to the numerical limitations set forth in Article IV, paragraph 1 and Article VI of the Treaty;[5]

(c) the designation and peacetime location of its formations and units, other than those notified pursuant to subparagraph (A) of this paragraph, at which the following categories of conventional armaments and equipment, as defined in Article 11 of the Treaty, specified in the Protocol on Existing Types, or enumerated in the Protocol on Aircraft Reclassification, are held including headquarters, specifying the geographic name and coordinates:

(1) combat support helicopters;

(2) unarmed transport helicopters;

(3) armoured vehicle launched bridges;

(4) armoured infantry fighting vehicle look-alikes;

(5) armoured personnel carrier look-alikes;

(6) primary trainer aircraft;

(7) reclassified combat-capable trainer aircraft; and

(8) Mi-24R and Mi-24K helicopters not subject to the numerical limitations set forth in Article IV, paragraph I and Article VI of the Treaty;[5] and

(d) the holdings of its formations and units notified pursuant to subparagraph (C) of this paragraph giving numbers (by type in the case of formations and units at the level of division or

equivalent and below) in each category specified above; and, in the case of armoured vehicle launched bridges, those which are in active units.

2. Each State Party shall provide to all other States Parties information on conventional armaments and equipment in service with its conventional armed forces but not held by its land forces or air or air defence aviation forces, specifying:

(a) the designation and peacetime location of its formations and units down to the level of brigade/regiment, wing/air regiment or equivalent as well as units at the next level of command below the brigade regiment, wing/air regiment level which are separately located or are independent (i.e., battalions/squadrons or equivalent) at which conventional armaments and equipment limited by the Treaty in the following categories are held, including headquarters, specifying the geographic name and coordinates:

(1) battle tanks;

(2) armoured combat vehicles;

(3) artillery;

(4) combat aircraft; and

(5) attack helicopters; and

(b) the holdings of its formations and units notified pursuant to subparagraph (A) of this paragraph, giving numbers (by type in the case of formations and units at the level of division or equivalent and below) of conventional armaments and equipment listed in subparagraph (A) of this paragraph, and of:

(1) combat support helicopters;

(2) unarmed transport helicopters;

(3) armoured vehicle launched bridges, specifying those in active units;

(4) armoured infantry fighting vehicle look-alikes;

(5) armoured personnel carrier look-alikes;

(6) primary trainer aircraft;

(7) reclassified combat-capable trainer aircraft; and

(8) Mi-24R and Mi-24K helicopters not subject to the numerical limitations set forth in Article IV, paragraph 1 and Article VI of the Treaty.

3. Each State Party shall provide to all other States Parties the following information:

(a) the location of its designated permanent storage sites, specifying geographic name and coordinates, and the numbers and types of conventional armaments and equipment in the categories listed in paragraph 1, subparagraphs (A) and (B) of this Section held at such sites;

(b) the location of its military storage sites not organic to formations and units identified as objects of verification, independent repair and maintenance units, military training establishments and military airfields, specifying geographic name and coordinates, at which conventional armaments and equipment in the categories listed in paragraph 1, subparagraphs (A) and (B) of this Section are held or routinely present, giving the holdings by type in each category at such locations; and

(c) the location of its sites at which the reduction of conventional armaments and equipment limited by the Treaty will be undertaken pursuant to the Protocol on Reduction, specifying the location by geographic name and coordinates, the holdings by type in each category of conventional armaments and equipment limited by the Treaty awaiting reduction at such locations, and indicating that it is a reduction site.

SECTION IV

INFORMATION ON THE LOCATION AND NUMBERS OF BATTLE TANKS, ARMOURED COMBAT VEHICLES, ARTILLERY, COMBAT AIRCRAFT AND ATTACK HELICOPTERS WITHIN THE AREA OF APPLICATION BUT NOT IN SERVICE WITH CONVENTIONAL ARMED FORCES

1. Each State Party shall provide information to all other States Parties on the location and numbers of its battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters within the area of application not in service with its conventional armed forces but of potential military significance.

(a) Accordingly, each State Party shall provide the following information:

(1) in respect of its battle tanks, artillery, combat aircraft and specialised attack helicopters, as well as armoured

infantry fighting vehicles as specified in Article XII of the Treaty, held by organisations down to the independent or separately located battalion or equivalent level designed and structured to perform in peacetime internal security functions, the location, including geographic name and coordinates, of sites at which such armaments and equipment are held and the numbers and types of conventional armaments and equipment in these categories held by each such organisation;

(2) in respect of its armoured personnel carriers, heavy armament combat vehicles and multi-purpose attack helicopters held by organisations designed and structured to perform in peacetime internal security functions, the aggregate numbers in each category of such armaments and equipment in each administrative region or division;

(3) in respect of its battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters awaiting disposal having been decommissioned in accordance with the provisions of Article IX of the Treaty, the location, including geographic name and coordinates, of sites at which such armaments and equipment are held and the numbers and types at each site;

(4) in respect Of its battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters, each State Party shall provide to all other States Parties, following entry into force of the Treaty and coincident with each annual exchange of information pursuant to Section VII, paragraph 1, subparagraph (C) of this Protocol, an identifiable location of each site at which there are normally more than a total of 15 battle tanks, armoured combat vehicles and pieces of artillery or more than five combat aircraft or more than 10 attack helicopters which are, pursuant to Article III, paragraph 1, subparagraph (E) of the Treaty, awaiting or are being refurbished for export or re-export and are temporarily retained within the area of application. Each State Party shall provide to all other States Parties, following entry into force of the Treaty and coincident with each annual exchange of information pursuant to Section VII, paragraph 1, subparagraph (C) of this Protocol, the numbers of such battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters. The States Parties shall, within the framework of the Joint Consultative Group, agree

as to the form in which the information on the numbers shall he provided pursuant to this provision;

(5) in respect of its battle tanks and armoured combat vehicles which have been reduced and are awaiting conversion pursuant to Section VIII of the Protocol on Reduction, the location, including geographic name and coordinates, of each site at which such armaments and equipment are held and the numbers and types at each site; and

(6) in respect of its battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters used exclusively for the purpose of research and development pursuant to Article III, paragraph 1, subparagraph (B) of the Treaty, each State Party shall provide to all other States Parties following entry into force of the Treaty and coincident with each annual exchange of information pursuant to Section VII, paragraph 1, subparagraph (C) of this Protocol the aggregate numbers in each category of such conventional armaments and equipment.

SECTION V

INFORMATION ON OBJECTS OF VERIFICATION AND DECLARED SITES

1. Each State Party shall provide to all other States Parties information specifying its objects of verification, including the total number and the designation of each object of verification, an enumerating its declared sites, as defined in Section I of the Protocol on Inspection, providing the following information on each site:

(a) the site's designation and location, including geographic name and coordinates;

(b) the designation of all objects of verification, as specified in Section I, paragraph 1, subparagraph (J) of the Protocol on Inspection, at that site, it being understood that subordinate elements at the next level of command below the brigade/ regiment or wing/air regiment level located in the vicinity of each other or of the headquarters immediately superior to such elements may be deemed as not separately located, if the distance between such separately located battalions/ squadrons or equivalent or to their headquarters does not exceed 15 kilometres;

(c) the overall numbers by type of conventional armaments and equipment in each category specified in Section III of

this Protocol held at that site and by each object of verification, as well as those belonging to any object of verification located at another declared site, specifying the designation of each such object of verification;

(d) in addition, for each such declared site, the number of conventional armaments and equipment not in service with its conventional armed forces, indicating those that are:

(1) battle tanks, armoured combat vehicles, artillery combat aircraft and attack helicopters awaiting disposal having been decommissioned in accordance with the provisions of Article IX of the Treaty or reduced and awaiting conversion pursuant to the Protocol on Reduction; and

(2) battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters held by organisations designed and structured to perform in peacetime internal security functions;

(e) declared sites that hold battle tanks, armoured combat vehicles, artillery, combat aircraft or attack helicopters awaiting or being refurbished for export or re-export and temporarily retained within the area of application or used exclusively for research and development shall be identified as such, and the aggregate numbers in each category at that site shall be provided; and

(f) point(s) of entry/exit associated with each declared site, including geographic name and coordinates.

SECTION VI

INFORMATION ON THE LOCATION OF SITES FROM WHICH CONVENTIONAL ARMAMENTS AND EQUIPMENT HAVE BEEN WITHDRAWN

1. Each State Party shall provide annually to all other States Parties, coincident with the annual exchange of information provided pursuant to Section VII, paragraph 1, subparagraph (C) of this Protocol, information about the locations of sites which have been notified previously as declared sites from which all conventional armaments and equipment in the categories listed in Section III, paragraph 1 of this Protocol have been withdrawn since the signature of the Treaty if such sites continue to be used by the conventional armed forces of that State Party. The locations of these sites shall be notified for three years following such withdrawal.

SECTION VII

TIMETABLE FOR THE PROVISION OF INFORMATION IN SECTIONS I TO V OF THIS PROTOCOL

1. Each State Party shall provide to all other States Parties the information pursuant to Sections I to V of this Protocol as follows:

(a) upon signature of the Treaty, with information effective as of that date; and, no later than 90 days after signature of the Treaty, each State Party shall provide to all other States Parties within the framework of the Joint Consultative Group any necessary corrections to its information reported pursuant to Sections III, IV and V of this Protocol. Such corrected information shall be deemed information provided at Treaty signature and valid as of that date;

(b) 30 days following entry into force of the Treaty, with information effective as of the date of entry into force;

(c) on the 15th day of December of the year in which the Treaty comes into force (unless entry into force occurs within 60 days of the 15th day of December), and on the 15th day of December of every year thereafter, with the information effective as of the first day of January of the following year; and

(d) following completion of the 40-month reduction period specified in Article VIII of the Treaty, with information effective as of that dale.

SECTION VIII

INFORMATION ON CHANGES IN ORGANISATIONAL STRUCTURES OR FORCE LEVELS

1. Each State Party shall notify all other States Parties of:

(a) any permanent change in the organisational structure of its conventional armed forces within the area of application as notified pursuant to Section I of this Protocol at least 42 days in advance of that change; and

(b) any change of 10 per cent or more in any one of the categories of conventional armaments and equipment limited by the Treaty assigned to any of its combat, combat support or combat service support formations and units down to the brigade/regiment, wing air regiment independent or separately located battalion/squadron or equivalent level as

notified in Section III, paragraph 1, subparagraphs (A) and (B) and paragraph 2, subparagraphs (A) and (B) of this Protocol since the last annual exchange of information. Such notification shall be given no later than five days after such change occurs, indicating actual holdings after the notified change.

SECTION IX

INFORMATION ON THE ENTRY INTO AND REMOVAL FROM SERVICE WITH THE CONVENTIONAL ARMED FORCES OF A STATE PARTY OF CONVENTIONAL ARMAMENTS AND EQUIPMENT LIMITED BY THE TREATY

1. Each State Party shall provide to all other States Parties following entry into force of the Treaty coincident with each annual exchange of information provided pursuant to Section VII, paragraph 1, subparagraph (C) of this Protocol:

(a) aggregate information on the numbers and types of conventional armaments and equipment limited by the Treaty which entered into service with its conventional armed forces within the area of application during the previous 12 months; and

(b) aggregate information on the numbers and types of conventional armaments and equipment limited by the Treaty which have been removed from service with its conventional armed forces within the area of application during the previous 12 months.

SECTION X

INFORMATION ON ENTRY INTO AND EXIT FROM THE AREA OF APPLICATION OF CONVENTIONAL ARMAMENTS AND EQUIPMENT LIMITED BY THE TREATY IN SERVICE WITH THE CONVENTIONAL ARMED FORCES OF THE STATES PARTIES

1. Each State Party shall provide annually to all other States Parties following entry into force of the Treaty and coincident with each annual exchange of information provided pursuant to Section VII, paragraph 1, subparagraph (C) of this Protocol:

(a) aggregate information on the numbers and types of each category of conventional armaments and equipment limited

by the Treaty, in service with its conventional armed forces that have entered the area of application within the last 12 months and whether any of these armaments and equipment were organised in a formation or unit;

(b) aggregate information on the numbers and types of each category of conventional armaments and equipment limited by the Treaty in service with its conventional armed forces that have been removed from, and remain outside of, the area of application within the last 12 months and the last reported locations within the area of application of such conventional armaments and equipment; and

(c) conventional armaments and equipment limited by the Treaty in service with its conventional armed forces within the area of application which exit and re-enter the area of application, including for purposes such as training or military activities, within a seven-day period shall not be subject to the reporting provisions in this Section.

SECTION XI

CONVENTIONAL ARMAMENTS AND EQUIPMENT IN TRANSIT THROUGH THE AREA OF APPLICATION

1. The provisions of this Protocol shall not apply to conventional armaments and equipment that are in transit through the area of application from a location outside the area of application to a final destination outside the area of application. Conventional armaments and equipment in the categories specified in Section III of this Protocol which entered the area of application in transit shall be reported pursuant to this Protocol if they remain within the area of application for a period longer than seven days.

SECTION XII

FORMAT FOR THE PROVISION OF INFORMATION

1. Each State Party shall provide to all other States-Parties the information specified in this Protocol in accordance with the procedures set forth in Article XVII of the Treaty and the Annex on Format. In accordance with Article XVI, paragraph 5 of the Treaty, changes to the Annex on Format shall be deemed improvements to the viability and effectiveness of the Treaty relating only to minor matters of a technical nature.

SECTION XIII

OTHER NOTIFICATIONS PURSUANT TO THE TREATY

1. After signature of the Treaty and prior to its entry into force, the Joint Consultative Group shall develop a document relating to notifications required by the Treaty. Such document shall list all such notifications, specifying those that shall be made in accordance with Article XVII of the Treaty and shall include appropriate formats, as necessary, for such notifications In accordance with Article XVI, paragraph 5 of the Treaty, changes to this document, including any formats, shall be deemed to be improvements to the viability and effectiveness of the Treaty relating only to minor matters of a technical nature.

Annex on the Format for the Exchange of Information

1. Each State Party shall provide to all other States Parties information pursuant to the Protocol on Information Exchange, hereinafter referred to as the Protocol, in accordance with the formats specified in this Annex. The information in each data listing shall be provided in mechanically or electronically printed form and in one of the six official languages of the Conference on Security and Cooperation in Europe. In each table (column a), each data entry shall be assigned a sequential line number.

2. Each set of listings shall begin with a cover page showing the name of the State Party providing the listings, the language in which the listings are being provided, the date on which the listings are to be exchanged and the effective date of the information set forth in the listings.

SECTION I

INFORMATION ON THE STRUCTURE OF LAND FORCES AND AIR AND AIR DEFENCE AVIATION FORCES WITHIN THE AREA OF APPLICATION

1. Pursuant to Section I of the Protocol, each State Party shall provide information on the command organisation of its land forces, including air defence formations and units subordinated at or below the military district or equivalent level, and air and air defence aviation forces in the form of two separate hierarchical.

2. The data listings shall be provided beginning at the highest level and proceeding through each level of command down to the level of brigade/regiment, independent battalion, and wing/air regiment,

independent squadron or their equivalent. For example, a military district/army/corps would be followed by any subordinate independent regiments, independent battalions, depots, training establishments, then each subordinate division with its regiments/independent battalions. After all the subordinate organisations are listed, entries shall begin for the next military district/army/corps. An identical procedure shall be followed for air and air defence aviation forces.

(a) Each organisation shall be identified (column b) by a unique designator (i.e., formation or unit record number) which shall be used on subsequent listings with that organisation and for all subsequent information exchanges; its national designation (i.e., name) (column c); and, in the case of divisions, brigades/regiments, independent battalions, and wings/air regiments, independent squadrons or equivalent organisations, where appropriate the formation or unit type (e.g., infantry, tank, artillery, fighter, bomber, supply); and

(b) for each organisation, the two levels of command within the area of application immediately superior to that organisation shall be designated (columns d and c).

SECTION II

INFORMATION ON OVERALL HOLDINGS OF CONVENTIONAL ARMAMENTS AND EQUIPMENT SUBJECT TO NUMERICAL LIMITATIONS PURSUANT TO ARTICLES IV AND V OF THE TREATY

1. Pursuant to Section II of the Protocol, each State Party shall provide data on its overall holdings by type of battle tanks, armoured combat vehicles and artillery subject to the numerical limitations set forth in Articles IV and V of the Treaty (column b), and on its overall holdings by type of combat aircraft and attack helicopters subject to the numerical limitations set forth in Article IV of the Treaty (column b).

2. Data on armoured combat vehicles shall include the total numbers of heavy armament combat vehicles, armoured infantry fighting vehicles and armoured personnel carriers, and their number (column f/e) and type (column e/d) in each of these subcategories (column d/c).

3. In the case of battle tanks, armoured combat vehicles, artillery and armoured vehicle launched bridges, stored in accordance with Article X of the Treaty, the total of such equipment in designated permanent storage sites shall be specified (column g).

SECTION III

INFORMATION ON THE LOCATION, NUMBERS, AND TYPES OF CONVENTIONAL ARMAMENTS AND EQUIPMENT IN SERVICE WITH THE CONVENTIONAL ARMED FORCES

1. Each State Party shall provide a hierarchical data listing of all its land forces' and air and air defence aviation forces' organisations reported pursuant to Section III, paragraph 1 of the Protocol, formations and units reported pursuant to Section III, paragraph 2 of the Protocol and installations at which conventional armaments and equipment are held as specified in Section III, paragraph 3 of the Protocol.

2. For each organisation and installation, the information shall reflect:

(1) designated permanent storage sites shall be identified with the notation "DPSS" following the national designation; and

(2) reduction sites shall be identified with the notation "reduction" following the national designation;

SECTION IV

INFORMATION ON CONVENTIONAL ARMAMENTS AND EQUIPMENT NOT IN SERVICE WITH THE CONVENTIONAL ARMED FORCES PROVIDED PURSUANT TO SECTION IV OF THE PROTOCOL ON INFORMATION EXCHANGE

1. Pursuant to Section IV of the Protocol, each State Party shall provide information on the location, number and type of its battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters within the area of application but not in service with its conventional armed forces.

2. For each location, the information shall reflect:

(a) the provision of Section IV of the Protocol pursuant to which the information is being provided (column b);

(b) the location (column c):

(1) in respect of conventional armaments and equipment reported pursuant to Section IV, paragraph 1, subparagraph (A), sub-subparagraphs (1), (3) and (5) of the Protocol, the geographic name and coordinates accurate to the nearest 10 seconds of sites containing such equipment; and

(2) in respect of conventional armaments and equipment reported pursuant to Section IV, paragraph 1, sub-paragraph (A), sub-subparagraph (2) of the Protocol, the national designation of the administrative region or division containing such equipment;

(c) in respect of conventional armaments and equipment reported pursuant to Section IV, paragraph 1, subparagraph (A), sub-subparagraphs (1) and (2) of the Protocol, the national-level designation of organisations holding the equipment specified (column c); and

SECTION V

INFORMATION ON OBJECTS OF VERIFICATION AND DECLARED SITES

1. Pursuant to Section V of the Protocol, each State Party shall provide a listing of its objects of verification and declared sites, as defined in Section I of the Protocol on Inspection. Declared sites shall be listed in an alphabetical order.

2. Information about each declared site shall include:

(A) a unique designator (i.e., declared site record number) (column b) which shall be used with that site for all subsequent information exchanges;

(B) the site's name and location using geographic name and coordinates accurate to the nearest 10 seconds (column c). For locations containing objects of verification of stationed forces, the host State Party shall also be included;

(C) the point(s) of entry/exit associated with the declared site (column d);

(D) a unique sequential number and the designation and formation or unit record number of all objects of verification stationed at the declared te as specified in Section III of this Annex (column e). Unique sequential numbers shall be assigned such mat the number assigned to the last object of verification appearing in the listing shall equal the State Party's total number of objects of verification; and

(E) the overall number of conventional armaments and equipment in each category specified in Section III of the Protocol held at the declared site and by each object of verification (columns f to p) and specifying, in addition:

(1) conventional armaments and equipment held in each category on the declared site belonging to an object of verification located at another declared site, specifying the designation and formation or unit record number of each such object of verification (column e); and

(2) conventional armaments and equipment not belonging to an object of verification shall be identified with the following notations immediately following/below each such entry in columns f to p:

(a) equipment held by organisations designed and structured to perform in peacetime internal security functions, with the notation “security”;

(b) decommissioned equipment, with the notation “decommissioned”;

(c) equipment awaiting or being refurbished for export or re-export, with the notation “export”;

(d) reduced equipment awaiting conversion, with the notation “reduced”; and

(e) equipment used exclusively for research and development, with the notation “research.”

SECTION I

DEFINITIONS

1. For the purposes of the Treaty:

(a) The term “inspected State Party” means a State Party on whose territory an inspection is carried out in compliance with Article XIV of the Treaty:

(1) in the case of inspection sites where only a stationing State Party’s conventional armaments and equipment limited by the Treaty are present, such a stationing State Party shall exercise, in compliance with the provisions of this Protocol, the rights and obligations of the inspected State Party as set forth in this Protocol for the duration of the inspection within that inspection site where its conventional armaments and equipment limited by the Treaty are located; and

(2) in the case of inspection sites containing conventional armaments and equipment limited by the Treaty of more than one State Party, each such State Party shall exercise, in compliance with the provisions of this

Protocol, each in respect of its own conventional armaments and equipment limited by the Treaty, the rights and obligations of the inspected State Party as set forth in this Protocol for the duration of the inspection within that inspection site where its conventional armaments and equipment limited by the Treaty are located.

(b) The term "stationing State Party" means a State Party stationing conventional armaments and equipment in service with its conventional armed forces outside its own territory and within the area of application.

(c) The term "host State Party" means a State Party receiving on its territory within the area of application conventional armaments and equipment in service with the conventional armed forces of another State Party stationed by that State Party.

(d) The term "inspecting State Party" means a State Party which requests and is therefore responsible for carrying out an inspection.

(e) The term "inspector" means an individual designated by one of the States Parties to carry out an inspection and who is included on that State Party's accepted list of inspectors in accordance with the provisions of Section III of this Protocol.

(f) The term "transport crew member" means an individual who performs duties related to the operation of a transportation means and who is included on a State Party's accepted list of transport crew members in accordance with the provisions of Section III of this Protocol.

(g) The term "inspection team" means a group of inspectors designated by a inspecting State Party to conduct a particular inspection.

(h) The term "escort team" means a group of individuals assigned by an inspected State Party to accompany and to assist inspectors conducting a particular inspection, as well as to assume other responsibilities as set forth in this Protocol. In the case of inspection of a stationing State Party's conventional armaments and equipment limited by the Treaty, an escort team shall include individuals assigned by both the host and stationing States Parties, unless otherwise agreed between them.

(i) The term “inspection site” means an area, location, or facility where an inspection is carried out.

(j) The term “object of verification” means:

(1) any formation or unit at the organisational level of brigade/regiment, wing/air regiment, independent battalion/artillery battalion, independent squadron or equivalent as well as any separately located battalion/ squadron or equivalent unit at the next level of command below the brigade/regiment, wing/air regiment level holding conventional armaments and equipment limited by the Treaty at a location notified pursuant to Section III, paragraph I, subparagraph (A) of the Protocol on Information Exchange;

(2) any designated permanent storage site, military storage site not organic to formations and units referred to in sub-subparagraph (I) of this subparagraph, independent repair or maintenance unit, military training establishment or military airfield at which conventional armaments and equipment limited by the Treaty are notified pursuant to Section III, paragraph 3, sub-paragraphs (A) and (B) of the Protocol on Information Exchange as being permanently or routinely present;

(3) a reduction site for conventional armaments and equipment limited by the Treaty as notified pursuant to Section HI, paragraph 3, subparagraph (C) of the Protocol on Information Exchange;

(4) in the case of units below the level of battalion holding conventional armaments and equipment limited by the Treaty that are directly subordinate to a unit or formation above the level of brigade/regiment or equivalent, that unit or formation to which the units below the level of battalion are subordinated shall be considered an object of verification, if it has no subordinate unit or formation at the level of brigade/ regiment or equivalent; and

(5) a formation or unit holding conventional armaments and equipment subject to the Treaty, but not in service with the conventional armed forces of a State Party shall not be considered an object of verification.

(k) The term “military airfield” means a permanent military complex, not otherwise containing an object of verification,

at which the frequent operation, i.e., launch and recovery, of at least six combat aircraft or combat helicopters limited by the Treaty or subject to internal inspection is routinely performed.

(l) The term "military training establishment" means a facility, not otherwise containing an object of verification, at which a military unit or subunit using at least 30 conventional armaments and equipment limited by the Treaty or more than 12 of any single category of conventional armaments and equipment limited by the Treaty is organised to train military personnel,

(m) The term "military storage site" not organic to formations and units identified as objects of verification means any storage site, other than designated permanent storage sites or sites subordinate to organisations designed and structured for internal security purposes, holding conventional armaments and equipment limited by the Treaty without respect to organisational or operational status. Conventional armaments and equipment limited by the Treaty contained in such sites shall constitute a portion of the permitted holdings counted in active units pursuant to Article IV of the Treaty.

(n) The term "declared site" means a facility or precisely delineated geographic location which contains one or more objects of verification. A declared site shall consist of all territory within its man-made or natural outer boundary or boundaries as well as associated territory comprising firing ranges, training areas, maintenance and storage areas, helicopter airfields and railroad loading facilities at which battle tanks, armoured combat vehicles, artillery, combat helicopters, combat aircraft, reclassified combat-capable trainer aircraft, armoured personnel carrier look-alikes, armoured infantry fighting vehicle look-alikes or armoured vehicle launched bridges are permanently or routinely present.

(o) The term "specified area" means an area anywhere on the territory of a State Party within the area of application other than a site inspected pursuant to Section VII, IX or X of this Protocol within which a challenge inspection is conducted pursuant to Section VIII of this

(p) The term "sensitive point" means any equipment, structure or location which has been designated to be sensitive by the

inspected State Party of the State Party exercising the rights and obligations of the inspected State Party through the escort team and to which access or overflight may be delayed, limited or refused.

(q) The term “point of entry/exit” means a point designated by a State Party on whose territory an inspection is to be carried out, through which inspection teams and transport crews arrive on the territory of that State Party and through which they depart from the territory of that State Party.

(r) The term “in-country period” means the total time spent continuously on the territory of the State Party where an inspection is carried out by an inspection team for inspections pursuant to Sections VII and VIII of this Protocol from arrival of the inspection team at the point of entry/exit until the return of the inspection team to a point of entry/exit after completion of that inspection team’s last inspection.

(s) The term “baseline validation period” means, for the purpose of calculating inspection quotas, the specified time period consisting of the first 120 days following entry into force of the Treaty.

(t) The term “reduction period” means, for the purpose of calculating inspection quotas the specified time period consisting of the three years following the 120-day baseline validation period.

(u) The term “residual level validation period” means, for the purpose of calculating inspection quotas, the specified time period consisting of the 120 days following the three-year reduction period.

(v) The term “residual period” means, for the purpose of calculating inspection quotas, the specified time period following the 120-day residual level validation period for the duration of the Treaty.

(w) The term “passive declared site inspection quota” means the total number of inspections of objects of verification pursuant to Section VII of this Protocol that each State Party shall be obliged to receive within a specified time period at inspection sites where its objects of verification are located.

(x) The term “passive challenge inspection quota” means the maximum number of challenge inspections within specified areas pursuant to Section VIII of this Protocol that each

State Party with territory within the area of application shall be obliged to receive within a specified time period.

(y) The term "active inspection quota" means the total number of inspections pursuant to Sections VII and VIII of this Protocol that each State Party shall be entitled to conduct within a specified time period.

(z) The term "certification site" means a clearly designated location where the certification of recategorised multi-purpose attack helicopters and reclassified combat-capable trainer aircraft in accordance with the Protocol on Helicopter Recategorisation and the Protocol on Aircraft Reclassification takes place.

(aa) The term "calendar reporting period" means a period of time defined in days during which the intended reduction of the planned number of items of conventional armaments and equipment limited by the Treaty in accordance with Article VIII of the Treaty is to be carried out.

SECTION II

GENERAL OBLIGATIONS

1. For the purpose of ensuring verification of compliance with the provision's of the Treaty, each State Party shall facilitate inspections pursuant to this Protocol.

2. In the case of conventional armaments and equipment in service with the conventional armed forces of a State Party stationed in the area of application outside national territory, the host State Party and the stationing State Party shall, in fulfillment of their respective responsibilities, cooperatively ensure compliance with the relevant provisions of this Protocol. The stationing State Party shall be fully responsible for compliance with the Treaty obligations in respect of its conventional armaments and equipment in service with its conventional armed forces stationed on the territory of the host State Party.

3. The escort team shall be placed under the responsibility of the inspected State Party:

(a) in the case of inspection sites at which only a Stationing State Party's conventional armaments and equipment limited by the Treaty are present and are under this State Party's command, the escort team shall be placed under the responsibility of a representative of the stationing State Party for the duration of the inspection within that inspection

site where the stationing State Party's conventional armaments and equipment limited by the Treaty are located; and

(b) in the case of inspection sites containing conventional armaments and equipment limited by the Treaty of both the host State Party and the stationing State Party, the escort team shall be composed of representatives from both States Parties when conventional armaments and equipment limited by the Treaty of the stationing State Party are actually inspected. During the inspection within that inspection site, the host State Party shall exercise the rights and obligations of the inspected State Party with the exception of those rights and obligations related to the inspection of the conventional armaments and equipment limited by the Treaty of the stationing State Party, which shall be exercised by this stationing State Party.

4. If an inspection team requests access to a structure or premises utilised by another State Party by agreement with the inspected State Party, such other State Party shall in cooperation with the inspected State Party and to the extent consistent with the agreement on utilisation, exercise the rights and obligations set forth in this Protocol with respect to inspections involving equipment or material of the State Party utilising the structure or premises.

5. Structures or premises utilised by another State Party by agreement with the inspected State Party shall be subject to inspection only when that other State Party's representative is on the escort (cam.

6. Inspection teams and sub-teams shall be under the control and responsibility of the inspecting State Party.

7. No more than one inspection team conducting an inspection pursuant to Section VII or VIII of this Protocol may be present at the same time at any one inspection site.

8. Subject to the other provisions of this Protocol, the inspecting State Party shall decide for how long each inspection team will stay on the territory of the State Party where an inspection is to be carried out, and at how many and at which inspection sites it will conduct inspections during the in-country period.

9. Travel expenses of an inspection team to the point of entry/exit prior to conducting an inspection and from the point of entry/exit after completion of the last inspection shall be borne by the inspecting State Party.

10. Each State Party shall be obliged to receive a number of inspections pursuant to Section VII or VIII of this Protocol not to exceed its passive declared site inspection quota for each specified time period: a 120-day baseline validation period, a three-year reduction period, a 120-day residual level validation period and a residual period for the duration of the Treaty. The passive declared site inspection quota shall be determined for each specified time period as a percentage of that State Party's objects of verification, excluding reduction sites and certification sites, located within the area of application of the Treaty:

(a) during the first 120 days after entry into force of the Treaty, the passive declared site inspection quota shall be equal to 20 per cent -of a State Party's objects of verification notified pursuant to Section V of the Protocol on Information Exchange;

(b) during each year of the reduction period, after completion of the initial 120-day period, the passive declared site inspection quota shall be equal to 10 per cent of a State Party's objects of verification notified pursuant to Section V of the Protocol on Information Exchange;

(c) during the first 102 days after completion of the three-year reduction period, the passive declared site inspection quota shall be equal to 20 per cent of a State Party's objects of verification notified pursuant to Section V of the Protocol on Information Exchange; and

(d) each year, commencing after completion of the 120-day residual level validation period, for the duration of the Treaty, the passive declared site inspection quota shall be equal to 15 per cent of a State Party's objects of verification notified pursuant to Section V of the Protocol on Information Exchange.

11. Each State Party with territory within the area of application shall be obliged to accept challenge inspections as follows:

(a) during the baseline validation period, during each year of the reduction period and during the residual level validation period, up to 15 per cent of the number of inspections of declared sites which that State Party is obliged to receive on its territory of its own objects of verification as well as of objects of verification belonging to stationing States Parties; and

(b) during each year of the residual period, up to 23 per cent of the number of inspections of declared sites which that State Party is obliged, to receive on its territory of its own objects of verification and of objects of verification belonging to stationing States Parties.

12. Notwithstanding any other limitations in this Section, each State Party shall be obliged to accept a minimum of one inspection each year of its objects of verification pursuant to Section VII of this Protocol, and each State Party with territory within the area of application shall be obliged to accept a minimum of one inspection each year within a specified area pursuant to Section VIII of this Protocol.

13. Inspection pursuant to Section VII of this Protocol of one object of verification at an inspection site shall count as one inspection against the passive declared site inspection quota of that State Party whose object of verification is inspected.

14. The proportion of inspections pursuant to Section VII of this Protocol on the territory of a host State Party within a specified time period used to inspect objects of verification belonging to a stationing State Party shall be no greater than the proportion which that stationing State Party's objects of verification constitute of the total number of objects of verification located on the territory of that host State Party.

15. The number of inspections pursuant to Section VII of this Protocol of objects of verification within a specified time period on any State Party's territory shall be calculated as a percentage of the total number of objects of verification present on that State Party's territory.

16. Inspection pursuant to Section VIII of this Protocol within one specified area shall count as one inspection against the passive challenge inspection quota and one inspection against the passive declared site inspection quota of the State Party on whose territory the inspection is conducted.

17. Unless otherwise agreed between the escort team and the inspection team, an inspection team's in-country period shall, up to a total of 10 days, not exceed the total number of hours calculated according to the following formula:

(a) 48 hours for the first inspection of an object of verification or within a specified area; plus

(b) 36 hours for each sequential inspection of an object of verification or within a specified area.

18. Subject to the limitations in paragraph 17 of this Section, an inspection team conducting an inspection pursuant to Section VII or VIII of this Protocol shall spend no more than 48 hours at a declared site and no more than 24 hours in inspection within a specified area.

19. The inspected State Party shall ensure that the inspection team travels to a sequential inspection site by the most expeditious means available. If the time between completion of one inspection and arrival of the inspection team at a sequential inspection site exceeds nine hours, or if the lime between completion of the last inspection conducted by an inspection team on the territory of the State Party where an inspection is carried out and the arrival of that inspection team at the point of entry/exit exceeds nine hours, such excess time shall not count against that inspection team's in-country period.

20. Each State Party shall be obliged to accept on its territory within the area of application simultaneously no more than either two inspection teams conducting inspections pursuant to Sections VII and VIII of this Protocol or a number of inspection teams conducting inspections pursuant to Sections VII and VIII of this Protocol equal to two per cent of the total number of objects of verification that are to be inspected during a specified time period on the territory of that State Party, whichever number is greater.

21. Each State Party shall be obliged to accept simultaneously no more than either two inspection teams conducting inspections of its conventional armed forces pursuant to Section VII or VIII of this Protocol or a number of inspection teams conducting inspections of its conventional armed forces pursuant to Section VII or VIII of this Protocol equal to two per cent of the total number of its objects of verification that are to be inspected during a specified time period, whichever number is greater.

22. Notwithstanding the provisions of paragraphs 20 and 21 of this Section, each State Party with military districts specified in Articles IV and V of the Treaty shall be obliged to accept on its territory within the area of application simultaneously no more than two inspection teams conducting inspections pursuant to Sections VII and VIII of this Protocol within any one of those military districts.

23. No State Party shall be obliged to accept inspections pursuant to Sections VII and VIII of this Protocol representing more than 50 per cent of its passive declined site inspection quota in a calendar year from the same State Party.

24. Each State Party shall have the right to conduct inspections within the area of application on the territory of other States Parties.

However, no State Party shall conduct more than five inspections annually pursuant to Sections VII and VIII of this Protocol of another State Party belonging to the same group of States Parties. Any such inspections shall count against the passive declared site inspection quota of the State Party being inspected. It shall otherwise he the responsibility solely of each group of States Parties to determine the allocation of inspections for each State Party within its group of States Parties. Each State Party shall notify to all other States Parties its active inspection quota:

(a) for the baseline validation period, no later than 120 days after signature of the Treaty;

(b) for the first year of the reduction period, no later than 60 days after entry into force of the Treaty; and

(c) for each subsequent year of the reduction period, for the residual level validation period and for each year of the residual period, no later than the 15th day of January preceding each such specified time period.

SECTION III

PRE-INSPECTION REQUIREMENTS

1. Inspections conducted pursuant to the Treaty shall be carried out by inspectors designated in accordance with paragraphs 3 to 7 of this Section.

2. Inspectors shall be nationals of the inspecting State Party or other States Parties.

3. Within 90 days after signature of the Treaty, each State Party shall provide to all other States Parties a list of its proposed inspectors and a list of its proposed transport crew members, containing the full names of inspectors and transport crew members, their gender, date of birth, place of birth and passport number. No list of proposed inspectors provided by a State Party shall contain at any time more than 400 individuals, and no list of proposed transport crew members provided by a State Party shall contain at any time more than 600 individuals.

4. Each State Party shall review the lists of inspectors and transport crew members provided to it by other States Parties and, within 30 days after receipt of each list, shall provide notification to the State Party providing that list of any individual whose name it wishes to be deleted from that list.

5. Subject to paragraph 7 of this Section, inspectors and transport crew members for whom deletion has not been requested within the time interval specified in paragraph 4 of this Section shall be considered as accepted for the purposes of issuing visas and any other documents in accordance with paragraph 8 of this Section.

6. Each State Party shall have the right to amend its lists within one month after entry into force of the Treaty. Thereafter, each State Party may once every six months propose additions to or deletions from its lists of inspectors and transport crew members, provided that such amended lists do not exceed the numbers specified in paragraph 3 of this Section. Proposed additions shall be reviewed in accordance with paragraphs 4 and 5 of this Section.

7. A State Party may request, without right of refusal, deletion of any individual it wishes from lists of inspectors and transport crew members provided by any other State Party.

8. The State Party on whose territory an inspection is conducted shall provide to the inspectors and transport crew members accepted in accordance with paragraph 5 of this Section visas and any other documents as required to ensure that these inspectors and transport crew members may enter and remain in the territory of that State Party for the purpose of carrying out inspection activities in accordance with the provisions of this Protocol. Such visas and any other necessary documents shall be provided either:

(a) within 30 days after the acceptance of the lists or subsequent changes in such lists, in which case the visa shall be valid for a period of no less than 24 months; or

(b) within one hour after the arrival of the inspection team and transport crew members at the point of entry/exit, in which case the visa shall be valid for the duration of their inspection activities.

9. Within 90 days after signature of the Treaty, each State Party shall provide notification to all other States Parties of the standing diplomatic clearance number for the transportation means of that State Party transporting inspectors and equipment necessary for an inspection into and out of the territory of the State Party in which such an inspection is conducted. Routings to and from the designated point(s) of entry/exit shall be along established international airways or other routes that are agreed upon by the States Parties concerned as the basis for such diplomatic clearance. Inspectors may use commercial flights for travel to those points of entry/exit that are

served by airlines. The provisions of this paragraph relating to diplomatic clearance numbers shall not apply to such flights.

10. Each State Party shall indicate in the notification provided pursuant to Section V of the Protocol on Information Exchange a point or points of entry/exit in respect of each declared site with its objects of verification. Such points of entry/exit may he ground border crossing points, airports or seaports which must have the capacity to receive the transportation means of the inspecting State Party. At least one airport shall be notified as a point of entry/exit associated with each declared site. The location of any point of entry/exit notified as associated with a declared site shall be such as to allow access to that declared site within the time specified in Section VII, paragraph 8 of this Protocol.

11. Each State Party shall have the right to change the point or points of entry/exit to its territory by notifying all other States Parties no less than 90 days before such a change becomes effective.

12. Within 90 days after signature of the Treaty, each State Party shall provide notification to all other States Parties of the official language or languages of the Conference on Security and Cooperation in Europe to be used by inspection teams conducting inspections of its conventional armed forces.

SECTION IV

NOTIFICATION OF INTENT TO INSPECT

1. The inspecting State Party shall notify the inspected State Party of its intention to carry out an inspection provided for in Article XIV of the Treaty. In the case of inspection of stationed conventional armed forces, the inspecting State Party shall simultaneously notify the host and stationing States Parties. In the case of inspection of certification or reduction procedures carried out by a stationing State Party, the inspecting State Party shall simultaneously notify the host and stationing States Parties.

2. For inspections conducted pursuant to Sections VII and VIII of this Protocol, such notifications shall be made in accordance with Article XVII of the Treaty no less than 36 hours in advance of the estimated time of arrival of the inspection team at the point of entry/ exit on the territory of the State Party where an inspection is to he carried out and shall include:

(a) the point of entry/exit to be used;

(b) the estimated time of arrival at the point of entry/exit;

(c) the means of arrival at the point of entry/exit;

(d) a statement of whether the first inspection shall be conducted pursuant to Section VII or VIII of this Protocol and whether the inspection will be conducted on foot, by cross-country vehicle, by helicopter or by any combination of these,

(e) the time interval between the arrival at the point of entry/exit and the designation of the first inspection site:

(f) the language to be used by the inspection team, which shall be a language designated in accordance with Section III, paragraph 12 of this Protocol;

(g) the language to be used for the inspection report prepared in accordance with Section XII of this Protocol;

(h) the full names of inspectors and transport crew members, their gender, date of birth, place of birth and passport number; and

(i) the likely number of sequential inspections.

3. For inspections conducted pursuant to Sections IX and X of this Protocol, such notifications shall be made in accordance with Article XVII of the Treaty no less than 96 hours in advance of the estimated time of arrival of the inspection team at the designated point of entry/exit on the territory of the State Party where an inspection is to be carried out and shall include:

(a) the point of entry/exit to be used;

(b) the estimated time of arrival at the point of entry/exit;

(c) the means of arrival at the point of entry/exit;

(d) for each inspection at a reduction or certification site reference to the notification provided pursuant to Section IX, paragraph 3 or Section X, paragraph 5 of this Protocol;

(e) the language to be used by the inspection team, which shall be a language designated in accordance with Section III, paragraph 12 of this Protocol;

(f) the language to be used for the inspection report prepared in accordance with Section XII of this Protocol; and

(g) the full names of inspectors and transport crew members, their gender, date of birth, place of birth and passport number.

4. The States Parties notified pursuant to paragraph 1 of this Section shall acknowledge in accordance with Article XVII of the Treaty receipt of notification within three hours. Subject to the provisions set

forth in this Section, the inspection team shall be permitted to arrive at the point of entry/exit at the estimated time of arrival notified pursuant to paragraph 2, subparagraph (B) or paragraph 3, subparagraph (B) of this Section.

5. An inspected State Party receiving a notification of intent to inspect shall immediately upon its receipt send copies of such notification to all other States Parties in accordance with Article XVII of the Treaty.

6. If the State Party on whose territory an inspection is to be carried out is unable to allow the entry of the inspection team at the estimated time of arrival, the inspection team shall be permitted to enter the territory of that State Party within two hours before or after the notified estimated time of arrival. In such a case, the State Party on whose territory an inspection is to be carried out shall notify the inspecting State Party of the new time of arrival no later than 24 hours following the issuance of the original notification.

7. If the inspection team finds itself delayed more than two hours beyond the notified estimated time of arrival or beyond the new time of arrival communicated pursuant to paragraph 6 of this Section, the inspecting State Party shall inform the States Parties notified pursuant to paragraph 1 of this Section of: .

(a) a new estimated time of arrival, which in no case shall be more than six hours beyond the initial estimated time of arrival or beyond the new time of arrival communicated pursuant to paragraph 6 of this Section; and

(b) if the inspecting State Party desires, a new time interval between arrival at the point of entry/exit and the designation of the first inspection site.

8. In the event non-commercial flights are used to transport the inspection team to the point of entry/exit, no less than 10 hours before the planned time of entry into the air space of the State Party on whose territory the inspection is to be carried out, the inspecting State Party shall provide that State Party with a flight plan in accordance with Article XVII of the Treaty. The flight plan shall be filed in accordance with the procedures of the International Civil Aviation Organisation applicable to civil aircraft. The inspecting State Party shall include in the remarks section of each flight plan the standing diplomatic clearance number and the notation: “CFE inspection aircraft. Priority clearance processing required.”

9. No more than three hours following the receipt of a flight plan that has been filed in accordance with paragraph 8 of this Section, the

State Party on whose territory an inspection is to be carried out shall ensure that the flight plan is approved so that the inspection team may arrive at the point of entry/exit at the estimated time of arrival.

SECTION V

PROCEDURES UPON ARRIVAL AT POINT OF ENTRY/EXIT

1. The escort team shall meet the inspection team and transport crew members at the point of entry/exit upon their arrival.

2. A State Party which utilises structures or premises by agreement with the inspected State Party will designate a liaison officer to the escort team who will be available as needed at the point of entry/exit to accompany the inspection team at any time as agreed with the escort team.

3. Times of arrival at and return to a point of entry/exit shall be agreed and recorded by both the inspection team and the escort team.

4. The State Party on whose territory an inspection is to be carried out shall ensure that luggage, equipment and supplies of the inspection team are exempt from all customs duties and are expeditiously processed at the point of entry/exit.

5. Equipment and supplies that the inspecting State Party brings into the territory of the State Party where an inspection is to be carried out shall be subject to examination each time they are brought into that territory. This examination shall be completed prior to the departure of the inspection team from the point of entry/exit to the inspection site. Such equipment and supplies shall be examined by the escort team in the presence of the inspection team members.

6. If the escort team determines upon examination that an item of equipment or supplies brought by inspectors is capable of performing functions inconsistent with the inspection requirements of this Protocol or does not meet the requirements set forth in Section VI, paragraph 15 of this Protocol, then the escort team shall have the right to deny permission to use that item and to impound it at the point of entry/exit. The inspecting State Party shall remove such impounded equipment or supplies from the territory of the State Party whore an inspection is to be carried out at the earliest opportunity at its own discretion, but no later than the time when the inspection team which brought that impounded equipment or supplies loaves the country.

7. If a State Party has not participated during examination of equipment of an inspection team at the point of entry/exit, that State

Party shall be entitled to exercise the rights of the escort team pursuant to paragraphs 5 and 6 of this Section prior to inspection at a declared site at which its conventional armed forces are present or of a structure or premises it utilises by agreement with the inspected State Party.

8. Throughout the period in which the inspection team and transport crew remain on the territory of the State Party where the inspection site is located, the inspected State Party shall provide or arrange for the provision of meals, lodging, work space, transportation and, as necessary, medical care or any other emergency assistance.

9. The State Party on whose territory an inspection is carried out shall provide accommodation, security protection, servicing and fuel for the transportation means of the inspecting State Party at the point of entry/exit.

SECTION VI

GENERAL RULES FOR CONDUCTING INSPECTIONS

1. An inspection team may include inspectors from States Parties other than the inspecting State Party.

2. For inspections conducted in accordance with Sections VII, VIII, IX and X of this Protocol, an inspection team shall consist of up to nine inspectors and may divide itself into up to three sub-teams. In the case of simultaneous inspections on the territory of States Parties that do not have military districts specified in Articles IV and V of the Treaty or within a single military district of a State Party with such military districts, only one inspection team may divide itself at the inspection site into three sub-teams, the others into two sub-teams.

3. Inspectors and escort team members shall wear some clear identification of their respective roles.

4. An inspector shall be deemed to have assumed his or her duties upon arrival at the point of entry/exit on the territory of the State Party where an inspection is to be carried out and shall be deemed to have ceased performing those duties after leaving the territory of that State Party through the point of entry/exit.

5. The number of transport crew members shall not exceed 10.

6. Without prejudice to their privileges and immunities, inspectors and transport crew members shall respect the laws and regulations of the State Party on whose territory an inspection is carried out and shall not interfere in the internal affairs of that State Party. Inspectors and transport crew members shall also respect regulations a an inspection site, including safety and administrative procedures. In the

event that the inspected State Party determines that an inspector or transport crew member has violated such laws and regulations or other conditions governing the inspection activities set forth in this Protocol, it shall so notify the inspecting State Party, which upon the request of the inspected State Party shall immediately delete the name of the individual from the list of inspectors or transport crew members. If the individual is on the territory of the State Party where an inspection is carried out, the inspecting State Party, shall promptly remove that individual from that territory.

7. The inspected State Party shall be responsible for ensuring the safety of the inspection team and transport crew members from the time they arrive at the point of entry/exit until the time they leave the point of entry/exit to depart the territory of that State Party.

8. The escort team shall assist the inspection team in carrying out its functions. At its discretion, the escort team may exercise its right to accompany the inspection team from the time it enters the territory of the State Party where an inspection is to be carried out until the time it departs that territory.

9. The inspecting State Party shall ensure that the inspection team and each sub-team have the necessary linguistic ability to communicate freely with the escort team in the language notified in accordance with Section IV, paragraph 2, subparagraph (F) and paragraph 3, subparagraph (E) of this Protocol. The inspected State Party shall ensure that the escort team has the necessary linguistic ability to communicate freely in this language with the inspection team and each sub-team. Inspectors and members of the escort team may also communicate to other languages.

10. No information obtained during inspections shall be publicly disclosed without the express consent of the inspecting State Party.

11. Throughout their presence on the territory of the State Party where an inspection is to be carried out, inspectors shall have the right to communicate with the embassy or consulate of the inspecting State Party located on that territory, using appropriate tele-communications means provided by the inspected State Party. The inspected State Party shall also provide means of communication between the sub-teams of an inspection team.

12. The inspected State Party shall transport the inspection team to, from and between inspection sites by a means and route selected by the inspected State Party. The inspecting State Party may request a variation in the selected route. The inspected State Party shall if possible grant such a request. Whenever mutually agreed, the inspecting State Party will be permitted to use its own land vehicles.

13. If an emergency arises that necessitates travel of inspectors from an inspection site to a point of entry/exit or to the embassy or consulate of the inspecting State Party on the territory of the State Party where an inspection is carried out, the inspection team shall so notify the escort team, which shall promptly arrange such travel, and if necessary, shall provide appropriate means of transportation.

14. The inspected State Party shall provide for use by the inspection team at the inspection site an administrative area for storage of equipment and supplies, report writing, rest breaks and meals.

15. The inspection team shall be permitted to bring such documents as needed to conduct the inspection, in particular its own maps and charts. Inspectors shall be permitted to bring and use portable passive night vision devices, binoculars, video and still cameras, dictaphones, tape measures, flashlights, magnetic compasses and lap-top computers. The inspectors shall be permitted to use other equipment, subject to the approval of the inspected State Party. Throughout the in-country period, the escort team shall have the right to observe the equipment brought by inspectors, but shall not interfere with the use of equipment that has been approved by the escort team in accordance with Section V, paragraphs 5 to 7 of this Protocol.

16. In the case of an inspection conducted pursuant to Section VII or VIII of this Protocol, the inspection team shall specify on each occasion it designates the inspection site to be inspected whether the inspection will be conducted on foot, by cross-country vehicle, by helicopter or by any combination of these. Unless otherwise agreed, the inspected State Party shall provide and operate the appropriate cross-country vehicles at the inspection site.

17. Whenever possible, subject to the safety requirements and flight regulations of the inspected State Party and subject to the provisions of paragraphs 18 to 21 of this Section, the inspection team shall have the right to conduct helicopter overflights of the inspection site, using a helicopter provided and operated by the inspected State Party, during inspections conducted pursuant to Sections VII and VIII of this Protocol.

18. The inspected State Party shall not be obliged to provide a helicopter at any inspection site that is less than 20 square kilometres in area.

19. The inspected State Party shall have the right to delay, limit or refuse helicopter overflights above sensitive points, but the presence of sensitive points shall not prevent helicopter overflight of the remaining areas of the inspection site. Photography of or above sensitive points during helicopter overflights shall be permitted only with the approval of the escort team.

20. The duration of such helicopter overflights at an inspection site shall not exceed a cumulative total of one hour, unless otherwise agreed between the inspection team and the escort team.

21. Any helicopter provided by the inspected State Party shall be large enough to carry at least two members of the inspection team and at least one member of the escort team. Inspectors shall be allowed to take and use on overflights of the inspection site any of the equipment specified in paragraph 15 of this Section. The inspection team shall advise the escort team during inspection flights whenever it intends to take photographs. A helicopter shall afford the inspectors a constant and unobstructed view of the ground.

22. In discharging their functions, inspectors shall not interfere directly with ongoing activities at the inspection site and shall avoid unnecessarily hampering or delaying operations at the inspection site or taking actions affecting safe operation.

23. Except as provided for in paragraphs 24 to 29 of this Section, during an inspection of an object of verification or within a specified area, inspector, shall be permitted access, entry and unobstructed inspection.

24. If, during an inspection of an object of verification, or within a specified area pursuant to Section VII or VIII of this Protocol, an armoured vehicle declared by the escort team to be an armoured personnel carrier look-alike or an armoured infantry fighting vehicle look-alike is present at an inspection site, the inspection team shall have the right to determine that such vehicle cannot permit the transport of a combat infantry squad. Inspectors shall have the right to require the doors and/or hatches of the vehicle to be opened so that the interior can be visually inspected from outside the vehicle. Sensitive equipment in or on the vehicle may be shrouded.

25. If, during an inspection of an object of verification or within a specified area pursuant to Section VII or VIII of this Protocol, items of equipment declared by the escort team to have been reduced in accordance with the provisions in the Protocol on Reduction are present at an inspection site, the inspection team shall have the right to inspect such items of equipment to confirm that they have been reduced in accordance with the procedures specified in Sections III to XII of the Protocol on Reduction.

26. Inspectors shall have the right to take photographs, including video, for the purpose of recording the presence of conventional armaments and equipment subject to the Treaty, including within designated permanent storage sites, or other storage sites containing

more than 50 such conventional armaments and equipment Still cameras shall be limited to 35mm cameras and to cameras capable of producing instantly developed photographic prints. The inspection team shall advise the escort team in advance, whether it plans to take photographs. The escort team shall cooperate with the inspection team's taking of photographs.

27. Photography of sensitive points shall be permitted only with the approval of the escort team.

28. Except as provided for in paragraph 38 of this Section, photography of interiors of structures other than storage sites specified in paragraph 34 of this Section shall be permitted only with the approval of the escort team.

29. Inspectors shall have the right to take measurements to resolve ambiguities that might arise during inspections. Such measurements recorded during inspections shall be confirmed by a member of the inspection team and a member of the escort team immediately after they are taken. Such confirmed data shall be included in the inspection report.

30. States Parties shall, whenever possible, resolve during an inspection any ambiguities that arise regarding factual information. Whenever inspectors request the escort team to clarify such an ambiguity, the escort team shall promptly provide the inspection team with clarifications. If inspectors decide to document an unresolved ambiguity with photographs, the escort team shall, subject to the provision in paragraph 35 of this Section, cooperate with the inspection team's taking of appropriate photographs using a camera capable of producing instantly developed photographic prints. If an ambiguity cannot be resolved during the inspection, then the question, relevant clarifications and any pertinent photographs shall be included in the inspection report in accordance with Section XII of this Protocol.

31. For inspections conducted pursuant to Sections VII and VIII of this Protocol, the inspection shall be deemed to have been completed once the inspection report has been signed and countersigned.

32. No later than completion of an inspection at a declared site or within a specified area, the inspection team shall inform the escort team whether the inspection team intends to conduct a sequential inspection. If the inspection team intends to conduct a sequential inspection, the inspection team shall designate at that time the next inspection site. In such cases, subject to the provisions in Section VII, paragraphs 6 and 17 and Section VIII, paragraph 6, subparagraph (A) of this Protocol, the inspected State Party shall ensure that the

inspection team arrives at the sequential inspection site as soon as possible after completion of the previous inspection. If the inspection team does not intend to conduct a sequential inspection, then the provisions in paragraphs 42 and 43 of this Section shall apply.

33. An inspection team shall have the right to conduct a sequential inspection, subject to the provisions of Sections VII and. VIII of this Protocol, on the territory of the State Party on which that inspection team has conducted the preceding inspection:

(a) at any declared site associated with the same point of entry/exit as the preceding inspection site or the same point of entry/exit at which the inspection team arrived; or

(b) within any specified area for which the point of entry/exit at which the inspection team arrived is the nearest point of entry/exit notified pursuant to Section V of the Protocol on Information Exchange; or

(c) at any location within 200 kilometres of the preceding inspection site within the same military district; or

(d) at the location which the inspected State Party claims, pursuant to Section VII, paragraph 11, subparagraph (A) of this Protocol, is the temporary location of battle tanks, armoured combat vehicles, artillery, combat helicopters, combat aircraft or armoured vehicle launched bridges which were absent during inspection of an object of verification at the preceding inspection site, if such conventional armaments and equipment constitute more than 15 per cent of the number of such conventional armaments and equipment notified in the most recent notification pursuant to the Protocol on Information Exchange; or

(e) at the declared site which the inspected State Party claims, pursuant to Section VII, paragraph 11, subparagraph (B) of this Protocol, is the site of origin for battle tanks, armoured combat vehicles, artillery, combat helicopters, combat aircraft or armoured vehicle launched bridges at the preceding inspection site which are in excess of the number provided in the most recent notification pursuant to the Protocol on Information Exchange as being present at that preceding inspection site, if such conventional armaments and equipment exceed by 15 per cent the number of such conventional armaments and equipment so notified.

34. After completion of an inspection at a declared site or within a specified area, if no sequential inspection has been declared, then the

inspection team shall be transported to the appropriate point of entry/exit as soon as possible and shall depart the territory of the State Party where the inspection was carried out within 24 hours.

35. The inspection team shall leave the territory of the State Party where it has been conducting inspections from the same point of entry/exit at which it entered, unless otherwise agreed. If an inspection team chooses to proceed to a point of entry/exit on the territory of another State Party for the "purpose of conducting inspections, it shall have the right to do so provided that the inspecting State Party has provided the necessary notification in accordance with Section IV, paragraph 1 of this Protocol.

SECTION VII

DECLARED SITE INSPECTION

1. Inspection of a declared site pursuant to this Protocol shall not be refused. Such inspections may be delayed only in cases of force majeure or in accordance with Section II, paragraphs 7 and 20 to 22 of this Protocol.

2. Except as provided for in paragraph 3 of this Section, an inspection team shall arrive on the territory of the State Party where an inspection is to be carried out through a point of entry /exit associated under Section V of the Protocol on Information Exchange with the declared site it plans to designate as the first inspection site pursuant to paragraph 7 of this Section.

3. If an inspecting State Party desires to use a ground border crossing point or seaport as a point of entry/exit and the inspected State Party has not previously notified a ground border crossing point or seaport as a point of entry/exit pursuant to Section V of the Protocol on Information Exchange as associated with the declared site the inspecting State Party desires to designate as the first inspection, site pursuant to paragraph 7 of this Section, the inspecting State Party shall indicate in the notification provided pursuant to Section IV, paragraph 2 of this Protocol the desired ground border crossing point or seaport as point of entry/exit. The inspected State Party shall indicate in its acknowledgement of receipt of notification, as provided for in Section IV, paragraph 4 of this Protocol, whether this point of entry/exit is acceptable or not. In the latter case, the inspected State Party shall notify the inspecting State Party of another point of entry/exit which shall be as near as possible to the desired point of entry/exit and which may be an airport notified pursuant to Section V of the Protocol on Information Exchange, a seaport or a ground border crossing

point through which the inspection team and transport crew members may arrive on its territory.

4. If an inspecting State Party notifies its desire to use a ground border crossing point or seaport as a point of entry/exit pursuant to paragraph 3 of this Section, it shall determine prior to such notification that there is reasonable certainty that its inspection team can reach the first declared site where that State Party desires to carry out an inspection within the time specified in paragraph 8 of this Section using ground transportation means.

5. If an inspection team and transport crew arrive pursuant to paragraph 3 of this Section on the territory of the State Party on which an inspection is to be carried out through a point of entry/exit other than a point of entry/exit that was notified pursuant to Section V of the Protocol on Information Exchange as being associated with the declared site it desires to designate as the first inspection site, the inspected State Party shall facilitate access to this declared site as expeditiously as possible, but shall be permitted to exceed, if necessary, the time limit specified in paragraph 8 of this Section.

6. The inspected State Party shall have the right to utilise up to six hours after designation of a declared site to prepare for the arrival of the inspection team at that site.

7. At the number of hours after arrival at the point of entry/exit notified pursuant to Section IV, paragraph 2, subparagraph (E) of this Protocol, which shall be no less than one hour and no more than 16 hours after arrival at the point of entry/exit, the inspection team shall designate the first declared site to be inspected.

8. The inspected State Party shall ensure that the inspection team travels to the first declared site by the most expeditious means available and arrives as soon as possible but no later than nine hours after the designation of the site to be inspected, unless otherwise agreed between the inspection team and the escort team, or unless the inspection site is located in mountainous terrain or terrain to which access is difficult. In such case, the inspection team shall be transported to the inspection site no later than 15 hours after designation of that inspection site. Travel time in excess of nine hours shall not count against that inspection team's in-country period.

9. Immediately upon arrival at the declared site, the inspection team shall be escorted to a briefing facility where it shall be provided with a diagram of the declared site, unless such a diagram has been provided in a previous exchange of site diagrams. The declared site

diagram, provided upon arrival at the declared site, shall contain an accurate depiction of the:

(a) geographic coordinates of a point within the inspection site, to the nearest 10 seconds, with indication of that point and of true north;

(b) scale used in the site diagram;

(c) perimeter of the declared site;

(d) precisely delineated boundaries of those areas belonging exclusively to each object of verification, indicating the formation or unit record number of each object of verification to which each such area belongs and including those separately located areas where battle tanks, armoured combat vehicles, artillery, combat aircraft, combat helicopters, reclassified combat-capable trainer aircraft, armoured personnel carrier look-alikes, armoured infantry fighting vehicle look-alikes or armoured vehicle launched bridges belonging to each object of verification are permanently assigned;

(e) major buildings and roads on the declared site;

(f) entrances to the declared site; and

(g) location of an administrative area for the inspection team provided in accordance with Section VI, paragraph 14 of this Protocol.

10. Within one-half hour after receiving the diagram of the declared site, the inspection team shall designate the object of verification to be inspected. The inspection team shall then be given a pre-inspection briefing which shall last no more than one hour and shall include the following elements:

(a) safety and administrative procedures at the inspection site;

(b) modalities of transportation and communication for inspectors at the inspection site; and

(c) holdings and locations at the inspection site, including within the common areas of the declared site, of battle tanks, armoured combat vehicles, artillery, combat aircraft, combat helicopters, reclassified combat-capable trainer aircraft, armoured personnel carrier look-alikes, armoured infantry fighting vehicle look-alikes and armoured vehicle launched bridges, including those belonging to separately located subordinate elements belonging to the same object of verification to be inspected.

11. The pre-inspection briefing shall include an explanation of any differences between the numbers of battle tanks, armoured combat vehicles, artillery, combat aircraft, combat helicopters or armoured vehicle launched bridges present at the inspection site and the corresponding numbers provided in the most recent notification pursuant to the Protocol on Information Exchange, in accordance with the following provisions:

(a) if the numbers of such conventional armaments and equipment present at the inspection site are less than the numbers provided in that most recent notification, such explanation shall include the temporary location of such conventional armaments and equipment; and

(b) if the numbers of such armaments and equipment present at the inspection site exceed the numbers provided in that most recent notification, such explanation shall include specific information on the origin, departure times from origin, time of arrival and projected stay at the inspection site of such additional conventional armaments and equipment.

12. When an inspection team designates an object of verification to be inspected, the inspection team shall have the right, as part of the same inspection of that object of verification, to inspect all territory delineated on the site diagram as belonging to that object of verification, including those separately located areas on the territory of the same State Party where conventional armaments and equipment belonging to that object of verification are permanently assigned.

13. The inspection of one object of verification at a declared site shall permit the inspection team access, entry and unobstructed inspection within the entire territory of the declared site except within those areas delineated on the site diagram as belonging exclusively to another object of verification which the inspection team has not designated for inspection. During such inspections, the provisions of Section VI of this Protocol shall apply.

14. If the escort team informs the inspection team that battle tanks, armoured combat vehicles, artillery, combat helicopters combat aircraft, reclassified combat-capable trainer aircraft, armoured personnel carrier look-alikes, armoured infantry fighting vehicle look-alikes or armoured vehicle launched bridges that have been notified as being held by one object of verification at a declared site are present within an area delineated on the site diagram as belonging exclusively to another object of verification, then the escort team shall ensure that

the inspection team, as part of the same inspection, has access to such conventional armaments and equipment.

15. If conventional armaments and equipment limited by the Treaty or armoured vehicle launched bridges are present within areas of a declared site not delineated on the site diagram as belonging exclusively to one object of verification, the escort team shall inform the inspection team to which object of verification such conventional armaments and equipment belong.

16. Each State Party shall be obliged to account for the aggregate total of any category of conventional armaments and equipment limited by the Treaty notified pursuant to Section III of the Protocol on Information Exchange, at the organisational level above brigade/regiment or equivalent, if such an accounting is requested by another State Party.

17. If, during an inspection at a declared site, the inspection team decides to conduct at the same declared site an inspection of an object of verification that had not been previously designated, the inspection team shall have the right to commence such inspection within three hours of that designation. In such case, the inspection team shall be given briefing on the object of verification designated for the next inspection in accordance with paragraphs 10 and 11 of this Section.

SECTION VIII

CHALLENGE INSPECTION WITHIN SPECIFIED AREAS

1. Each State Party shall have the right to conduct challenge inspections within specified areas in accordance with this Protocol.

2. If the inspecting State Party intends to conduct a challenge inspection within a specified area as the first inspection after arrival at a point of entry/exit:

(a) it shall include in its notification pursuant to Section IV of this Protocol, the designated point of entry/exit nearest to or within that specified area capable of receiving the inspecting State Party's chosen means of transportation; and

(b) at the number of hours after arrival at the point of entry/exit notified pursuant to Section IV, paragraph 2, subparagraph (E) of this Protocol, which shall be no less than one hour and no more than 16 hours after arrival at the point of entry/exit, the inspection team shall designate the first specified area it wishes to inspect. Whenever a specified

area is designated, the inspection team shall, as part of its inspection request, provide to the escort team a geographic description delineating the outer boundaries of that area. The inspection team shall have the right, as part of that request, to identify any structure or facility it wishes to inspect.

3. The State Party on whose territory a challenge inspection is requested shall, immediately upon receiving a designation of a specified area, inform other States Parties which utilise structures or premises by agreement with the inspected State Party of that specified area, including its geographic description delineating the outer boundaries

4. The inspected State Party shall have the right to refuse challenge inspections within specified areas.

5. The inspected State Party shall inform the inspection team within two hours after the designation of a specified area whether the inspection request will be granted.

6. If access to a specified area is granted:

(a) the inspected State Party shall have the right to use upto six hours after it accepts the inspection to prepare for the arrival of the inspection team at the specified area;

(b) the inspected State Party shall ensure that the inspection team travels to the first specified area by the most expeditious means available and arrives as soon as possible after the designation of the site to be inspected, but no later than nine hours from the time such an inspection is accepted, unless otherwise agreed between the inspection team and the escort team, or unless the inspection site is located in mountainous terrain or terrain to which access is difficult. In such case, the inspection team shall be transported to the inspection site no later than 15 hours after such an inspection is accepted. Travel time in excess of nine hours shall not count against that inspection team's in-country period; and

(c) the provisions of Section VI of this Protocol shall apply. Within such specified area the escort team may delay access to or overflight of particular parts of that specified area. If the delay exceeds more than four hours the inspection team shall have the right to cancel the inspection. The period of delay shall not count against the in-country period or the maximum time allowed within a specified area.

7. If an inspection team requests access to a structure or premises which another State Party utilises by agreement with the inspected State Party, the inspected State Party shall immediately inform that State Party of such a request. The escort team shall inform the inspection team that the other State Party, by agreement with the inspected State Party, shall, in cooperation with the inspected State Party and to the extent consistent with the agreement on utilisation, exercise the rights and obligations set forth in this Protocol with respect to inspections involving equipment or material of the State Party utilising the structure or premises.

8. If the inspected State Party so wishes, the inspection team may be briefed on arrival at the specified area. This briefing is to last no more than one hour. Safety procedures and administrative arrangements may also be covered in this briefing.

9. If access to a specified area is denied:

(a) the inspected State Party or the State Party exercising the rights and obligations of the inspected State Party shall provide all reasonable assurance that the specified area does not contain conventional armaments and equipment limited by the Treaty. If such armaments and equipment are present and assigned to organisations designed and structured to perform in/peacetime internal security functions in the area defined in Article V of the Treaty, the inspected State Party or the State Party exercising the rights and obligations of the inspected State Party shall allow visual confirmation of their presence, unless precluded from doing so by force majeure, in which case visual confirmation shall be allowed as soon as practicable; and

(b) no inspection quota shall be counted, and the time between the designation of the specified area and its subsequent refusal shall not count against the in-country period. The inspection team shall have the right to designate another specified area or declared site for inspection or to declare the inspection concluded.

SECTION IX

INSPECTION OF CERTIFICATION

1. Each State Party shall have the right to inspect, without right of refusal, the certification of recategorised multi-purpose attack helicopters and reclassified combat-capable trainer aircraft in

accordance with the provisions of this Section, the Protocol on Helicopter Recategorisation and the Protocol on Aircraft Rectification. Such inspections shall not count against the quotas established in Section II of this Protocol. Inspection teams conducting such inspections may be composed of representatives of different States Parties. The inspected State Party shall not be obliged to accept more than one inspection team at a time at each certification site.

2. In conducting an inspection of certification in accordance with this Section, an inspection team shall have the right to spend up to two days at a certification site, unless otherwise agreed.

3. No less than 15 days before the certification of recategorised, multi-purpose attack helicopters or reclassified combat-capable trainer aircraft, the State Party conducting the certification shall provide to all other States Parties notification of:

(a) the site at which the certification is to take place, including geographic coordinates;

(b) the scheduled dates of the certification process;

(c) the estimated number and type, model or version of helicopters or aircraft to be certified;

(d) the manufacturer's serial number for each helicopter or aircraft;

(e) the unit or location to which the helicopters or aircraft were previously assigned;

(f) the unit or location to which the certified helicopters or aircraft will be assigned in the future;

(g) the point of entry/exit to be used by an inspection team; and

(h) the date and time by which an inspection team shall arrive at the point of entry/exit in order to inspect the certification.

4. Inspectors shall have the right to enter and inspect visually the helicopter or aircraft cockpit and interior to include checking the manufacturer's serial number, without right of refusal on the part of the State Party conducting the certification.

5. If requested by the inspection team, the escort team shall remove, without right of refusal, any access panels covering the position from which components and wiring were removed in accordance with the provisions of the Protocol on Helicopter Recategorisation or the Protocol on Aircraft Reclassification

6. Inspectors shall have the right to request and observe, with the right of refusal on the part of the State Party conducting the

certification, the activation of any weapon system component in multi-purpose attack helicopters being certified or declared to have been recategorised.

7. At the conclusion of each inspection of certification, the inspection team shall complete an inspection report in accordance with the provisions of Section XII of this Protocol.

8. Upon completion of an inspection at a certification site, the inspection team shall have the right to depart the territory of the inspected

State Party or to conduct a sequential inspection at another certification site or at a reduction site if the appropriate notification has been provided by the inspection team in accordance with Section IV, paragraph 3 of this Protocol. The inspection team shall notify the escort team of its intended departure from the certification site and, if appropriate, of its intention to proceed to another certification site or to a reduction site at least 24 hours before the intended departure time.

9. Within seven days after completion of the certification, the State Party responsible for the certification shall notify all other States Parties of the completion of the certification. Such notification shall specify the number, types, models or versions and manufacturer's serial numbers of certified helicopters or aircraft, the certification site involved, the actual dates of the certification, and the units or locations to which the recategorised helicopters or reclassified aircraft will be assigned.

SECTION X

INSPECTION OF REDUCTION

1. Each State Party shall have the right to conduct inspections, without the right of refusal by the inspected State Party, of the process of reduction carried out pursuant to Sections I to VIII and X to XII of the Protocol on Reduction in accordance with the provisions of this Section. Such inspections shall not count against the quotas established in Section II of this Protocol. Inspection teams conducting such inspections may be composed of representatives of different States Parties. The inspected State Party shall not be obliged to accept more than one inspection team at a time at each reduction site.

2. The inspected State Party shall have the right to organise and implement the process of reduction subject only to the provisions set forth in Article VIII of the Treaty and in the Protocol on Reduction.

Inspections of the process of reduction shall be conducted in a manner (hat does not interfere with the ongoing activities at the reduction site or unnecessarily hamper, delay or complicate the implementation of the process of reduction.

3. If a reduction site notified pursuant to Section III of the Protocol on Information Exchange is used by more than one State Party, inspections of the reduction process shall be conducted in accordance with schedules of such use provided by each State Party using the reduction site.

4. Each State Party that intends to reduce conventional armaments and equipment limited by the Treaty shall notify all other States Parties which conventional armaments and equipment are to be reduced at each/reduction site during a calendar reporting period. Each such calendar reporting period shall have a duration of no more than 90 days and no less than 30 days. This provision shall apply whenever reduction is carried out at a reduction site, without regard to whether the reduction process is to be carried out on a continuous or intermittent basis.

5. No less than 15 days before the initiation of reduction for a calendar reporting period, the State Party intending to implement reduction procedures shall provide to all other States Parties the calendar reporting period notification. Such notification shall include the designation of the reduction site with geographic coordinates, the scheduled date for initiation of reduction and the scheduled date for completion of the reduction of conventional armaments and equipment identified for reduction during the calendar reporting period. In addition, the notification shall identify:

(a) the estimated number and type of conventional armaments and equipment to be reduced;

(b) the object or objects of verification from which the items to be reduced have been withdrawn;

(c) the reduction procedures to be used, pursuant to Sections III to VIII and Sections X to XII of the Protocol on Reduction, for each type of conventional armaments and equipment to be reduced;

(d) the point of entry/exit to be used by an inspection team conducting an inspection of reduction notified for that calendar reporting period; and

(e) the date and time by which an inspection team must arrive at the point of entry/exit in order to inspect the conventional armaments and equipment before the initiation of their reduction.

6. Except as specified in paragraph 11 of this Section, an inspection team shall have the right to arrive at or depart from a reduction site at any time during the calendar reporting period, including three days beyond the end of a notified calendar reporting period. In addition, the inspection team shall have the right to remain at the reduction site throughout one or more calendar reporting periods provided that these periods are not separated by more than three days. Throughout the period that the inspection team remains at the reduction site, it shall have the right to observe all the reduction procedures carried out in accordance with the Protocol on Reduction.

7. In accordance with the provisions set forth in this Section, the inspection team shall have the right to freely record factory serial numbers from the conventional armaments and equipment to be reduced or to place special marks on such equipment before reduction and to record subsequently such numbers or marks at the completion of the reduction process. Parts and elements of reduced conventional armaments and equipment as specified in Section II, paragraphs 1 and 2 of the Protocol on Reduction or, in the case of conversion, the vehicles converted for non-military purposes shall be available for inspection for at least three days after the end of the notified calendar reporting period, unless inspection of those reduced elements has been completed earlier.

8. The State Party engaged in the process of reducing conventional armaments and equipment limited by the Treaty shall establish at each reduction site a working register in which it shall record the factory serial numbers of each item undergoing reduction as well as the dates on which the reduction procedures were initiated and completed. This register shall also include aggregate data for each calendar reporting period. The register shall be made available to the inspection team for the period of inspection.

9. At the conclusion of each inspection of the reduction process, the inspection team shall complete a standardised report which shall be signed by the inspection team leader and a representative of the inspected State Party. The provisions of Section XII of this Protocol shall apply.

10. Upon completion of an inspection at a reduction site, the inspection team shall have the right to depart the territory of the inspected State Party or to conduct a sequential inspection at another reduction site or at a certification site if the appropriate notification has been provided in accordance with Section IV, paragraph 3 of this Protocol. The inspection team shall notify the escort team of its intended

departure from the reduction site and, if appropriate, of its intention to proceed to another reduction site or to a certification site at least 24 hours before the intended departure time.

11. Each State Party shall be obliged to accept up to 10 inspections each year to validate the completion of conversion of conventional armaments and equipment into vehicles for non-military purposes pursuant to Section VIII of the Protocol on Reduction. Such inspections shall be conducted in accordance with the provisions of this Section with the following exceptions:

(a) the notification pursuant to paragraph 5, sub-paragraph (E) of this Section shall identify only the date and time by which an inspection team must arrive at the point of entry/exit in order to inspect the items of equipment at the completion of their conversion into vehicles for non-military purposes; and

(b) the inspection team shall have the right to arrive at or depart from the reduction site only during the three days beyond the end of the notified completion date of conversion.

12. Within seven days after the completion of the process of reduction for a calendar reporting period, the State Party responsible for reductions shall notify all other States Parties of the completion of reduction for that period. Such notification shall specify the number and types of conventional armaments and equipment reduced, the reduction site involved, the reduction procedures employed and the actual dates of the initiation and completion of the reduction process for that calendar reporting period. For conventional armaments and equipment reduced pursuant to Sections X, XI and XII of the Protocol on Reduction, the notification shall also specify the location at which such conventional armaments and equipment will be permanently located. For conventional armaments and equipment reduced pursuant to Section VIII of the Protocol on Reduction, the notification shall specify the reduction site at which final conversion will be carried out of the storage site to which each item designated for conversion will be transferred.

SECTION XI

CANCELLATION OF INSPECTIONS

1. If an inspection team finds itself unable to arrive at the point of entry/exit within six hours after the initial estimated time of arrival or after the new time of arrival communicated pursuant to Section

IV, paragraph 6 of this Protocol, the inspecting State Party shall so inform the States Parties notified pursuant to Section IV, paragraph 1 of this Protocol. In such a case, the notification of intent to inspect shall lapse and the inspection shall be cancelled.

2. In the case of delay, due to circumstances beyond the control of the inspecting State Party, occurring after the inspection team has arrived at the point of entry/exit and which has prevented the inspection team from arriving at the first designated inspection site within the time specified in Section VII, paragraph 8 or Section VIII, paragraph 6, subparagraph (B) of this Protocol, the inspecting State Party shall have the right to cancel the inspection. If an inspection is cancelled under such circumstances, it shall not be counted against any quotas provided for in the Treaty.

SECTION XII

INSPECTION REPORTS

1. In order to complete an inspection carried out in accordance with Section VII, VIII, IX or X of this Protocol, and before leaving the inspection site:

(a) the inspection team shall provide the escort team with a written report; and

(b) the escort team shall have the right to include its written comments in the inspection report and shall countersign the report within one hour after having received the report from the inspection team, unless an extension has been agreed between the inspection team and the escort team.

2. The report shall be signed by the inspection team leader and receipt acknowledged in writing by the leader of the escort team.

3. The report shall be factual and standardised. Formats for each type of inspection shall be agreed by the Joint Consultative Group prior to entry into force of the Treaty, taking into account paragraphs 4 and 5 of this Section.

4. Reports of inspections conducted pursuant to Sections VII and VIII of this Protocol shall include:

(a) the inspection site;

(b) the date and time of arrival of the inspection team at the inspection site;

(c) the date and time of departure of the inspection team from the inspection site; and

(d) the number and type, model or version of any battle tanks, armoured combat vehicles, artillery, combat aircraft, combat

helicopters, reclassified combat-capable trainer aircraft, armoured personnel carrier look-alikes, armoured infantry fighting vehicle look-alikes or armoured vehicle launched bridges that were observed during the inspection, including, if appropriate, an indication of the object of verification to which they belonged.

5. Reports of inspections conducted pursuant to Sections IX and X of this Protocol shall include:

(a) the reduction or certification site at which the reduction or certification procedures were carried out;

(b) the dates the inspection team was present at the site;

(c) the number and type, model or version of conventional armaments and equipment for which the reduction or certification procedures were observed;

(d) list of any serial numbers recorded during the inspections;

(e) in the case of reductions, the particular reduction procedures applied on observed; and

(f) in the case of reductions, if an inspection team was present at the reduction site throughout the calendar reporting period, the actual dates on which the reduction procedures were initiated and completed.

6. The inspection report shall be written in the official language of the Conference on Security and Cooperation in Europe designated by the inspecting State Party in accordance with Section IV, paragraph 2, subparagraph (G) or paragraph 3, subparagraph (F) of this Protocol

7. The inspecting State Party and the inspected State Party shall each retain one copy of the report. At the discretion of either State Party, the inspection report may be forwarded to other States Parties and, as a rule, made available to the Joint Consultative Group.

8. The stationing State Party shall in particular:

(a) have the right to include written comments related to the inspection of its stationed conventional armed forces; and

(b) retain one copy of the inspection report in the case of inspection of its stationed conventional armed forces.

SECTION XIII

PRIVILEGES AND IMMUNITIES OF INSPECTORS AND TRANSPORT CREW MEMBERS

1. To exercise their functions effectively, for the purpose of implementing the Treaty and not for their personal benefit, inspectors

and transport crew members shall be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 29 Article 30, paragraph 2; Article 31, paragraphs 1, 2 and 3; and Articles 34 and 35 of the Vienna Convention on Diplomatic Relations of April 18,1961.

2. In addition, inspectors and transport crew members shall be accorded the privileges enjoyed by diplomatic agents pursuant to Article 36, paragraph 1, subparagraph (b) of the Vienna Convention on Diplomatic Relations of April 18. 1961. They shall not be permitted to bring into the territory of the State Party where the inspection is to be carried out articles the import or export of which is prohibited by law or controlled by quarantine regulations of that State Party.

3. The transportation means of the inspection team shall be inviolable, except as otherwise provided for in the Treaty.

4. The inspecting State Party may waive the immunity from jurisdiction of any of its inspectors or transport crew members in those cases when it 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 the Treaty. The immunity of inspectors and transport crew members who are not nationals of the inspecting State Party may be waived only by the States Parties of which those inspectors are nationals. Waiver must always be express.

5. The privileges and immunities provided for in this Section shall be accorded to inspectors and transport crew members:

(a) white transiting through the territory of any State Party for the purpose of conducting an inspection on the territory of another State Party;

(b) throughout their presence on the territory of the State Party where the inspection is carried out; and

(c) thereafter with respect to acts previously performed in the exercise of official functions as an inspector or transport crew member.

6. If the inspected State Party considers that an inspector or transport crew member has abused his or her privileges and immunities, then the provisions set forth in Section VI, paragraph 6 of this Protocol shall apply. At the request of any of the States Parties concerned, consultations shall be held between them in order to prevent a repetition of such an abuse.

Protocol on the Joint Consultative Group

The States Parties hereby agree upon procedures and other provisions relating to the Joint Consultative Group established by

Article XVI of the Treaty on Conventional Armed Forces in Europe of November 19, 1990, hereinafter referred to as the Treaty.

1. The Joint Consultative Group shall be composed of representatives designated by each State Party. Alternates, advisers and experts of a State Party may take part in the proceedings of the Joint Consultative Group as deemed necessary by that State Party.

2. The first session of the Joint Consultative Group shall open not later than 60 days after the signing of the Treaty. The Chairman of the opening meeting shall be the representative of the Kingdom of Norway.

3. The Joint Consultative-Group shall meet for regular sessions to be held two times per year.

4. Additional sessions shall be convened at the request of one or more States Parties by the Chairman of the Joint Consultative Group, who shall promptly inform all other States Parties of the request. Such sessions shall open not later than 15 days after receipt of such a request by the Chairman.

5. Sessions of the Joint Consultative Group shall last no longer than four weeks, unless it decides otherwise.

6. States Parties shall assume in rotation, determined by alphabetical order in the French language, the Chairmanship of the Joint Consultative Group.

7. The Joint Consultative Group shall meet in Vienna, unless it decides otherwise.

8. Representatives at meetings shall be seated in alphabetical order of the States Parties in the French language.

9. The official languages of the Joint Consultative Group shall be English, French, German, Italian, Russian and Spanish.

10. The proceedings of the Joint Consultative Group shall be confidential, unless it decides otherwise.

11. The scale of distribution for the common expenses associated with the operation of the Joint Consultative Group shall be applied, unless otherwise decided by the Joint Consultative Group, as follows:

10.35%	for the French Republic, the Federal Republic of Germany, the Italian Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America;
6.50%	for Canada;

5.20%	for the Kingdom of Spain;
4.00%	for the Kingdom of Belgium, the Kingdom of the Netherlands and the Republic of Poland;
2.34%	for the Czech and Slovak Federal Republic, the Kingdom of Denmark, the Republic of Hungary and the Kingdom of Norway;
0.88%	for the Hellenic Republic, Romania and the Republic of Turkey;
0.68%	for the Republic of Bulgaria, the Grand Duchy of Luxembourg and the Portuguese Republic; and
0.16%	for the Republic of Iceland.

12. During the period that this Protocol is applied provisionally in accordance with the Protocol on Provisional Application, the Joint Consultative Group shall:

(a) work out or revise, as necessary, rules of procedure, working methods, the scale of distribution of expenses of the Joint Consultative Group and of conferences, and the distribution of the costs of inspections between or among States Parties, in accordance with Article XVI, paragraph 2, subparagraph (F) of the Treaty; and

(b) consider, upon the request of any State Party, issues relating to the provisions of the Treaty that are applied provisionally.

Protocol on the Provisional Application of Certain Provisions of the Treaty on Conventional Armed Forces in Europe

To promote the implementation of the Treaty on Conventional Armed Forces in Europe on November 19, 1990, hereinafter referred to as the Treaty, the State Parties hereby agree to the provisional application of certain provisions of the Treaty.

1. Without detriment to the provisions of Article XXII of the Treaty, the States Parties shall apply provisionally the following provisions of the Treaty:

(a) Article VII, paragraphs 2, 3 and 4;

(b) Article VIII, paragraphs 5, 6 and 8;

(c) Article IX;

(d) Article XIII;

(e) Article XVI, paragraphs 1, 2 (F), 2 (G), 4, 6 and 7;

(f) Article XVII;

(g) Article XVIII;

(h) Article XXI, paragraph 2;

(i) Protocol on Existing Types, Sections III and IV,

(j) Protocol on Information Exchange, Sections VII, XII and XIII;

(k) Protocol on Inspection, Section II, paragraph 24, subparagraph (A) and Section III, paragraphs 3, 4, 5, 7, 8, 9, 10, II and 12;

(l) Protocol on the Joint Consultative Group; and

(m) Protocol on Reduction, Section IX.

2. The States Parties shall apply provisionally the provisions listed in paragraph 1 of this Protocol in the light of and in conformity with the other provisions of the Treaty.

3. This Protocol shall enter into force at the signature of the Treaty. It shall remain in force for 12 months, but shall terminate earlier if:

(a) the Treaty enters into force before the period of 12 months expires; or

(b) a State Party notifies all other States Parties that it does not intend to become a party to the Treaty.

The period of application of this Protocol may be extended if all the States Parties so decide.

DONE At Paris, this nineteenth day of November, one thousand nine hundred and ninety.

Documents Pertaining to the Treaty

Declaration of the States Parties to the Treaty on Conventional Armed Forces in Europe with respect to Land-based Naval Aircraft, Paris, 19 November 1990

To promote the implementation of the Treaty on Conventional Armed Forces in Europe, the States Parties to the Treaty undertake the following political commitments outside the framework of the Treaty.

1. No one State will have in the area of application of the Treaty more than 400 permanently land-based combat naval aircraft. It is understood that this commitment applies to combat aircraft armed and equipped to engage surface or air targets and excludes types designed as maritime patrol aircraft.

2. The aggregate number of such permanently land-based combat naval aircraft held by either of the two groups of States defined under the terms of the Treaty will not exceed 430.

3. No one State will hold in its naval forces within the area of application any permanently land-based attack helicopters.

4. The limitations provided for in this Declaration will apply beginning 40 months after entry into force of the Treaty on Conventional Armed Forces in Europe.

5. This Declaration will become effective as of entry into force of the Treaty on Conventional Armed Forces in Europe.

Statement by the Chairman of the Joint Consultative Group, 18 October 1991

"1. I hereby record that:

"(a) The States Parties to the Treaty on Conventional Armed Forces in Europe of 19 November 1990, hereinafter referred to as the Treaty, acknowledge that in view of the sovereignty of Estonia, Latvia and Lithuania, the area of application defined in Article II of the Treaty does not include the territories of Estonia, Latvia and Lithuania.

(b) I have today received a statement from the Representative of the Union of Soviet Socialist Republics as follows:

'"In order to fulfill the legally-binding obligations of the Treaty on Conventional Armed Forces in Europe and of the agreements entered into by the States Parties on 14 June 1991, the Union of Soviet Socialist Republics shall treat all its conventional armaments and equipment in the categories defined in Article II of the Treaty present, on or after 19 November 1990, on the territories of Estonia, Latvia and Lithuania as subject to all provisions of the Treaty and associated documents. In particular, conventional armaments and equipment in the categories limited by the Treaty shall be notified as part of Soviet holdings and shall count towards the Soviet reduction liability. This statement shall be legally binding and shall have the same duration as the Treaty.

"(c) I have also received statements from the representatives of the Kingdom of Belgium, the Republic of Bulgaria, Canada, the Czech and Slovak Federal Republic, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Hellenic Republic, the Republic of Hungary, the Republic of Iceland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of Poland, the

Portuguese Republic, Romania, the Kingdom of Spain, the Republic of Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America that, in accordance with the legally-binding statement made by the Union of Soviet Socialist Republics, all Soviet conventional armaments and equipment in the categories defined in Article II of the Treaty present, on or after 19 November 1990, on the territories of Estonia, Latvia and Lithuania shall be treated as subject to all provisions of the Treaty, its associated documents and the legally-binding commitment entered into by the Union of Soviet Socialist Republics on 14 June 1991. In particular, conventional armaments and equipment in the categories limited by the Treaty shall be notified as part of Soviet holdings and shall count towards the Soviet reduction liability.

"(d) The States Parties acknowledge that arrangements for inspection of the above-mentioned conventional armaments and equipment on the territories of Estonia, Latvia and Lithuania will require the consent and cooperation of those States.

"2. This Chairman's statement, recording the above legally binding agreement among the States Parties, which will not be considered a precedent, will be recorded in the Journal, transmitted to the Depositary and deposited together with the instruments of ratification."

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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 INF Treaty) (March 1988)

Introduction

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 INF Treaty) was signed at Washington by President Ronald Reagan and General Secretary Mikhail Gorbachev on 8 December 1987. The Treaty is the outcome of long and patient negotiations between the two major Powers which began in Geneva on 30 November 1981. The first phase of the negotiations ended without an agreement in December 1983. It was followed by negotiations, begun under new arrangements at Geneva in March 1985, which led to the final conclusion of the Treaty in 1987.

The Treaty covers ground-launched ballistic missiles (GLBM) and ground-launched cruise missiles (GLCM) of "intermediate-range" (1000-5500 kilometers) and "shorter-range" (500-1000 kilometers). The intermediate-range missiles are to be eliminated no later than three years and all shorter-range missiles no later than 18 months after the entry into force of the Treaty.

In the joint statement of 10 December 1987 issued at the end of the Washington summit meeting, the leaders of the two major Powers stated:

> "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."

For its part, the United Nations has, throughout the negotiating period, fully supported the initiative of the two major Powers. As early as 9 December 1981, the General Assembly unanimously welcomed the commencement of negotiations in Geneva between the United States and the Soviet Union. It expressed the belief that such negotiations would facilitate the enhancement of stability and international security. It also stressed the need for both parties to bear constantly in mind that not only their national interests but also the vital interests of all the peoples of the world were at stake.

Treaty Negotiations

The negotiations between the two sides were prompted by the growing concern over the development and deployment in Europe of increasingly more modern and powerful weapons in the intermediate- and shorter-range categories. This issue received particular attention in the late 1970s.

At a NATO meeting in 1979, members of the organisation noted that, while Western capabilities in this area had remained the same, the Soviet Union had been reinforcing its intermediate-range nuclear forces both qualitatively and quantitatively, most notably by the deployment of SS-20s. The NATO countries therefore decided to modernise their nuclear forces by the deployment in Europe (as of 1983 at the earliest) of United States ground-launched systems comprising 464 cruise missiles and 108 Pershing II, which would replace existing Pershing IA. At the same time, the NATO countries pointed out that they regarded arms control as an integral part of the alliance's efforts to assure the undiminished security of its member States. For that reason, they expressed their willingness to negotiate limits on the deployment in exchange for reciprocal Soviet limitations, particularly on the new mobile SS-20 missile system. That decision came to be known as the "dual track decision". The Soviet Union, for its part, stated that the deployment of SS-20s was intended to replace older SS-4s, and SS-5s and that rough parity existed between the two sides with regard to this class of weapons.

When the negotiations between the two sides began in Geneva in November 1981, the United States proposed the so-called zero option, i.e. the elimination of all land-based intermediate-range missiles on both sides. While maintaining that there existed an approximate equality between Soviet and NATO nuclear forces in Europe, the Soviet Union proposed to reduce its SS-20s to the level of the nuclear forces of the United Kingdom and France, i.e. to the level of 162, if NATO countries would forgo their planned new deployment entirely.

In November 1983, the Soviet Union offered to reduce the level of its SS-20s to 140 in exchange for the non-deployment of the cruise missiles and Pershing II. The United States, on the other hand, held that unless the zero option was accepted, the Soviet Union would retain a monopoly on land-based intermediate-range nuclear forces in Europe. In addition, the United Kingdom and France took the position that their independent nuclear forces could not be considered as an integral part of the NATO posture. The Soviet Union, nevertheless, continued to assert that the zero option proposition failed to take into account the United States forward-based systems and the British and French nuclear missiles.

Thus the talks became deadlocked. In November 1983, when the first components of Pershing II and cruise missiles arrived in Europe, the Soviet Union discontinued the talks and announced that it would lift the moratorium on the further deployment of medium-range missiles, which it had unilaterally imposed earlier to facilitate progress in the negotiations.

The 13-month break in the negotiations, both on strategic nuclear weapons and on intermediate nuclear forces, came to an end after the January 1985 meeting in Geneva between the Foreign Ministers of the two sides. Agreement was reached by them to hold new negotiations on a range of questions concerning space and nuclear weapons, both strategic and intermediate/medium-range, and to consider and resolve all these questions in their interrelationships.

These negotiations began in March 1985. Numerous proposals and counter-proposals were put forward by both parties, but important differences of opinion remained throughout 1985 and 1986. However, after the meeting of President Reagan and General Secretary Gorbachev in Reykjavik, Iceland, in October 1986, the two sides moved closer to an agreement on the issue of the INF. The remaining problems were resolved in the course of 1987.

These problems included, for instance, the question whether an accord on the INF should be part of a larger disarmament package, a position which the Soviet Union had maintained at Reykjavik in line with its interpretation of the understanding reached at Geneva in January 1985. The issue was resolved early in 1987 when the Soviet Union agreed to seek an agreement on intermediate/medium-range nuclear forces separately from the strategic nuclear forces and the related outer space issues.

Another difficult question was whether the SS-20s in the Asian part of the Soviet Union would be included under the provisions of a

treaty. In the course of the negotiations, many different proposals were considered, including one which would allow the Soviet Union to keep 100 warheads of INF missiles on its territory in Asia, while 100 would be kept by the United States on its own territory. Ultimately, agreement was reached on a global solution, namely, that all intermediate-range missiles would be eliminated ("global zero"). Subsequently, the two sides further agreed that shorter-range missiles would be eliminated as well ("global double zero").

There were also intense discussions of all the verification issues throughout 1987. In the process, the two sides were able to work out an unprecedented scheme of verification, which has been considered the most stringent and comprehensive in the history of arms limitation and disarmament.

A last-minute problem arose in regard to the status of the Pershing IA missiles that had been placed under the joint command of the United States and the Federal Republic of Germany. In view of those two countries, these missiles could not be the subject of bilateral negotiations between the United States and the Soviet Union. To facilitate a solution to this problem, the Federal Republic of Germany announced, in August 1987, its decision to dispose of these missiles in the future. Consequently, the United States issued a "White House Statement" specifying the conditions for not modernising and eventually dismantling the Pershing IA missiles. This development made it possible for the Soviet Union and the United States to state in Washington on 18 September 1987, that they had reached an "agreement in principle to conclude a treaty". Intensive work was done on the remaining technical issues and by early December the treaty was ready for signature.

General Assembly Deliberations

The question of the INF treaty received extensive consideration at the forty-second session of the General Assembly in 1987.

Following the September agreement in principle between the Soviet Union and the United States to conclude a treaty, the President of the General Assembly, Peter Florin of the German Democratic Republic, welcomed the agreement as opening the way towards nuclear disarmament. He also felt that progress in the bilateral negotiations would have a substantial influence on progress in multilateral negotiations, such as those on chemical weapons, conventional disarmament and various regional measures.

The Secretary-General of the United Nations, Javier Perez de Cuellar, stressed the political significance of the Soviet-American treaty

under negotiation. He was confident that after the treaty was signed, additional disarmament measures would be achieved in other important fields. He was gratified, in particular, by the decision of the two major Powers to resume talks at an early date on full-scale, stage-by-stage negotiations on the cessation of nuclear testing and to continue to pursue the goal of a treaty on 50 per cent reductions in strategic offensive weapons.

The Chairman of the First Committee, Bagbeni Adeito Nzengeya of Zaire, appealed to the members of the international community to take advantage of the existing opportunity to open up new paths that could lead to better prospects for peace. He urged the other nations of the world not merely to stand on the sidelines at the time when the two major Powers were about to make decisive progress in slowing down the arms race. On the contrary, he said, they should abandon the old polemics and terrible confrontations of the past and adopt constructive and concrete measures with a view to strengthening their common security.

The debate in the First Committee led to the adoption by the General Assembly of two resolutions on the subject. In addition, the Assembly adopted, on 21 October, a unanimous decision, which read as follows:

> "The General Assembly, on the recommendation of the First Committee, having noted the joint statement released by the United States of America and the Union of Soviet Socialist Republics at the end of the meeting between the Secretary of State and the Minister for Foreign Affairs, held at Washington, D.C., from 15 to 17 September 1987, urged the Governments of the Union of Socialist Republics and of the United States of America to spare no effort in concluding, in accordance with the agreement in principle reached at that meeting, at the earliest possible date, a treaty on the elimination of their intermediate-range and shorter-range missiles to be signed at a summit meeting to be held in the fall of 1987 between President Reagan and General Secretary Gorbachev, as it was agreed, and to make a similarly intensive effort to achieve a treaty on 50 per cent reductions in their strategic offensive arms within the framework of the Geneva Nuclear and Space Talks."

Main Provisions of the Treaty

The Treaty consists of a preamble and 17 Articles. It also includes a protocol on procedures governing the elimination of the missiles systems and a protocol regarding inspections, as well as a memorandum of understanding on data, giving the locations, numbers and characteristics of each side's intermediate- and shorter-range missiles. The two protocols and the memorandum form an integral part of the Treaty.

In the preamble, the parties express their conviction that the measures set forth in the Treaty will help to reduce the risk of an outbreak of war. They also recall their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, namely to pursue negotiations in good faith on effective measures for the cessation of the nuclear arms race at an early date.

The basic obligation of the two parties consists of an undertaking to eliminate their intermediate-range and shorter-range missiles together with their launchers, all support structures and support equipment. Intermediate-range missiles would be eliminated not later than three years after the entry into force of the Treaty, while the elimination of shorter-range missiles would be completed not later than 18 months after the Treaty's entry into force. The Protocol on Elimination provides that the nuclear warheads and guiding elements may be removed from the missiles, prior to their elimination.

The most notable aspect of the Treaty is found in its verification provisions. Not only do they break new ground in the Treaty itself, but they also open up new and unprecedented avenues for all other areas of arms regulation and disarmament negotiations within both bilateral and multilateral frameworks.

The INF agreement builds upon verification arrangements previously agreed on between the two sides, but also adds important new forms, which together cover all known principles for a reasonably reliable verification system. Thus, the verification triad agreed to consists of the following: on-site inspection; inspection by challenge; and unobstructive use of satellites.

As regards on-site inspection, the Treaty provides for the placement of an inspection team outside the main facility of each side where components for missiles covered by the agreement are being produced. The inspectors will be allowed to monitor the facility not only during the initial three-year period envisaged for complete elimination of these weapons, but also during the next 10 years, thus extending the duration of the whole exercise to 13 years altogether. Furthermore, the actual removal of the weapons covered by the Treaty from deployment areas and storage will be subject to verification. In addition to missile installations on American and Soviet soil, this would include American and Soviet missile bases in Western and Eastern Europe. Occasional inspection of the locations will take place also over a 13-year period.

The provisions for inspection by challenge apply to one facility each in the United States and the Soviet Union that produces launchers

for the weapons in question. The most important feature of this provision is that the inspection could be requested and carried out on short notice (within 24 hours), thus greatly reducing the possibility of actions contrary to the letter of the Treaty.

The third feature covers the use of satellites, the method envisaged in previous agreements such as the SALT II, which was never ratified. By this Treaty, the two sides renew their commitment not to obstruct each other's use of satellites in gathering the necessary information pertaining to compliance with the provisions of the Treaty. The obligations of the two sides in this respect are specified in great detail.

The Treaty also establishes a special verification commission to resolve questions relating to compliance with the obligations assumed, and to agree on such measures as might be necessary to improve the viability and effectiveness of the Treaty.

The Treaty is to be of unlimited duration. However, each party has the right to withdraw from the Treaty if it decides that extraordinary events related to the subject-matter of the Treaty have jeopardized its supreme interests.

The Treaty is subject to ratification in accordance with the constitutional procedures of each party, and will enter into force on the date the instruments of ratification are exchanged between the two parties.

Signing of the Treaty

The Treaty was signed at the White House, in Washington D.C., on 8 December 1987.

In his statement on that occasion, President Ronald Reagan pointed out that for the first time in history, the language of arms control was being replaced by the language of arms reduction—the complete and verified elimination of an entire class of United States and Soviet nuclear missiles.

Under the Treaty, he stated, on the Soviet side, over 1,500 deployed warheads would be removed, and all ground-launched intermediate-range missiles, including the SS-20s, would be destroyed. On the United States side, the entire complement of Pershing II and ground-launched cruise missiles would be destroyed. Additional back-up missiles on both sides would also be destroyed. But, in his opinion, the importance of the Treaty transcended numbers. The agreement contained the most stringent verification regime in history, including provisions for inspection teams actually residing in each other's territory and several other forms of on-site inspection as well.

General Secretary Mikhail Gorbachev emphasized that the signing of the first-ever agreement eliminating nuclear weapons had universal significance for mankind, both from the standpoint of world politics and from the standpoint of humanism. For everyone and, above all, for the Soviet Union and the United States, the Treaty offered a big chance to get on the road leading away from the threat of catastrophe. It was their duty to take full advantage of that chance and move together towards a nuclear-free world, which held the promise of a fulfilling and happy life without fear and without a senseless waste of resources on weapons. He expressed the hope that the date of 8 December 1987 would mark the watershed between the era of a mounting risk of nuclear war and the era of the demilitarisation of human life.

Furthermore, in their farewell statements, the two leaders stressed the need for continuing dialogue. The Treaty on intermediate-and shorter-range missiles, President Reagan stated, should be viewed as a beginning, not as an end, and further arms reduction was possible. In his view, individual agreements would not, in and of themselves, result in steady progress. It must be sustained by a realistic understanding of each other's intentions and objectives and a process for dealing with differences in a practical and straightforward manner. General Secretary Gorbachev underscored the fact that, by the Treaty, the two major Powers had assumed an obligation actually to destroy a part of their nuclear weapons, thus, it was hoped, setting in motion the process of nuclear disarmament. The two sides, he added, had been able to formulate a kind of agenda for joint efforts in the future. As a result, the dialogue between them was placed on a more predictable footing and this was undoubtedly constructive. The United States and the Soviet Union, he concluded, were closer to their common goal of strengthening inter-national security. Much work, however, remained to be done and they must get down to it without delay.

Significance of the Treaty

On the occasion of the signing of the Treaty, the Secretary-General of the United Nations made the following statement:

> "The signing today of the INF Treaty by President Reagan and General Secretary Gorbachev constitutes a truly remarkable development that I welcome wholeheartedly. It is the first time that an agreement has been reached that would actually reduce the awesome stocks of nuclear weapons in the world. It is most gratifying that patience, dedication and goodwill have prevailed over the difficulties and obstacles that were encountered in achieving this historic agreement.

"I earnestly hope that the two sides will now make progress towards significantly reducing strategic nuclear weapons, and in dealing with the other most important issues on their agenda.

"I am convinced that the events of the day can have a most positive impact on the course of international relations. I wish the two leaders well in their deliberations."

Indeed, the Treaty is an unprecedented agreement in terms both of its scope and of its verification provisions. Although the nuclear weapons covered by the Treaty amount to only a small number of the total of nuclear weapons possessed by the two nuclear Powers, an entire class of nuclear arms will be eliminated from their arsenals, and the process will be carried out in accordance with stringent verification provisions. The verification provisions, although technical in nature, are of unprecedented political significance. For the first time ever, in the relationship between the two opposing military alliances—NATO and Warsaw Treaty—will such a high degree of transparency with regard to important military activities be formally sanctioned in treaty form. It includes disclosure of the most detailed information on the location of weapons (deployment areas and storages), their technical capabilities as well as the location of the facilities which produce them. Also, for the first time, military personnel will be allowed to observe, at close range, military installations of the other side both on short notice and as a long-term operation.

The conclusion of the Treaty has been universally welcomed in the hope that it will not only lead to an improvement in the relations between the two parties, but will also have a positive impact on the security of Europe and the whole world by enhancing international stability and giving a new impetus to ongoing multilateral and bilateral disarmament negotiations.

The parties themselves recognise that the Treaty is just a beginning and that much remains to be done in the field of nuclear disarmament. Undoubtedly, there is a need to move forward quickly in other areas of arms reduction, particularly towards a treaty limiting strategic nuclear weapons.

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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

Washington, D.C., 8 December 1987

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Conscious that nuclear war would have devastating consequences for all mankind,

Guided by the objective of strengthening strategic stability.

Convinced that the measures set forth in this Treaty will help to reduce the risk of outbreak of war and strengthen international peace and security, and

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Have agreed as follows:

Article I

In accordance with the provisions of this Treaty which includes the Memorandum of Understanding and Protocols which form an integral part thereof, each Party shall eliminate its intermediate-range and shorter-range missiles, not have such systems thereafter, and carry out the other obligations set forth in this Treaty.

Article II

For the purposes of this Treaty:

1. The term “ballistic missile” means a missile that has a ballistic trajectory over most of its flight path. The term “ground-launched ballistic missile (GLBM)” means a ground-launched ballistic missile that is a weapon-delivery vehicle.
2. The term “cruise missile” means an unmanned, self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path. The term “ground-launched cruise missile (GLCM)” means a ground-launched cruise missile that is a weapon-delivery vehicle.
3. The term “GLBM launcher” means a fixed launcher or a mobile land-based transporter-erector-launcher mechanism for launching a GLBM.
4. The term “GLCM launcher” means a fixed launcher or a mobile land-based transporter-erector-launcher mechanism for launching a GLCM.
5. The term “intermediate-range missile” means a GLBM or a GLCM having a range capability in excess of 1000 kilometers but not in excess of 5500 kilometers.
6. The term “shorter-range missile” means a GLBM or a GLCM having a range capability equal to or in excess of 500 kilometers but not in excess of 1000 kilometers.
7. The term “deployment area” means a designated area within which intermediate-range missiles and launchers of such missiles may operate and within which one or more missile operating bases are located.
8. The term “missile operating base” means:
   (a) in the case of intermediate-range missiles, a complex of facilities, located within a deployment area, at which intermediate-range missiles and launchers of such missiles normally operate, in which support structures associated with such missiles and launchers are also located and in which support equipment associated with such missiles and launchers is normally located; and
   (b) in the case of shorter-range missiles, a complex of facilities, located any place, at which shorter-range missiles and launchers of such missiles normally operate and in which support equipment associated with such missiles and launchers is normally located.
9. The term “missile support facility,” as regards intermediate-range or shorter-range missiles and launchers of such missiles,

means a missile production facility or a launcher production facility, a missile repair facility or a launcher repair facility, a training facility, a missile storage facility or a launcher storage facility, a test range, or an elimination facility as those terms are defined in the Memorandum of Understanding.

10. The term "transit" means movement, notified in accordance with paragraph 5(f) of Article IX of this Treaty, of an intermediate-range missile or a launcher of such a missile between missile support facilities, between such a facility and a deployment area or between deployment areas, or of a shorter-range missile or a launcher of such a missile from a missile support facility or a missile operating base to an elimination facility.
11. The term "deployed missile" means an intermediate-range missile located within a deployment area or a shorter-range missile located at a missile operating base.
12. The term "non-deployed missile" means an intermediate-range missile located outside a deployment area or a shorter-range missile located outside a missile operating base.
13. The term "deployed launcher" means a launcher of an intermediate-range missile located within a deployment area or a launcher of a shorter-range missile located at a missile operating base.
14. The term "non-deployed launcher" means a launcher of an intermediate-range missile located outside a deployment area or a launcher of a shorter-range missile located outside a missile operating base.
15. The term "basing country" means a country other than the United States of America or the Union of Soviet Socialist Republics on whose territory intermediate-range or shorter-range missiles of the Parties, launchers of such missiles or support structures associated with such missiles and launchers were located at any time after November 1, 1987. Missiles or launchers in transit are not considered to be "located."

Article III

1. For the purposes of this Treaty, existing types of intermediate-range missiles are:

(a) for the United States of America, missiles of the types designated by the United States of America as the Pershing II and the BGM-109G. which are known to the Union of Soviet Socialist Republics by the same designations; and

(b) for the Union of Soviet Socialist Republics, missiles of the types designated by the Union of Soviet Socialist Republics as the RSD-10, the R-12 and the R-14, which are known to the United States of America as the SS-20, the SS-4 and the SS-5, respectively.

2. For the purposes of this Treaty, existing types of shorter-range missiles are:

(a) for the United States of America, missiles of the type designated by the United States of America as the Pershing IA, which is known to the Union of Soviet Socialist Republics by the same designation; and

(b) for the Union of Soviet Socialist Republics, missiles of the types designated by the Union of Soviet Socialist Republics as the OTR-22 and the OTR-23, which are known to the United States of America as the SS-12 and the SS-23, respectively.

Article IV

1. Each Party shall eliminate all its intermediate-range missiles and launchers of such missiles, and all support structures and support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than three years after entry into force of this Treaty and thereafter no such missiles, launchers, support structures or support equipment shall be possessed by either Party.

2. To implement paragraph 1 of this Article, upon entry into force of this Treaty, both Parties shall begin and continue throughout the duration of each phase, the reduction of all types of their deployed and non-deployed intermediate-range missiles and deployed and non-deployed launchers of such missiles and support structures and support equipment associated with such missiles and launchers in accordance with the provisions of this Treaty. These reductions shall be implemented in two phases so that:

(a) by the end of the first phase, that is, no later than 29 months after entry into force of this Treaty:

(i) the number of deployed launchers of intermediate-range missiles for each Party shall not exceed the number of launchers that are capable of carrying or containing at one time missiles considered by the Parties to carry 171 warheads;

(ii) the number of deployed intermediate-range missiles for each Party shall not exceed the number of such missiles considered by the Parties to carry 180 warheads;

(iii) the aggregate number of deployed and non-deployed launchers of intermediate-range missiles for each Party shall not exceed the number of launchers that are capable of carrying or containing at one time missiles considered by the Parties to carry 200 warheads;

(iv) the aggregate number of deployed and non-deployed intermediate-range missiles for each Party shall not exceed the number of such missiles considered by the Parties to carry 200 warheads; and

(v) the ratio of the aggregate number of deployed and non-deployed intermediate-range GLBMs of existing types for each Party to the aggregate number of deployed and non-deployed intermediate-range missiles of existing types possessed by that Party shall not exceed the ratio of such intermediate-range GLBMs to such intermediate-range missiles for that Party as of November 1, 1987, as set forth in the Memorandum of Understanding; and

(b) by the end of the second phase, that is, no later than three years after entry into force of this Treaty, all intermediate-range missiles of each Party, launchers of such missiles and all support structures and support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, shall be eliminated.

Article V

1. Each Party shall eliminate all its shorter-range missiles and launchers of such missiles, and all support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than 18 months after entry into force of this Treaty and thereafter no such missiles, launchers or support equipment shall be possessed by either Party.

2. No later than 90 days after entry into force of this Treaty, each Party shall complete the removal of all its deployed shorter-range missiles and deployed and non-deployed, launchers of such missiles to elimination facilities and shall retain them at those locations until they are eliminated in accordance with the procedures set forth in the Protocol on Elimination. No later than 12 months after entry into force of this Treaty, each Party shall complete the removal of all its

non-deployed shorter-range missiles to elimination facilities and shall retain them at those locations until they are eliminated in accordance with the procedures set forth in the Protocol on Elimination.

3. Shorter-range missiles and launchers of such missiles shall not be located at the same elimination facility. Such facilities shall be separated by no less than 1000 kilometers.

Article VI

1. Upon entry into force of this Treaty and thereafter, neither Party shall:

(a) produce or flight-test any intermediate-range missiles or produce any stages of such missiles or any launchers of such missiles; or

(b) produce, flight-test or launch any shorter-range missiles or produce any stages of such missiles or any launchers of such missiles.

2. Notwithstanding paragraph 1 of this Article, each Party shall have the right to produce a type of GLBM not limited by this Treaty which uses a stage which is outwardly similar to, but not interchangeable with, a stage of an existing type of intermediate-range GLBM having more than one stage, providing that Party does not produce any other stage which is outwardly similar to, but not interchangeable with, any other stage of an existing type of intermediate-range GLBM.

Article VII

For the purposes of this Treaty:

1. If a ballistic missile or a cruise missile has been flight-tested or deployed for weapon delivery, all missiles of that type shall be considered to be weapon-delivery vehicles.

2. If a GLBM or GLCM is an intermediate-range missile, all GLBMs or GLCMs of that type shall be considered to be intermediate-range missiles. If a GLBM or GLCM is a shorter-range missile, all GLBMs or GLCMs of that type shall be considered to be shorter-range missiles.

3. If a GLBM is of a type developed and tested solely to intercept and counter objects not located on the surface of the Earth, it shall not be considered to be a missile to which the limitations of this Treaty apply.

4. The range capability of a GLBM not listed in Article III of this Treaty shall be considered to be the maximum range to which it has

been tested. The range capability of a GLCM not listed in Article III of this Treaty shall be considered to be the maximum distance which can be covered by the missile in its standard design mode flying until fuel exhaustion, determined by projecting its flight path onto the earth's sphere from the point of launch to the point of impact. GLBMs or GLCMs that have a range capability equal to or in excess of 500 kilometers but not in excess of 1000 kilometers shall be considered to be shorter-range missiles. GLBMs or GLCMs that have a range capability in excess of 1000 kilometers but not in excess of 5500 kilometers shall be considered to be intermediate-range missiles.

5. The maximum number of warheads an existing type of intermediate-range missile or shorter-range missile carries shall be considered to be the number listed for missiles of that type in the Memorandum of Understanding.

6. Each GLBM or GLCM shall be considered to carry the maximum number of warheads listed for a GLBM or GLCM of that type in the Memorandum of Understanding.

7. If a launcher has been tested for launching a GLBM or a GLCM, all launchers of that type shall be considered to have been tested for launching GLBMs or GLCMs.

8. If a launcher has contained or launched a particular type of GLBM or GLCM, all launchers of that type shall be considered to be launchers of that type of GLBM or GLCM.

9. The number of missiles each launcher of an existing type of intermediate-range missile or shorter-range missile shall be considered to be capable of carrying or containing at one time is the number listed for launchers of missiles of that type in the Memorandum of Understanding.

10. Except in the case of elimination in accordance with the procedures set forth in the Protocol on Elimination, the following shall apply:

(a) for GLBMs which are stored or moved in separate stages, the longest stage of an intermediate-range or shorter-range GLBM shall be counted as a complete missile:

(b) for GLBMs which are not stored or moved in separate stages, a canister of the type used in the launch of an intermediate-range GLBM, unless a Party proves to the satisfaction of the other Party that it does not contain such a missile, or an assembled intermediate-range or shorter-range GLBM, shall be counted as a complete missile; and

(c) for GLCMs, the airframe of an intermediate-range or shorter-range GLCM shall be counted as a complete missile.

11. A ballistic missile which is not a missile to be used in a ground-based mode shall not be considered to be a GLBM if it is test-launched at a test site from a fixed land-based launcher which is used solely for test purposes and which is distinguishable from GLBM launchers. A cruise missile which is not a missile to be used in a ground-based mode shall not be considered to be a GLCM if it is test-launched at a test site from a fixed land-based launcher which is used solely for test purposes and which is distinguishable from GLCM launchers.

12. Each Party shall have the right to produce and use for booster systems, which might otherwise be considered to be intermediate-range or shorter-range missiles, only existing types of booster stages for such booster systems. Launches of such booster systems shall not be considered to be flight-testing of intermediate-range or shorter-range missiles provided that:

(a) stages used in such booster systems are different from stages used in those missiles listed as existing types of intermediate-range or shorter-range missiles in Article III of this Treaty:

(b) such booster systems are used only for research and development purposes to test objects other than the booster systems themselves;

(c) the aggregate number of launchers for such booster systems shall not exceed 35 for each Party at any one time; and

(d) the launchers for such booster systems are fixed, emplaced above ground and located only at research and development launch sites which are specified in the Memorandum of Understanding.

Research and development launch sites shall not be subject to inspection pursuant to Article XI of this Treaty.

Article VIII

1. All intermediate-range missiles and launchers of such missiles shall be located in deployment areas, at missile support facilities or shall be in transit. Intermediate-range missiles or launchers of such missiles shall not be located elsewhere.

2. Stages of intermediate-range missiles shall be located in deployment areas, at missile support facilities or moving between deployment areas, between missile support facilities or between missile support facilities and deployment areas.

3. Until their removal to elimination facilities as required by paragraph 2 of Article V of this Treaty, all shorter-range missiles and launchers of such missiles shall be located at missile operating bases, at missile support facilities or shall be in transit. Shorter-range missiles or launchers of such missiles shall not be located elsewhere.

4. Transit of a missile or launcher subject to the provisions of this Treaty shall be completed within 25 days.

5. All deployment areas, missile operating bases and missile support facilities are specified in the Memorandum of Understanding or in subsequent updates of data pursuant to paragraphs 3. 5(a) or 5(b) of Article IX of this Treaty. Neither Party shall increase the number of. or change the location or boundaries of, deployment areas, missile operating bases or missile support facilities, except for elimination facilities, from those set forth in the Memorandum of Understanding. A missile support facility shall not be considered to be part of a deployment area even though it may be located within the geographic boundaries of a deployment area.

6. Beginning 30 days after entry into force of this Treaty, neither Party shall locate intermediate-range or shorter-range missiles, including stages of such missiles, or launchers of such missiles at missile production facilities, launcher production facilities or test ranges listed in the Memorandum of Understanding.

7. Neither Party shall locate any intermediate-range or shorter-range missiles at training facilities.

8. A non-deployed intermediate-range or shorter-range missile shall not be carried on or contained within a launcher of such a type of missile, except as required for maintenance conducted at repair facilities or for elimination by means of launching conducted at elimination facilities.

9. Training missiles and training launchers for intermediate-range or shorter-range missiles shall be subject to the same locational restrictions as are set forth for intermediate-range and shorter-range missiles and launchers of such missiles in paragraphs 1 and 3 of this Article.

Article IX

1. The Memorandum of Understanding contains categories of data relevant to obligations undertaken with regard to this Treaty and lists all intermediate-range and shorter-range missiles, launchers of such missiles, and support structures and support equipment associated with such missiles and launchers, possessed by the Parties as of

November 1, 1987. Updates of that data and notifications required by this Article shall be provided according to the categories of data contained in the Memorandum of Understanding.

2. The Parties shall update that data and provide the notifications required by this Treaty through the Nuclear Risk Reduction Centers, established pursuant to the Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Establishment of Nuclear Risk Reduction Centers of September 15, 1987.

3. No later than 30 days after entry into force of this Treaty, each Party shall provide the other Party with updated data, as of the date of entry into force of this Treaty, for all categories of data contained in the Memorandum of Understanding.

4. No later than 30 days after the end of each six-month interval following the entry into force of this Treaty, each Party shall provide updated data for all categories of data contained in the Memorandum of Understanding by informing the other Party of all changes, completed and in process, in that data, which have occurred during the six-month interval since the preceding data exchange, and the net effect of those changes.

5. Upon entry into force of this Treaty and thereafter, each Party shall provide the following notifications to the other Party:

(a) notification, no less than 30 days in advance, of the scheduled date of the elimination of a specific deployment area, missile operating base or missile support facility;

(b) notification, no less than 30 days in advance, of changes in the number or location of elimination facilities, including the location and scheduled date of each change;

(c) notification, except with respect to launches of intermediate-range missiles for the purpose of their elimination, no less than 30 days in advance, of the scheduled date of the initiation of the elimination of intermediate-range and shorter-range missiles, and stages of such missiles, and launchers of such missiles and support structures and support equipment associated with such missiles and launchers, including:

(i) the number and type of items of missile systems to be eliminated;

(ii) the elimination site;

(iii) for intermediate-range missiles, the location from which such missiles, launchers of such missiles and support equipment associated with such missiles and launchers are moved to the elimination facility; and

(iv) except in the case of support structures, the point of entry to be used by an inspection team conducting an inspection pursuant to paragraph 7 of Article XI of this Treaty and the estimated time of departure of an inspection team from the point of entry to the elimination facility;

(d) notification, no less than ten days in advance, of the scheduled date of the launch, or the scheduled date of the initiation of a series of launches, of intermediate-range missiles for the purpose of their elimination, including:

(i) the type of missiles to be eliminated;

(ii) the location of the launch, or, if elimination is by a series of launches, the location of such launches and the number of launches in the series;

(iii) the point of entry to be used by an inspection team conducting an inspection pursuant to paragraph 7 of Article XI of this Treaty; and

(iv) the estimated time of departure of an inspection team from the point of entry to the elimination facility;

(e) notification, no later than 48 hours after they occur, of changes in the number of intermediate-range and shorter-range missiles, launchers of such missiles and support structures and support equipment associated with such missiles and launchers resulting from elimination as described in the Protocol on Elimination, including:

(i) the number and type of items of a missile system which were eliminated; and

(ii) the date and location of such elimination; and

(f) notification of transit of intermediate-range or shorter-range missiles or launchers of such missiles, or the movement of training missiles or training launchers for such intermediate-range and shorter-range missiles, no later than 48 hours after it has been completed, including:

(i) the number of missiles or launchers;

(ii) the points, dates and times of departure and arrival;

(iii) the mode of transport; and

(iv) the location and time at that location at least once every four days during the period of transit.

6. Upon entry into force of this Treaty and thereafter, each Party shall notify the other Party, no less than ten days in advance, of the scheduled date and location of the launch of a research and development booster system as described in paragraph 12 of Article VII of this Treaty.

Article X

1. Each Party shall eliminate its intermediate-range and shorter-range missiles and launchers of such missiles and support structures and support equipment associated with such missiles and launchers in accordance with the procedures set forth in the Protocol on Elimination.

2. Verification by on-site inspection of the elimination of items of missile systems specified in the Protocol on Elimination shall be carried out in accordance with Article XI of this Treaty, the Protocol on Elimination and the Protocol on Inspection.

3. When a Party removes its intermediate-range missiles, launchers of such missiles and support equipment associated with such missiles and launchers from deployment areas to elimination facilities for the purpose of their elimination, it shall do so in complete deployed organisational units. For the United States of America, these units shall be Pershing II batteries and BGM-109G flights. For the Union of Soviet Socialist Republics, these units shall be SS-20 regiments composed of two or three battalions.

4. Elimination of intermediate-range and shorter-range missiles and launchers of such missiles and support equipment associated with such missiles and launchers shall be carried out at the facilities that are specified in the Memorandum of Understanding or notified in accordance with paragraph 5(b) of Article IX of this Treaty, unless eliminated in accordance with Sections IV or V of the Protocol on Elimination. Support structures, associated with the missiles and launchers subject to this Treaty, that are subject to elimination shall be eliminated *in situ.*

5. Each Party shall have the right, during the first six months after entry into force of this Treaty, to eliminate by means of launching no more than 100 of its intermediate-range missiles.

6. Intermediate-range and shorter-range missiles which have been tested prior to entry into force of this Treaty, but never deployed, and

which are not existing types of intermediate-range or shorter-range missiles listed in Article III of this Treaty, and launchers of such missiles, shall be eliminated within six months after entry into force of this Treaty in accordance with the procedures set forth in the Protocol on Elimination. Such missiles are:

(a) for the United States of America, missiles of the type designated by the United States of America as the Pershing IB, which is known to the Union of Soviet Socialist Republics by the same designation; and

(b) for the Union of Soviet Socialist Republics, missiles of the type designated by the Union of Soviet Socialist Republics as the RK-55, which is known to the United States of America as the SSC-X-4.

7. Intermediate-range and shorter-range missiles and launchers of such missiles and support structures and support equipment associated with such missiles and launchers shall be considered to be eliminated after completion of the procedures set forth in the Protocol on Elimination and upon the notification provided for in paragraph 5(e) of Article IX of this Treaty.

8. Each Party shall eliminate its deployment areas, missile operating bases and missile support facilities. A Party shall notify the other Party pursuant to paragraph *5*(a) of Article IX of this Treaty once the conditions set forth below are fulfilled:

(a) all intermediate-range and shorter-range missiles, launchers of such missiles and support equipment associated with such missiles and launchers located there have been removed;

(b) all support structures associated with such missiles and launchers located there have been eliminated; and

(c) all activity related to production, flight-testing, training, repair, storage or deployment of such missiles and launchers has ceased there.

Such deployment areas, missile operating bases and missile support facilities shall be considered to be eliminated either when they have been inspected pursuant to paragraph 4 of Article XI of this Treaty or when 60 days have elapsed since the date of the scheduled elimination which was notified pursuant to paragraph 5(a) of Article IX of this Treaty. A deployment area, missile operating base or missile support facility listed in the Memorandum of Understanding that met the above conditions prior to entry into force of this Treaty, and is not included in the initial data exchange pursuant to paragraph 3 of Article IX of this Treaty, shall be considered to be eliminated.

9. If a Party intends to convert a missile operating base listed in the Memorandum of Understanding for use as a base associated with GLBM or GLCM systems not subject to this Treaty, then that Party shall notify the other Party, no less than 30 days in advance of the scheduled date of the initiation of the conversion, of the scheduled date and the purpose for which the base will be converted.

Article XI

1. For the purpose of ensuring verification of compliance with the provisions of this Treaty, each Party shall have the right to conduct on-site inspections. The Parties shall implement on-site inspections in accordance with this Article, the Protocol on Inspection and the Protocol on Elimination.

2. Each Party shall have the right to conduct inspections provided for by this Article both within the territory of the other Party and within the territories of basing countries.

3. Beginning 30 days after entry into force of this Treaty, each Party shall have the right to conduct inspections at all missile operating bases and missile support facilities specified in the Memorandum of Understanding other than missile production facilities, and at all elimination facilities included in the initial data update required by paragraph 3 of Article IX of this Treaty. These inspections shall be completed no later than 90 days after entry into force of this Treaty. The purpose of these inspections shall be to verify the number of missiles, launchers, support structures and support equipment and other data, as of the date of entry into force of this Treaty, provided pursuant to paragraph 3 of Article IX of this Treaty.

4. Each Party shall have the right to conduct inspections to verify the elimination, notified pursuant to paragraph 5(a) of Article IX of this Treaty, of missile operating bases and missile support facilities other than missile production facilities, which are thus no longer subject to inspections pursuant to paragraph 5(a) of this Article. Such an inspection shall be carried out within 60 days after the scheduled date of the elimination of that facility. If a Party conducts an inspection at a particular facility pursuant to paragraph 3 of this Article after the scheduled date of the elimination of that facility, then no additional inspection of that facility pursuant to this paragraph shall be permitted.

5. Each Party shall have the right to conduct inspections pursuant to this paragraph for 13 years after entry into force of this Treaty. Each Party shall have the right to conduct 20 such inspections per calendar year during the first three years after entry into force of this Treaty, 15 such inspections per calendar year during the subsequent

five years, and ten such inspections per calendar year during the last five years. Neither Party shall use more than half of its total number of these inspections per calendar year within the territory of any one basing country. Each Party shall have the right to conduct:

(a) inspections, beginning 90 days after entry into force of this Treaty, of missile operating bases and missile support facilities other than elimination facilities and missile production facilities, to ascertain, according to the categories of data specified in the Memorandum of Understanding, the numbers of missiles, launchers, support structures and support equipment located at each missile operating base or missile support facility at the time of the inspection; and

(b) inspections of former missile operating bases and former missile support facilities eliminated pursuant to paragraph 8 of Article X of this Treaty other than former missile production facilities.

6. Beginning 30 days after entry into force of this Treaty, each Party shall have the right, for 13 years after entry into force of this Treaty, to inspect by means of continuous monitoring:

(a) the portals of any facility of the other Party at which the final assembly of a GLBM using stages, any of which is outwardly similar to a stage of a solid-propellant GLBM listed in Article 111 of this Treaty, is accomplished; or

(b) if a Party has no such facility, the portals of an agreed former missile production facility at which existing types of intermediate-range or shorter-range GLBMs were produced. The Party whose facility is to be inspected pursuant to this paragraph shall ensure that the other Party is able to establish a permanent continuous monitoring system at that facility within six months after entry into force of this Treaty or within six months of initiation of the process of final assembly described in subparagraph (a). If, after the end of the second year after entry into force of this Treaty, neither Party conducts the process of final assembly described in subparagraph (a) for a period of 12 consecutive months, then neither Party shall have the right to inspect by means of continuous monitoring any missile production facility of the other Party unless the process of final assembly as described in subparagraph (a) is initiated again. Upon entry into force of this Treaty, the facilities to be inspected by continuous monitoring shall be in accordance with sub-paragraph (b), for the United States of America, Hercules.

Plant Number 1, at Magna, Utah; in accordance with subparagraph (a), for the Union of Soviet Socialist Republics, the Votkinsk Machine Building Plant, Udmurt Autonomous Soviet Socialist Republic, Russian Soviet Federative Socialist Republic.

7. Each Party shall conduct inspections of the process of elimination, including elimination of intermediate-range missiles by means of launching of intermediate-range and shorter-range missiles and launchers of such missiles and support equipment associated with such missiles and launchers carried out at elimination facilities in accordance with Article X of this Treaty and the Protocol on Elimination. Inspectors conducting inspections provided for in this paragraph shall determine that the processes specified for the elimination of the missiles, launchers and support equipment have been completed.

8. Each Party shall have the right to conduct inspections to confirm the completion of the process of elimination of intermediate-range and shorter-range missiles and launchers of such missiles and support equipment associated with such missiles and launchers eliminated pursuant to Section V of the Protocol on Elimination, and of training missiles, training missile stages, training launch canisters and training launchers eliminated pursuant to Sections II, IV and V of the Protocol on Elimination.

Article XII

1. For the purpose of ensuring verification of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

2. Neither Party shall:

(a) interfere with national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article; or

(b) use concealment measures which impede verification of compliance with the provisions of this Treaty by national technical means of verification carried out in accordance with paragraph 1 of this Article. This obligation does not apply to cover or concealment practices, within a deployment area, associated with normal training, maintenance and operations, including the use of environmental shelters to protect missiles and launchers.

3. To enhance observation by national technical means of verification, each Party shall have the right until a treaty between the Parties reducing and limiting strategic offensive arms enters into force, but in any event for no more than three years after entry into force of this Treaty, to request the implementation of cooperative measures at deployment bases for road-mobile GLBMs with a range capability in excess of 5500 kilometers, which are not former missile operating bases eliminated pursuant to paragraph 8 of Article X of this Treaty. The Party making such a request shall inform the other Party of the deployment base at which cooperative measures shall be implemented. The Party whose base is to be observed shall carry out the following cooperative measures:

(a) no later than six hours after such a request, the Party shall have opened the roofs of all fixed structures for launchers located at the base, removed completely all missiles on launchers from such fixed structures for launchers and displayed such missiles on launchers in the open without using concealment measures; and

(b) the Party shall leave the roofs open and the missiles on launchers in place until twelve hours have elapsed from the time of the receipt of a request for such an observation. Each Party shall have the right to make six such requests per calendar year. Only one deployment base shall be subject to these cooperative measures at any one time.

Article XIII

1. To promote the objectives and implementation of the provisions of this Treaty, the Parties hereby establish the Special Verification Commission. The Parties agree that, if either Party so requests, they shall meet within the framework of the Special Verification Commission to:

(a) resolve questions relating to compliance with the obligations assumed; and

(b) agree upon such measures as may be necessary to improve the viability and effectiveness of this Treaty.

2. The Parties shall use the Nuclear Risk Reduction Centers, which provide for continuous communication between the Parties, to:

(a) exchange data and provide notifications as required by paragraphs 3. 4, 5 and 6 of Article IX of this Treaty and the Protocol on Elimination;

(b) provide and receive the information required by paragraph 9 of Article X of this Treaty;

(c) provide and receive notifications of inspections as required by Article XI of this Treaty and the Protocol on Inspection; and

(d) provide and receive requests for cooperative measures as provided for in paragraph 3 of Article XII of this Treaty.

Article XIV

The Parties shall comply with this Treaty and shall not assume any international obligations or undertakings which would conflict with its provisions.

Article XV

1. This Treaty shall be of unlimited duration.

2. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to withdraw to the other Party six months prior to withdrawal from this Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

Article XVI

Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures set forth in Article XVII governing the entry into force of this Treaty.

Article XVII

1. This Treaty, including the Memorandum of Understanding and Protocols, which form an integral part thereof, shall be subject to ratification in accordance with the constitutional procedures of each Party. This Treaty shall enter into force on the date of the exchange of instruments of ratification.

2. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at Washington on December 8, 1987, in two copies, each in the English and Russian languages, both texts being equally authentic.

For the United States
For the Union of Soviet of America:
Socialist Republics:
President of the United States
General Secretary of the of America
Central Committee of the CPSU

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South Pacific Nuclear Free Zone Treaty (December 1987)

On 11 December 1986, the South Pacific Nuclear Free Zone Treaty (also known as the Treaty of Rarotonga) entered into force. In its preamble, the parties express their conviction that all countries have an obligation to make every effort to achieve the goal of eliminating nuclear weapons and that regional arms control measures can contribute to global efforts to reverse the nuclear-arms race; they also express their determination to keep the South Pacific free of environmental pollution by radioactive wastes and other radioactive matter.

Regional Measures

While general and complete disarmament, proclaimed by the United Nations in 1959, remains the ultimate objective of disarmament efforts, the importance of regional and interim measures has also been recognized. Nuclear-weapon-free zones as regional measures have been discussed at the United Nations since the 1950s. Two zones that exclude nuclear weapons had been established before the creation of the South Pacific zone.

The first, the demilitarized zone of Antarctica, was established in 1959 by the Antarctic Treaty. The Treaty, which has 35 States parties, prohibits any measures of a military nature, the testing of any type of weapons, any nuclear explosions and the disposal of radioactive waste.

The second, the Latin American zone, was established in 1967 by the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco). Parties undertake to use exclusively for peaceful purposes the nuclear materials and facilities under their jurisdiction and to prevent in their territories the testing, use, manufacture, production or acquisition of any nuclear weapons and their installation,

deployment and possession. The Treaty has 25 parties, although it is not yet in force for 2 of them. By Additional Protocol I to the Treaty, non-Latin American States having jurisdiction over territories in the zone undertake to apply the provisions of the Treaty to those territories. (The United Kingdom, the United States and the Netherlands are parties to Protocol I; France, which has signed the Protocol, has not yet ratified it.) By Additional Protocol II, nuclear-weapon States undertake to respect the nuclear-weapon-free status of the zone. (All five nuclear-weapon States—China, France, USSR, United Kingdom and United States- have ratified Protocol II.)

The Treaty of Rarotonga creates a "nuclear-free", rather than a "nuclear-weapon-free", zone. The former term was chosen for a number of reasons. It was the intention of the signatories to the Treaty to keep the region free of the stationing of nuclear weapons, nuclear testing and environmental pollution by radioactive waste. Moreover, they wished to prohibit all types of nuclear explosions. Accordingly, the operative Articles of the Treaty refer consistently to "nuclear explosive devices", a term which is interpreted to cover all such devices, irrespective of the purpose (military or peaceful) stated for their use.

The 1967 Treaty on the Non-Proliferation of Nuclear Weapons, which has 137 States parties, acknowledges the right of groups of States to conclude regional treaties to assure the total absence of nuclear weapons in their territories. The Final Document of the first special session of the General Assembly devoted to disarmament, unanimously adopted by the Assembly in 1978, states that nuclear-weapon-free zones should be established on the basis of arrangements freely arrived at among the States of the region concerned and taking into account the region's characteristics, and that the process of establishing such zones in different parts of the world should be encouraged with the ultimate objective of achieving a world entirely free of nuclear weapons. The members of the South Pacific Forum concluded the Treaty of Rarotonga as a step in that process.

The South Pacific Region

The South Pacific itself is a vast region, covering one sixth of the surface of the globe. It encompasses territories of great diversity in terms of both size and political status. At present, there are 13 independent States or self-governing territories in the region—Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu—most of which have achieved independence only in the last several decades. There are other territories that are not yet independent

or self-governing and that are, in some cases, under the jurisdiction of extraregional Powers: France (French Polynesia, New Caledonia, and Wall is and Futuna islands), United Kingdom (Pitcairn Island), and United States (American Samoa and Jarvis Island). The map of the region attached to the Treaty is reproduced at the end of this Fact Sheet.

The heads of Government of the independent States or self-governing territories of the region have, since 1971, gathered annually in a meeting called the South Pacific Forum to consider matters of concern to them: economic development, decolonisation, nuclear testing in the region, and the prevention of the dumping of radio-active waste in the South Pacific. As of May 1987, the Forum had 15 members, the 13 listed above and the Federated States of Micronesia and the Marshall Islands.

Historical Background of the Treaty

There has long been interest in creating a South Pacific denuclearized zone. In 1975, on the initiative of New Zealand, the South Pacific Forum considered the idea of creating a nuclear-weapon-free zone in the region and agreed to seek support for the proposal. Consequently, later that year in the First Committee of the General Assembly, nine States from the Pacific Ocean and Latin America sponsored a draft resolution endorsing the idea and inviting the countries concerned to carry forward their consultations on the matter. The resolution was adopted with no negative votes, but the nuclear-weapon States abstained, with the exception of China, which voted in favour. In general, they expressed reservations with regard to a possible restriction of freedom of the seas within such a zone.

Although the consultations called for in the resolution were not held at that time, the concept was brought up again by Australia in 1983. That year, it proposed that the South Pacific Forum establish a nuclear-free zone. The following year, the Forum agreed upon principles to be incorporated into a draft treaty and established a working group to draw up the text Because the text had to recognise other treaty obligations of Forum members, care was taken to ensure that each party to the treaty would retain the right to make its own security arrangements. It was also agreed that the new treaty would reflect the principle of freedom of navigation and over-flight. After the draft was completed, the Treaty was endorsed by the Forum, and on 6 August 1985, at Rarotonga, Cook Islands, it was opened for signature by the members of the Forum. The following year, three additional agreements, “protocols”, pertaining to the nuclear-weapon States were

finalized after consultations with those States and were opened for their signature.

Main Provisions of the Treaty and Protocols

The Treaty establishes a very large nuclear-free zone in the South Pacific. It stretches from the west of Australia to the boundary of the Latin American nuclear-weapon-free zone to the east, and it extends from the equator to the boundary of the Antarctic demilitarized zone to the south.

The authors of the Treaty recognized, however, that parties to the Treaty could be responsible only for actions regarding their own ships and aircraft; consequently, nothing in the Treaty affects the exercise of the rights of any State under international law with regard to freedom of the seas (Article 2).

Each party to the Treaty undertakes not to manufacture, acquire, possess or have control over any nuclear explosive device inside or outside the zone (Article 3). Moreover, it undertakes to conduct any nuclear activities in co-operation with other States in accordance with strict non-proliferation measures to provide assurance of exclusively peaceful non-explosive use, and to support the effectiveness of the international non-proliferation system based on the non-proliferation Treaty and the safeguards system of the Inter-national Atomic Energy Agency (Article 4).

While exercising its sovereign rights to decide for itself whether to allow foreign ships (which may be nuclear-powered or nuclear-armed) to visit its ports or navigate its territorial seas, or foreign aircraft to visit its airfields or fly over its airspace, each party undertakes to prevent any nuclear explosive device from being stationed in its territory (Article 5). It also undertakes not to test any such device or to assist others to do so (Article 6). It further undertakes not to dump radioactive wastes anywhere at sea within the zone and to prevent such dumping by anyone in its territorial sea (Article 7).

The States outside the zone that have jurisdiction over territories within it (France, United Kingdom and United States) would, upon becoming parties to Protocol 1, apply the Treaty's key provisions to those territories. The five nuclear-weapon States would, upon becoming parties to Protocol 2, undertake not to use or threaten to use nuclear explosive devices against parties to the Treaty, and the same five States would, upon becoming parties to Protocol 3, refrain from nuclear testing within the zone.

Status of the Treaty

On 6 August 1985, the day the Treaty was opened for signature at Rarotonga, 8 of the 13 members of the South Pacific Forum then eligible to become parties signed it. On 11 December 1986, when the eighth signatory had deposited its instrument of ratification, the Treaty entered into force. As of the end of May 1987, the following 9 members had become parties: Australia, Cook Islands, Fiji, Kiribati, Nauru, Niue, New Zealand, Samoa and Tuvalu. In addition, Papua New Guinea and Solomon Islands had signed, but not yet ratified, the Treaty.

On 15 December 1986, the Soviet Union signed Protocols 2 and 3. On 10 February 1987, China also signed them. In signing Protocol 2, the Soviet Union stated that it would have the right to consider itself free from its commitments under the Protocol in the event of actions by a party in violation of the Treaty, including an act of aggression with the support of a nuclear-weapon State or jointly with it and involving the use of the party's territory for calls or transit by ships or aircraft carrying nuclear weapons. The Soviet Union also reserved for itself the right to reconsider its commitments in the event of any other actions undertaken by parties which would be incompatible with their non-nuclear status.

France, the United Kingdom and the United States have indicated that they do not intend at this time to become parties to any of the Protocols.

France believes that the Treaty imposes a regime that discriminates against its legitimate right to test nuclear devices in the South Pacific islands which it considers to be part of the Republic of France, and that it exercises that right with full respect for the legitimate interests of its neighbours in that region; it stresses its wish to continue consultations with them through regular exchanges on security matters.

The United Kingdom has stated that after taking full account of its security interests in the region, it has concluded that it would not serve its national interest to become a party to the Protocols. It has observed, however, that it is not acting inconsistently with them and has no intention of doing so. It will keep its attitude to the Treaty and the Protocols under review.

The United States, although also noting that its activities in the region are not inconsistent with the Protocols, has announced that in view of its global security interests and responsibilities, it is not, under current circumstances, a position to sign them. It believe that the growing number of proposal for such zones has the potential to undermine the policy of deterrence, the corner-stone of Western security

since the end of the Second World War, and that a proliferation of zones could limit its future ability to meet its security commitments worldwide.

International Reaction

The creation of the South Pacific Nuclear Free Zone has received favourable comments from a large number of States. While considering the question of the security of non-nuclear-weapon States at the Third Review Conference of the nuclear non-proliferation Treaty, held in 1985, parties to that Treaty welcomed the agreement reached to establish the South Pacific zone. In a communique issued following their meeting in October 1985, the Commonwealth heads of Government termed the Treaty of Rarotonga “an important step in global and regional efforts to prevent nuclear proliferation”. During the General Assembly’s session that fall, a large number of States, referring specifically to the new zone, expressed satisfaction that the South Pacific Nuclear Free Zone Treaty had been concluded.

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South Pacific Nuclear Free Zone Treaty*

SIGNED AT: Tarotonga 6 August 1985

ENTERED INTO FORCE: 11 December 1986.

DEPOSITARY: Director of the South Pacific Bureau For Economic Co-operation**

TOTAL NUMBER OF PARTIES AS OF 31 DECEMBER 1992: 13***

Preamble

The Parties to this Treaty,

United in their commitment to a world at peace;

Gravely concerned that the continuing nuclear arms race presents the risk of nuclear war which would have devastating consequences for all people;

Convinced that all countries have an obligation to make every effort to achieve the goal of eliminating nuclear weapons, the terror which they hold for humankind and the threat which they pose to life on earth;

Believing that regional arms control measures can contribute to global efforts to reverse the nuclear arms race and promote the national security of each country in the region and the common security of all;

Determined to ensure, so far as lies within their power, that the bounty and beauty of the land and sea in their region shall remain the heritage of their peoples and their descendants in perpetuity to be enjoyed by all in peace;

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* United Nations, *Treaty Series,* registration No. 24592 of 2 January 1987.

** Also known as the Forum Secretarial

*** Total includes China and the Russian Federation (see note 1 in Introduction), the two nuclear-weapon States which have ratified Protocols 2 and 3.

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing to world security;

Noting, in particular, that Article VII of the NPT recognises the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories;

Noting that the prohibitions of emplantation and emplacement of nuclear weapons on the seabed and the ocean floor and in the subsoil thereof contained in the Treaty on the Prohibition of the, Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof apply in the South Pacific;

Noting also that the prohibition of testing of nuclear weapons in the atmosphere or under water, including territorial waters or high seas, contained in the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water applies in the South Pacific;

Determined to keep the region free of environmental pollution by radioactive wastes and other radioactive matter;

Guided by the decision of the Fifteenth South Pacific Forum at Tuvalu that a nuclear free zone should be established in the region at the earliest possible opportunity in accordance with the principles set out in the communique of that meeting;

Agreed as follows:

Article I

Usage of Terms

For the purposes of this Treaty and its Protocols:

(a) “South Pacific Nuclear Free Zone” means the areas described in Annex 1 as illustrated by the map attached to that. Annex;

(b) “territory means internal waters, territorial sea and archipelagic waters, the seabed and subsoil beneath, the land territory and the airspace above them;

(c) “nuclear explosive device” means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of

transport or delivery of such a weapon or device if separable from and not an indivisible part of if.

(d) "stationing" means emplantation, emplacement, transportation on land or inland waters, stockpiling, storage, installation and deployment.

Article 2

Application of the Treaty

1. Except where otherwise specified, this Treaty and its Protocols shall apply to territory within the South Pacific Nuclear Free Zone.

2. Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to freedom of the seas.

Article 3

Renunciation of Nuclear Explosive Devices

Each Party undertakes:

(a) not to manufacture or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere inside or outside the South Pacific Nuclear Free Zone;

(b) not to seek or receive any assistance in the manufacture or acquisition of any nuclear explosive device;

(c) not to take any action to assist or encourage the manufacture or acquisition of any nuclear explosive device by any State.

Article 4

Peaceful Nuclear Activities

Each Party undertakes:

(a) not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to:

(i) any non-nuclear-weapon State unless subject to the safeguards required by Article III 1 of the NPT, or

(ii) any nuclear-weapon State unless subject to applicable safeguards agreements with the International Atomic Energy Agency (IAEA).

Any such provision shall be in accordance with strict non-proliferation measures to provide assurance of exclusively peaceful non-explosive use;

(b) to support the continued effectiveness of the international non-proliferation system based on the NPT and the IAEA safeguards system.

Article 5

Prevention of Stationing of Nuclear Explosive Devices

1. Each Party undertakes to prevent in its territory the stationing of any nuclear explosive device.

2. Each Party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

Article 6

Prevention of Testing of Nuclear Explosive Devices

Each Party undertakes:

(a) to prevent in its territory the testing of any nuclear explosive device;

(b) not to take any action to assist or encourage the testing of any nuclear explosive device by any State.

Article 7

Prevention of Dumping

1. Each Party undertakes:

(a) not to dump radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone

(b) to prevent the dumping of radioactive wastes and other radioactive matter by anyone in its territorial sea;

(c) not to take any action to assist or encourage the dumping by anyone of radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;

(d) to support the conclusion as soon as possible of the proposed Convention relating to the protection of the natural resources

and environment of the South Pacific region and its Protocol for the prevention of pollution of the South Pacific region by dumping, with the aim of precluding dumping at sea of radioactive wastes and other radioactive matter by anyone anywhere in the region.

2. Paragraphs 1 (a) and 1 (b) of this Article shall not apply to areas of the South Pacific Nuclear Free Zone in respect of which such a Convention and Protocol have entered into force.

Article 8

Control System

1. The Parties hereby establish a control system for the purpose of verifying compliance with their obligations under this Treaty.

2. The control system shall comprise:

(a) reports and exchange of information as provided for in Article 9;

(b) consultations as provided for in Article 10 and Annex 4 (1);

(c) the application to peaceful nuclear activities of safeguards by the IAEA as provided for in Annex 2;

(d) a complaints procedure as provided for in Annex 4.

Article 9

Reports and Exchanges of Information

1. Each Party shall report to the Director of the South Pacific Bureau for Economic Co-operation (the Director) as soon as possible any significant event within its jurisdiction affecting the implementation of this Treaty. The Director shall circulate such reports promptly to all Parties.

2. The Parties shall endeavour to keep each other informed on matters arising under or in relation to this Treaty. They may exchange information by communicating it to the Director, who shall circulate it to all Parties.

3. The Director shall report annually to the South Pacific Forum on the status of this Treaty and matters arising under or in relation to it, incorporating reports and communications made under paragraphs 1 and 2 of this Article and matters arising under Articles 8(2)(*d*) and 10 and Annex 2(4).

Article 10

Consultations and Review

Without prejudice to the conduct of consultations among Parties by other means, the Director, at the request of any Party, shall convene a meeting of the Consultative Committee established by Annex 3 for consultation and co-operation on any matter arising in relation to this Treaty or for reviewing its operation.

Article 11

Amendment

The Consultative Committee shall consider proposals for amendment of the provisions of this Treaty proposed by any Party and circulated by the Director to all Parties not less than three months prior to the convening of the Consultative Committee for this purpose. Any proposal agreed upon by consensus by the Consultative Committee shall be communicated to the Director who shall circulate it for acceptance to all Parties. An amendment shall enter into force thirty days after receipt by the depositary of acceptances from all Parties.

Article 12

Signature and Ratification

1. This Treaty shall be open for signature by any member of the South Pacific Forum.

2. This Treaty shall be subject to ratification. Instruments of ratification shall be deposited with the Director who is hereby designated depositary of this Treaty and its Protocols.

3. If a member of the South Pacific Forum whose territory is outside the South Pacific Nuclear Free Zone becomes a party to this Treaty, Annex I shall be deemed to be amended so far as is required to enclose at least the territory of that Party within the boundaries of the South Pacific Nuclear Free Zone. The delineation of any area added pursuant to this paragraph shall be approved by the South Pacific Forum.

Article 13

Withdrawal

1. This Treaty is of a permanent nature and shall remain in force indefinitely, provided that in the event of a violation by any party of a provision of this Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty, every other Party shall have the right to withdraw from the Treaty.

2. Withdrawal shall be effected by giving notice twelve months in advance to the Director who shall circulate such notice to all other Parties.

Article 14

Reservations

This Treaty shall not be subject to reservations.

Article 15

Entry into Force

1. This Treaty shall enter into force on the date of deposit of the eighth instrument of ratification.

2. For a signatory which ratifies this Treaty after the date of deposit of the eighth instrument of ratification, the Treaty shall enter into force on the date of deposit of its instrument of ratification.

Article 16

Depositary Functions

The depositary shall register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations and shall transmit certified copies of the Treaty and its Protocols to all Members of the South Pacific Forum and all States eligible to become Party to the Protocols to the Treaty and shall notify them of signatures and ratifications of the Treaty and its Protocols.

In witness whereof the undersigned, being duly authorised by their Governments, have signed this Treaty.

Done at Rarotonga, this sixth day of August, one thousand nine hundred and eighty-five, in a single original in the English language

ANNEX 1

SOUTH PACIFIC NUCLEAR FREE ZONE

A. The area bounded by, a line:

1. commencing at the point of intersection of the Equator by the maritime boundary between Indonesia and Papua New Guinea;
2. running thence northerly along that maritime boundary to its intersection by the outer limit of the Exclusive Economic Zone of Papua New Guinea;
3. thence generally north-easterly, easterly and south-easterly along that outer limit to its intersection by the Equator;

4. thence east along the Equator to its intersection by the meridian of Longitude 163 degrees East;
5. thence north along that meridian to its intersection by the parallel of Latitude 3 degrees North;
6. thence east along that parallel to its intersection by the meridian of Longitude 171 degrees East;
7. thence north along that meridian to its intersection by the parallel of Latitude 4 degrees North;
8. thence east along that parallel to its intersection by the meridian of Longitude 180 degrees East;
9. thence south along that meridian to its intersection by the Equator;
10. thence east along the Equator to its intersection by the meridian of Longitude 165 degrees West;
11. thence north along that meridian to its intersection by the parallel of Latitude 5 degrees 30 minutes North;
12. thence east along that parallel to its intersection by the meridian of Longitude 154 degrees West;
13. thence south along that meridian to its intersection by the Equator;
14. thence east along the Equator to its intersection by the meridian of Longitude 115 degrees West;
15. thence south along that meridian to its intersection by the parallel of Latitude 60 degrees South;
16. thence west along that parallel to its intersection by the meridian of Longitude 115 degrees East;
17. thence north along that meridian to its southernmost intersection by the outer limit of the territorial sea of Australia;
18. thence generally northerly and easterly along the outer limit of the territorial sea of Australia to its intersection by the meridian of Longitude 136 degrees 45 minutes East;
19. thence north-easterly along the geodesic to the point of Latitude 10 degrees 50 minutes South, Longitude 139 degrees 12 minutes East;
20. thence north-easterly along the maritime boundary between Indonesia and Papua New Guinea to where it joins the land border between those two countries;

21. thence generally northerly along that land border to where it joins the maritime boundary between Indonesia and Papua New Guinea, on the northern coastline of Papua New Guinea; and
22. thence generally northerly along that boundary to the point of commencement.

B. The areas within the outer limits of the territorial seas of all Australian islands lying westward of the area described in paragraph A and north of Latitude 60 degrees South, provided that any such areas shall cease to be part of the South Pacific Nuclear Free Zone upon receipt by the depositary of written notice from the Government of Australia stating that the areas have become subject to another treaty having an object and purpose substantially the same as that of this Treaty.

ANNEX 2

IAEA SAFEGUARDS

1. The safeguards referred to in Article 8 shall in respect of each Party be applied by the IAEA as set forth in an agreement negotiated and concluded with the IAEA on all source or special fissionable material in all peaceful nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.

2. The agreement referred to in paragraph 1 shall be, or shall be equivalent in its scope and effect to, an agreement required in connection with the NPT on the basis of the material reproduced in document INFCIRC/153 (Corrected) of the IAEA. Each Party shall take all appropriate steps to ensure that such an agreement is in force for it not later than eighteen months after the date of entry into force for that party of this Treaty.

3. For the purposes of this Treaty, the safeguards referred to in paragraph I shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices.

4. Each Party agrees upon the request of any other Party to transmit to that party and to the Director for the information of all Parties a copy of the overall conclusions of the most recent report by the IAEA, on its inspection activities in the territory of the Party concerned, and to advise the Director promptly of any subsequent findings of the Board of Governors of the IAEA in relation to those conclusions for the information of all Parties.

ANNEX 3

CONSULTATIVE COMMITTEE

1. There is hereby established a Consultative Committee which shall be convened by the Director from time to time pursuant to Articles 10 and 11 and Annex 4 (2). The Consultative Committee shall be constituted of representatives of the Parties, each Party being entitled to appoint one representative who may be accompanied by advisers, Unless otherwise agreed, the Consultative Committee shall be chaired at any given meeting by the representative of the Party which last hosted the meeting of Heads of Government of Members of the South Pacific Forum. A quorum shall be constituted by representatives of half the Parties. Subject to the provisions of Article 11, decisions of the Consultative Committee shall be taken by consensus or, failing consensus, by a two-thirds majority of those present and voting. The Consultative Committee shall adopt such other rules of procedure as it sees fit.

2. The costs of the Consultative Committee, including the costs of special inspections pursuant to Annex 4, shall be borne by the South Pacific Bureau for Economic Co-operation. It may seek special funding should this be required.

ANNEX 4

COMPLAINTS PROCEDURE

1. A Party which considers that there are grounds for a complaint that another Party is in breach of its obligations under this Treaty shall, before bringing such a complaint to the Director, bring the subject matter of the complaint to the attention of the party complained of and shall allow the latter reasonable opportunity to provide it with an explanation and to resolve the matter.

2. If the matter is not so resolved, the complainant Party may bring the complaint to the Director with a request that the Consultative Committee be convened to consider it. Complaints shall be supported by an account of evidence of breach of obligations known to the complainant Party. Upon receipt of a complaint, the Director shall convene the Consultative Committee as quickly as possible to consider it.

3. The Consultative Committee, taking account of efforts made under paragraph 1, shall afford the Party complained of a reasonable opportunity to provide it with an explanation of the matter.

4. If, after considering any explanation given to it by the representatives of the Party complained of, the Consultative Committee decides that there is sufficient substance in the complaint to warrant a special inspection in the territory of that Party or elsewhere, the Consultative Committee shall direct that such special inspection be made as quickly as possible by a special inspection team of three suitably qualified special inspectors appointed by the Consultative Committee in consultation with the complained of and complainant Parties, provided that no national of either Party shall serve on the special inspection team. If so requested by the Party complained of, the special inspection team shall be accompanied by representative of that Party. Neither the right of consultation on the appointment of special inspectors, nor the right to accompany special inspectors, shall delay the work of the special inspection team.

5. In making a special inspection, special inspectors shall be subject to the direction only of the Consultative Committee and shall comply with such directives concerning tasks, objectives, confidentiality and procedures as may be decided upon by it. Directives shall take account of the legitimate interests of the Party complained of in complying with its other international obligations and commitments and shall not duplicate safeguards procedures to be undertaken by the IAEA pursuant to agreements referred to in Annex 2 (1). The special inspectors shall discharge their duties with due respect for the laws of the Party complained of.

6. Each Party shall give to special inspectors full and free access to all information and places within its territory which may be relevant to enable the special inspectors to implement the directives given to them by the Consultative Committee.

7. The Party complained of shall take all appropriate steps to facilitate the special inspection, and shall grant to special inspectors privileges and immunities necessary for the performance of their functions, including inviolability for all papers and documents and immunity from arrest, detention and legal process for acts done and words spoken and written, for the purpose of the special inspection.

8. The special inspectors shall report in writing as quickly as possible to the Consultative Committee, outlining their activities, setting out relevant facts and information as ascertained by them, with supporting evidence and documentation as appropriate, and stating their conclusions. The Consultative Committee shall report fully to all Members of the South Pacific Forum, giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty.

9. If the Consultative Committee has decided that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, or at any time at the request of either the complainant or complained of Party, the Parties shall meet promptly at a meeting of the South Pacific Forum.

PROTOCOL 1

The Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty)

Have agreed as follows;

Article 1

Each Party undertakes to apply, in respect or the territories for which it is internationally responsible situated within the South Pacific Nuclear Free Zone, the prohibitions contained in Articles 3, 5 and 6, in so far as they relate to the manufacture, stationing and testing of any nuclear explosive device within those territories, and the safeguards specified in Article 8(2)(c) and Annex 2 of the Treaty.

Article 2

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligation under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty.

Article 3

This Protocol shall be open for signature by the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America

Article 4

This Protocol shall be subject to ratification.

Article 5

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the depositary three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 6

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

In witness whereof the undersigned, being duly authorized by their Governments, have signed this Protocol.

Done at Suva, this Eighth day of August, one thousand nine hundred and eighty-six, in a single original in the English language.

PROTOCOL 2

The Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty)

Have agreed as follows:

Article 1

Each Party undertakes not to use or threaten to use any nuclear explosive device against:

(a) Parties to the Treaty; or

(b) any territory within the South Pacific Nuclear Free Zone for which a State that has become a Party to Protocol I is internationally responsible.

Article 2

Each Party undertakes not to contribute to any act of a Party to the Treaty which constitutes a violation of the Treaty, or to any act of another Party to a Protocol which constitutes a violation of a Protocol.

Article 3

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligation under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty of by the extension of the South Pacific Nuclear Free Zone pursuant to Article 12(3) of the Treaty.

Article 4

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, relate to the subject matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the depositary three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

In Witness where of the undersigned, being duly authorized by their Governments, have signed this Protocol.

Done at Suva, this Eighth day of August, One thousand nine hundred and eighty-six, in a single original in the English language.

PROTOCOL 3

This Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty)

Have agreed as follows:

Article 1

Each Party undertakes not to lest any nuclear explosive device anywhere within the South Pacific Nuclear Free Zone.

Article 2

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligation under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty or by the extension of the South Pacific Nuclear Free Zone pursuant to Article 12(3) of the Treaty.

Article 3

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Union of Soviet Socialist Republics,

the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 4

This Protocol shall be subject to ratification.

Article 5

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the depositary three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 6

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

In witness where of the undersigned, being duly authorized by their Governments, have signed this Protocol.

Done at Suva, this Eighth day of August, One thousand nine hundred and eighty-six, in a single original in the English language.

LIST OF SIGNATORIES AND PARTIES

(i) Signatures affixed on the original of the Treaty deposited with the Director of the South Pacific Bureau for Economic Co-operation.

(ii) Instruments of ratification deposited with the Director of the South Pacific Bureau for Economic Co-operation.

Party	*(i) Signature*	*(ii) Deposit*
Australia	6 August 1985	11 December 1986
Cook Islands	6 August 1985	28 October 1985
Fiji	6 August 1985	4 October 1985
Kiribati	6 August 1985	28 October 1986
Nauru	17 July 1986.	13 April 1987
New Zealand	6 August 1985	13 November 1986
Niue	6 August 1985	12 May 1986
Papua New Guinea	16 September 1985	15 September 1989
Samoa	6 August 1985	26 October 1986

Solomon Islands	29 May 1987	27 January 1989
Tuvalu	6 August 1985	16 January 1986
Protocol 1		
Protocol 2		
China	10 February 1987[1]	21 October 1988
Russian Federation[2]	15 December 1986[3]	21 April 1988
21 October 1988	21 April 1988	
Protocol 3		
China	10 February 1987	
Russia	Federation	12 December 1986'

A dash (—) after the name of the country indicates that action has not been taken

1. With the following statement:

"The South Pacific countries have concluded the South Pacific Nuclear Free Zone Treaty after years of hard work. This is an important step taken by them to maintain peace and security in the region, which reflects the common aspirations and just demand of the people of the South Pacific countries in opposing [the] nuclear arms race and nuclear war

The Government of the People's Republic of China has decided to sign Protocols No 2 and No. 3 attached to the South Pacific Nuclear Free Zone Treaty in Suva on 10 February 1987 in support of the contracting parties to the Treaty and in response to their request.

"The Chinese Government has all along respected and supported the position of non-nuclear States in their demand for establishing nuclear free zones by agreement reached through consultation on a voluntary basis and in light of the actual conditions of their respective regions. It holds that nuclear weapon States should respect the status of nuclear free zones and undertake obligations accordingly. The Chinese Government has all along stood for complete prohibition and thorough destruction of nuclear weapons. The Chinese Government has repeatedly stated that at no time and under no circumstances will China be the first to use nuclear weapons and that China will not use or threaten to use nuclear weapons against any non-nuclear States or nuclear free zones.

"The Government of the People's Republic of China now solemnly declares that China respects the status of the South Pacific Nuclear Free Zone and that China will neither use or threaten to use nuclear weapons against the South Pacific Nuclear Free Zone nor test nuclear weapons in this region.

At the same time, the Chinese Government deems it necessary to point out:

"1. The Chinese Government's signing of the above-mentioned two Protocols does not imply that China has changed its well-known principled position on the Treaty on the Non-Proliferation of Nuclear Weapons and the Partial Nuclear Test Ban Treaty.

"2. China will fulfill its obligations assumed under Protocols No 2 and No. 3 attached to the South Pacific Nuclear Free Zone Treaty. However, the Chinese Government reserves its right to reconsider these obligations if other nuclear weapon States or the contracting parties to the Treaty take any action in

gross violation of the Treaty and its attached Protocols, thus changing the status of the nuclear free zone and endangering the security interests of China.

"The Chinese Government believes that to make the South Pacific a real nuclear free zone, those States in possession of large nuclear arsenals have a special responsibility.

"The Chinese Government is ready to join the South Pacific countries and all the other peace-loving countries to work unremittingly for safeguarding peace and security in the South Pacific region and the world as a whole and for reaching the ultimate goal of complete prohibition and thorough destruction of nuclear weapons "

2. See note 2 in Introduction.

3. With the following statement:

"1. The Soviet Union proceeds from the premise that the transportation of nuclear explosive devices by parties to the Treaty anywhere within the limits and outside the limits of the nuclear-free zone in the Southern Pacific is covered by the prohibitions envisaged by point 'A' of Article three of the Treaty, in which the sides commit themselves 'not to exercise control over any nuclear explosive devices in any form, anywhere within the limits and outside the limits of the nuclear-free zone' [.sic].

"2. Point two of Article five of the Treaty permits that each party to the Treaty is entitled to taking on its own a decision as regards whether calls of foreign ships and flying vehicles carrying nuclear explosive devices at its ports and airfields or their transit through its territorial sea, archipelago waters and air space be allowed In that connection the Soviet Union reaffirms its stand that the permission of transit of nuclear weapons or other nuclear explosive devices in any form and the calls at the ports and airfields within the limits of the nuclear-free zone of foreign war ships and flying vehicles with nuclear explosive devices on board would be in conflict with the aims of the Treaty and incompatible with the nuclear-free status of the zone.

3. In the event of any actions action undertaken by the state or states, which are parties to the Rarotonga Treaty, in violation, of their main commitments under the Treaty connected with the non-nuclear status of the zone and perpetration by one or several states parties to the Treaty of an act of aggression with the support of a state having nuclear weapons or jointly with it with the use by such a state of the territory, air space territorial sea or archipelago waters of those countries for calls by naval ships and flying vehicles with nuclear weapons on board or transit of nuclear weapons, the Soviet Union will have the right to consider itself free from the commitments undertaken under Protocol Two to the Treaty. In the event of any other actions by the parties to the Treaty incompatible with their non-nuclear status, the USSR reserves for itself the right to reconsider the commitments undertaken under the said Protocol

4. The Soviet Union proceeds from the premise that the commitments undertaken by it under Protocol Two to the Rarotonga also apply to the territory to which the status of the nuclear free zone applies under Protocol One to the Treaty. In so doing the Soviet Union reaffirms its stand on the

granting of independence to the colonial countries and peoples under the U.N Declaration on that issue (U.N. General Assembly resolution 1514 (XV) of 14 December 1960.

"5. The Soviet Government declares that the provisions of the Articles of Protocols Two and Three can apply to the text of the Treaty on a nuclear-free zone in the Southern Pacific in the wording of the Treaty as it has beep formulated by the time of the signing of the Protocols by the USSR Government, considering its stand set forth in this Statement. In this connection, no amendment to the Treaty that would come into force in accordance with the provisions of Article eleven or any change in the geographical outlines in the nuclear free zone as set forth in point "A of Article one and described in Supplement one to the Treaty would be binding for the USSR without its explicit consent".

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Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Strategic Offensive Arms (1979)

Also known as: the treaty concluding the Strategic Arms Limitation Talks II (SALT II)

DATE OF SIGNATURE: June 18, 1979
PLACE OF SIGNATURE: Vienna
SIGNATORY STATES: The United States, the Soviet Union

[The signatories],

Conscious that nuclear war would have devastating consequences for all mankind, Proceeding from the Basic Principles of Relations Between the United States of America and the Union of Soviet Socialist Republics of May 29, 1972, Attaching particular significance to the limitation of strategic arms and determined to continue their efforts begun with the Treaty on the Limitation of Anti-Ballistic Missile Systems and the Interim Agreement on Certain Measures with Respect to the Limitation of Strategic Offensive Arms, of May 26, 1972, Convinced that the additional measures limiting strategic offensive arms provided for in this Treaty will contribute to the improvement of relations between the Parties, help to reduce the risk of outbreak of nuclear war and strengthen international peace and security,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Guided by the principle of equality and equal security,

Recognising that the strengthening of strategic stability meets the interests of the Parties and the interests of international security,

Reaffirming their desire to take measures for the further limitation and for the further reduction of strategic arms, having in mind the goal of achieving general and complete disarmament, declaring their intention to undertake in the near future negotiations further to limit and further to reduce strategic offensive arms, Have agreed as follows:

Article I

Each Party undertakes, in accordance with the provisions of this Treaty, to limit strategic offensive arms quantitatively and qualitatively, to exercise restraint in the development of new types of strategic offensive arms, and to adopt other measures provided for in this Treaty.

Article II

For the purposes of this Treaty:

1. Intercontinental ballistic missile (ICBM) launchers are land-based launchers of ballistic missiles capable of a range in excess of the shortest distance between the northeastern border of the continental part of the territory of the United States of America and the northwestern border of the continental part of the territory of the Union of Soviet Socialist Republics, that is, a range in excess of 5,500 kilometers.

First Agreed Statement

The term “intercontinental ballistic missile launchers,” as defined in paragraph 1 of Article II of the Treaty, includes all launchers which have been developed and tested for launching ICBMs. If a launcher has been developed and tested for launching an ICBM, all launchers of that type shall be considered to have been developed and tested for launching ICBMs.

First Common Understanding

If a launcher contains or launches an ICBM, that launcher shall be considered to have been developed and tested for launching ICBMs.

Second Common Understanding

If a launcher has been developed and tested for launching an ICBM, all launchers of that type, except for ICBM test and training launchers, shall be included in the aggregate numbers of strategic offensive arms provided for in Article III of the Treaty, pursuant to the provisions of Article of the Treaty.

Third Common Understanding

The one hundred and seventy-seven former Atlas and Titan 1 ICBM launchers of the United States of America, which are no longer operational and are partially dismantled, shall not be considered as subject to the limitations provided for in the Treaty.

Second Agreed Statement

After the date on which the Protocol ceases to be in force, mobile ICBM launchers shall be subject to the relevant limitations provided for in the Treaty which are applicable to ICBM launchers, unless the Parties agree that mobile ICBM launchers shall not be deployed after that date.

2. Submarine-launched ballistic missile (SLBM) launchers are launchers of ballistic missiles installed on any nuclear-powered submarine or launchers of modern ballistic missiles installed on any submarine, regardless of its type.

Agreed Statement

Modern submarine-launched ballistic missiles are: for the United States of America, missiles installed in all nuclear-powered submarines; for the Union of Soviet Socialist Republics, missiles of the type installed in nuclear-powered submarines made operational since 1965; and for both Parties, submarine-launched ballistic missiles first flight-tested since 1965 and installed in any submarine, regardless of its type.

3. Heavy bombers are considered to be:

(a) currently, for the United States of America, bombers of the B-52 and B-l types, and for the Union of Soviet Socialist Republics, bombers of the Tupolev-95 and Myasishchev types;

(b) in the future, types of bombers which can carry out the mission of a heavy bomber in a manner similar or superior to that of bombers listed in sub-paragraph (a) above;

(c) types of bombers equipped for cruise missiles capable of a range in excess of 600 kilometers; and

(d) types of bombers equipped for ASBMs.

First Agreed Statement

The term “bombers,” as used in paragraph 3 of Article II and other provisions of the Treaty, means airplanes of types initially constructed to be equipped for bombs or missiles.

Second Agreed Statement

The Parties shall notify each other on a case-by-case basis in the Standing Consultative Commission of inclusion of types of bombers as heavy bombers pursuant to the provisions of paragraph 3 of Article II of the Treaty; in this connection the Parties shall hold consultations, as appropriate, consistent with the provisions of paragraph 2 of Article XVII of the Treaty.

Third Agreed Statement

The criteria the Parties shall use to make case-by-case determinations of which types of bombers in the future can carry out the mission of a heavy bomber in a manner similar or superior to that of current heavy bombers, as referred to in subparagraph 3(b) of Article II of the Treaty, shall be agreed upon in the Standing Consultative Commission.

Fourth Agreed Statement

Having agreed that every bomber of a type included in paragraph 3 of Article II of the Treaty is to be considered a heavy bomber, the Parties further agree that:

(a) airplanes which otherwise would be bombers of a heavy bomber type shall not be considered to be bombers of a heavy bomber type if they have functionally related observable differences which indicate that they cannot perform the mission of a heavy bomber;

(b) airplanes which otherwise would be bombers of a type equipped for cruise missiles capable of a range in excess of 600 kilometers shall not be considered to be bombers of a type equipped for cruise missiles capable of a range in excess of 600 kilometers if they have functionally related observable differences which dictate that they cannot perform the mission of a bomber equipped for cruise missiles capable of a range in excess of 600 kilometers, except that heavy bombers of current types, as designated in sub-paragraph 3(a) of Article II of the Treaty, which otherwise would be of a type equipped for cruise missiles capable of a range in excess of 600 kilometers shall not be considered to be heavy bombers of a type equipped for cruise missiles capable of a range in excess of 600 kilometers if they are distinguishable on the basis of externally observable differences from heavy bombers of a type equipped for cruise missiles capable of a range in excess of 600 kilometers; and

(c) airplanes which otherwise would be bombers of a type equipped for ASBMs shall not be considered to be bombers of a type equipped for ASBMs if they have functionally related observable differences which indicate that they cannot perform the mission of a bomber equipped for ASBMs, except that heavy bombers of current types, as designated in subparagraph 3(a) of Article II of the Treaty, which otherwise would be of a type equipped for ASBMs shall not be considered to be heavy bombers of a type equipped for ASBMs if they are distinguishable on the basis of externally observable differences from heavy bombers of a type equipped for ASBMs.

First Common Understanding

Functionally related observable differences are differences in the observable features of airplanes which indicate whether or not these airplanes can perform the mission of a heavy bomber, or whether or not they can perform the mission of a bomber equipped for cruise missiles capable of a range in excess of 600 kilometers or whether or not they can perform the mission of a bomber equipped for ASBMs. Functionally related observable differences shall be verifiable by national technical means. To this end, the Parties may take, as appropriate, cooperative measures contributing to the effectiveness of verification by national technical means.

Fifth Agreed Statement

Tupolev-142 airplanes in their current configuration, that is, in the configuration for anti-submarine warfare, are considered to be airplanes of a type different from types of heavy bombers referred to in subparagraph 3(a) of Article II of the Treaty and not subject to the Fourth Agreed Statement to paragraph 3 of Article II of the Treaty. This Agreed Statement does not preclude improvement of Tupolev-142 airplanes as an antisubmarine system, and does not prejudice or set a precedent for designation in the future of types of airplanes as heavy bombers pursuant to subparagraph 3(b) of Article II of the Treaty or for application of the Fourth Agreed Statement to paragraph 3 of Article II of the Treaty to such airplanes.

Second Common Understanding

Not later than six months after entry into force of the Treaty the Union of Soviet Socialist Republics will give its thirty-one Myasishchev airplanes used as tankers in existence as of the date of signature of

the Treaty functionally related observable differences which indicate that they cannot perform the mission of a heavy bomber.

Third Common Understanding

The designations by the United States of America and by the Union of Soviet Socialist Republics for heavy bombers referred to in subparagraph 3(a) of Article II of the Treaty correspond in the following manner:

Heavy bombers of the types designated by the United States of America as the B-52 and the B-l are known to the Union of Soviet Socialist Republics by the same designations;

Heavy bombers of the type designated by the Union of Soviet Socialist Republics as the Tupolev-95 are known to the United States of America as heavy bombers of the Bear type; and

Heavy bombers of the type designated by the Union of Soviet Socialist Republics as the Myasishchev are known to the United States of America as heavy bombers of the Bison type.

4. Air-to surface bailistic missiles (ASBMs) are any such missile capable of a range in range in excess of 600 kilometers and installed in an aircraft or on its external mountings.

5. Launchers of ICBMs and SLBMs equipped with multiple independently targetable reentry vehicles (MIRVs) are launchers of the types developed and tested for launching ICBMs or SLBMs equipped with MIRVs.

First Agreed Statement

If a launcher has been developed and tested for launching an ICBM or an SLBM equipped with MIRVs, all launchers of that type shall be considered to have been developed and tested for launching ICBMs or SLBMs equipped with MIRVs.

First Common Understanding

If a launcher contains or launches an ICBM or an SLBM equipped with MIRVs, that launcher shall be considered to have been developed and tested for launching ICBMs or SLBMs equipped with MIRVs.

Second Common Understanding

If a launcher has been developed and tested for launching an ICBM or an SLBM equipped with MIRVs, all launchers of that type, except for ICBM and SLBM test and training launchers, shall be included in the corresponding aggregate numbers provided for in Article V of the Treaty, pursuant to the provisions of Article VI of the Treaty.

Second Agreed Statement

ICBMs and SLBMs equipped with MIRVs are ICBMs and SLBMs of the types which have been flight-tested with two or more independently targetable reentry vehicles, regardless of whether or not they have also been flight-tested with a single reentry vehicle or with multiple reentry vehicles which are not independently targetable. As of the date of signature of the Treaty, such as ICBMs and SLBMs are: for the United States of America, Minuteman III ICBMs, Poseidon C-3 SLBMs, and Trident C-4 SLBMs; and for the Union of Soviet Socialist Republics. RS-16. RS-18, RS-20 ICBMs and RSM-50 SLUMS.

Each Party will notify the other Party in the Standing Consultative Commission on a case-by-case basis of the designation of the one new type of light ICBM if equipped with MIRVs, permitted pursuant to paragraph 9 of Article IV of the Treaty when first flight-tested; of designations of additional types of SLBMs equipped with MIRVs when first installed on a submarine; and of designations of types of ASBMs equipped with MIRVs when first flight-tested.

Third Common Understanding

The designations by the United States of America and by the Union of Soviet Socialist Republics for ICBMs and SLBMs equipped with MIRVs correspond in the following manner:

Missiles of the type designated by the United States of America as the Minuteman III and known to the Union of Soviet Socialist Republics by the same designation, a light ICBM that has been flight-tested with multiple independently targetable reentry vehicles;

Missiles of the type designated by the United States of America as the Poseiden C-3 and known to the Union of Soviet Socialist Republics by the same designation, an SLBM that was first flight-tested in 1968 and that has been flight-tested with multiple independently targetable reentry vehicles;

Missiles of the type designated by the United States of America as the Trident C-4 and known to the Union of Soviet Socialist Republics by the same designation, an SLBM that was first flight-tested in 1977 and that has been flight-tested with multiple independently targetable reentry vehicles;

Missiles of the type designated by the Union of Soviet Socialist Republics as the RS-16 and known to the United States of America as the SS-17, a light ICBM that has been flight-tested with a single reentry vehicle and with multiple independently targetable reentry vehicles;

Missiles of the type designated by the Union of Soviet Socialist Republics as the RS-18 and known to the United States of America as the SS-19, the heaviest in terms of launch-weight and throw-weight of light ICBMs, which has been flight-tested with a single reentry vehicle and with multiple independently targetable reentry vehicles;

Missiles of the type designated by the Union of Soviet Socialist Republics as the RS-20 and known to the United States of America as the SS-18, the heaviest in terms of launch-weight and throw-weight of heavy ICBMs, which has been flight-tested with a single reentry vehicle and with multiple independently targetable reentry vehicles;

Missiles of the type designated by the Union of Soviet Socialist Republics as the RSM-50 and known to the United States of America as the SS-N-18, an SLBM that has been flight-tested with a single reentry vehicle and with multiple independently targetable reentry vehicles.

Third Agreed Statement

Reentry vehicles are independently targetable

(a) if, after separation from the booster, maneuvering and targeting of the reentry vehicles to separate aim points along trajectories which are unrelated to each other are accomplished by means of devices which are installed in a self-contained dispensing mechanism or on the reentry vehicles, and which are based on the use of electronic or other computers in combination with devices using jet engines, including rocket engines, or aerodynamic systems;

(b) if maneuvering and targeting of the reentry vehicles to separate aim points along trajectories which are unrelated to each other are accomplished by means of other devices which may be developed in the future.

Fourth Common Understanding

For the purposes of this Treaty, all ICBM launchers in the Derazhnya and Pervomaysk areas in the Union of Soviet Socialist Republics are included in the aggregate numbers provided for in Article V of the Treaty.

Fifth Common Understanding

If ICBM or SLBM launchers are converted, constructed or undergo significant changes to their principal observable structural design features after entry into force of the Treaty, any such launchers which are launchers of missiles equipped with MIRVs shall be distinguishable

from launchers of missiles not equipped with MIRVs, and any such launchers which are launchers of missiles not equipped with MIRVs shall be distinguishable from launchers of missiles equipped with MIRVs, on the basis of externally observable design features of the launchers. Submarines with launchers of SLBMs equipped with MIRVs shall be distinguishable from submarines with launchers of SLBMs not equipped with MIRVs on the basis of externally observable design features of the submarines.

This Common Understanding does not require changes to launcher conversion or construction programmes, or to programmes including significant changes to the principal observable structural design features of launchers, underway as of the date of signature of the Treaty.

6. ASBMs equipped with MIRVs are ASBMs of the types which have been (light-tested with MIRVs.

First Agreed Statement

ASBMs of the types which have been flight-tested with MIRVs are all ASBMs of the types which have been flight-tested with two or more independently targetable reentry vehicles, regardless of whether or not they have also been flight-tested with a single reentry vehicle or with multiple reentry vehicles which are not independently targetable.

Second Agreed Statement

Reentry vehicles are independently targetable:

(a) if, after separation from the booster, maneuvering and targeting of the reentry vehicles to separate aim points along trajectories which are unrelated to each other are accomplished by means of devices which are installed in a self-contained dispensing mechanism or on the reentry vehicles, and which are based on the use of electronic or other computers in combination with devices using jet engines, including rocket engines, or aerodynamic systems;

(b) if maneuvering and targeting of the reentry vehicles to separate aim points along trajectories which are unrelated to each other are accomplished by means of other devices which may be developed in the future.

7. Heavy ICBMs are ICBMs which have a launch-weight greater or a throw-weight greater than that of the heaviest, in terms of either launch-weight or throw-weight, respectively, of the light ICBMs deployed by either Party as of the date of signature of this Treaty.

First Agreed Statement

The launch-weight of an ICBM is the weight of the fully loaded missile; itself at the time of launch.

Second Agreed Statement

The throw-weight of an ICBM is the sum of the weight of:

(a) its reentry vehicle or reentry vehicles;

(b) any self-contained dispensing mechanisms or other appropriate devices for targeting one reentry vehicle, or for releasing of for dispensing and targeting two or more reentry vehicles: and

(c) its penetration aids, including devices for their release.

Common Understanding

The term “other appropriate devices,” as used in the definition of the throw-weight of an ICBM in the Second Agreed Statement to paragraph 7 of Article II of the Treaty, means any devices for dispensing and targeting two or more reentry vehicles; and any devices for releasing two or more reentry vehicles or for targeting one reentry vehicle, which cannot provide their reentry vehicles or reentry vehicle with additional velocity of more than 1,000 meters per second.

8. Cruise missiles are unmanned, self-propelled, guided, weapon-delivery vehicles which sustain flight through the use of aerodynamic lift over most of their flight path and which are flight-tested from or deployed on aircraft, that is, air-launched cruise missiles, or such vehicles which are referred to as cruise missiles in subparagraph 1(b) of Article IX.

First Agreed Statement

If a cruise missile is capable of a range in excess of 600 kilometers, all cruise missiles of that type shall be considered to be cruise missiles capable of a range in excess of 600 kilometers.

First Common Understanding

If a cruise missile has been flight-tested to a range in excess of 600 kilometers, it shall be considered to be a cruise missile capable of a range in excess of 600 kilometers.

Second Common Understanding

Cruise missiles not capable of a range in excess of 600 kilometers shall not be considered to be of a type capable of a range in excess of

600 kilometers if they are distinguishable on the basis of externally observable design features from cruise missiles of types capable of a range in excess of 600 kilometers.

Second Agreed Statement

The range of which a cruise missile is capable is the maximum distance which can be covered by the missile in its standard design mode flying until fuel exhaustion, determined by projecting its flight path onto the Earth's sphere from the point of launch to the point of impact.

Third Agreed Statement

If an unmanned, self-propelled, guided vehicle which sustains flight through the use of aerodynamic lift over most of its flight path has been flight-tested or deployed for weapon delivery, all vehicles of that type shall be considered to be weapon-delivery vehicles.

Third Commnn Understanding

Unmanned, self-propelled, guided vehicles which sustain flight through the use of aerodynamic lift over most of their flight path and are not weapon-delivery vehicles, that is, unarmed, pilotless, guided vehicles, shall not be considered to be cruise missiles if such vehicles are distinguishable from cruise missiles on the basis of externally observable design features.

Fourth Common Understanding

Neither Party shall convert unarmed, pilotless, guided vehicles into cruise missiles capable of a range in excess of 600 kilometers, nor shall either Party convert cruise missiles capable of a range in excess of 600 kilometers into unarmed, pilotless, guided vehicles.

Fifth Common Understanding

Neither Party has plans during the term of the Treaty to flight-test from or deploy on aircraft unarmed, pilotless, guided vehicles which are capable of a range in excess of 600 kilometers. In the future, should a Party have such plans, that Party will provide notification thereof to the other Party well in advance of such flight-testing or deployment. This Common Understanding does not apply to target drones.

Article III

1. Upon entry into force of this Treaty, each Party undertakes to limit ICBM launchers SLBM launchers, heavy bombers, and ASBMs to an aggregate number not to exceed 2,400.

2. Each Party undertakes to limit, from January 1, 1981, strategic offensive arms referred to in paragraph 1 of this Article to an aggregate number not to exceed 2,250, and to initiate reductions of those arms which as of that date would be in excess of this aggregate number.

3. Within the aggregate numbers provided for in paragraphs 1 and 2 of this Article and subject to the provisions of this Treaty, each Party has the right to determine the composition of these aggregates.

4. For each bomber of a type equipped for ASBMs, the aggregate numbers provided for in paragraphs 1 and 2 of this Article shall include the maximum number of such missiles for which a bomber of that type is equipped for one operational mission.

5. A heavy bomber equipped only for ASBMs shall not itself be included in the aggregate numbers provided for in paragraphs 1 and 2 of this Article.

6. Reductions of the numbers of strategic offensive arms required to comply with the provisions of paragraphs 1 and 2 of this Article shall be carried out as provided for in Article XI.

Article IV

1. Each Party undertakes not to start construction of additional fixed ICBM launchers.

2. Each Party undertakes not to relocate fixed ICBM launchers.

3. Each Party undertakes not to convert launchers of light ICBMs, or of ICBMs of older types deployed prior to 1964, into launchers of heavy ICBMs of types deployed after that time.

4. Each Party undertakes in the process of modernisation and replacement of ICBM silo launchers not to increase the original internal volume of an ICBM silo launcher by more than thirty-two per cent. Within this limit each Party has the right to determine whether such an increase will be made through an increase in the original diameter or in the original depth of an ICBM silo launcher, or in both of these dimensions.

Agreed Statement

The word “original” in paragraph 4 of Article IV of the Treaty refers to the internal dimensions of an ICBM silo launcher, including its internal volume, as of May 26, 1972, or as of the date on which such launcher becomes operational, whichever is later.

Common Understanding

The obligations provided for in paragraph 4 of Article IV of the Treaty and in the Agreed Statement thereto mean that the original

diameter or the original depth of an ICBM silo launcher may not be increased by an amount greater than that which would result in an increase in the original internal volume of the ICBM silo launcher by thirty-two per cent solely "through an increase in one of these dimensions.

5. Each Party undertakes:

(a) not to supply ICBM launcher deployment areas with intercontinental ballistic missiles in excess of a number consistent with normal deployment, maintenance, training, and replacement requirements;

(b) not to provide storage facilities for or to store ICBMs in excess of normal deployment requirements at launch sites of ICBM launchers;

(c) not to develop, test, or deploy systems for rapid reload of ICBM launchers.

Agreed Statement

The term "normal deployment requirements," as used in paragraph 5 of Article IV of the Treaty, means the deployment of one missile at each ICBM launcher.

6. Subject to the provisions of this Treaty, each Party undertakes not to have under construction at any time strategic offensive arms referred to in paragraph 1 of Article III in excess of numbers consistent with a normal construction schedule.

Common Understanding

A normal construction schedule, in paragraph 6 of Article IV of the Treaty, is understood to be one consistent with the past or present construction practices of each Party.

7. Each Party undertakes not to develop, test, or deploy ICBMs which have a launch-weight greater or a throw-weight greater than that of the heaviest, in terms of either launch-weight or throw-weight, respectively, of the heavy ICBMs, deployed by either Party as of the date of signature of this Treaty.

First Agreed Statement

The launch-weight of an ICBM is the weight of the fully loaded missile itself at the time of launch.

Second Agreed Statement

The throw-weight of an ICBM is the sum of the weight of:

(a) its reentry vehicle or reentry vehicles;

(b) any self-contained dispensing mechanisms or other appropriate devices for targeting one reentry vehicle, or for releasing or for dispensing and targeting two or more reentry vehicles; and

(c) its penetration aids, including devices for their release.

Common Understanding

The term "other appropriate devices," as used in the definition of the throw-weight of an ICBM in the Second Agreed Statement to paragraph 7 of Article IV of the Treaty, means any devices for dispensing and targeting two or more reentry vehicles; and any devices for releasing two or more reentry vehicles or for targeting one reentry vehicle, which cannot provide their reentry vehicles or reentry vehicle with additional velocity of, more than 1,000 meters per second.

8. Each Party undertakes not to convert land-based launchers of ballistic missiles which are not ICBMs into launchers for launching ICBMs, and not to test them for this purpose.

Common Understanding

During the term of the Treaty, the Union of Soviet Socialist Republics will not produce, test, or deploy ICBMs of the type designated by the Union of Soviet Socialist Republics as the RS-14 and known to the United States of America as the SS-16, a light ICBM first flight-tested after 1970 and flight-tested only with a single reentry vehicle; this Common Understanding also means that the Union of Soviet Socialist Republics will not produce the third stage of that missile, the reentry vehicle of that missile, or the appropriate device for targeting the reentry vehicle of that missile.

9. Each Party undertakes not to flight-test or deploy new types of ICBMs, that is, types of ICBMs not flight-tested as of May 1, 1979, except that each Party may flight-test and deploy one new type of light ICBM.

First Agreed Statement

The term "new types of ICBMs," as used in paragraph 9 of Article IV of the Treaty, refers to any ICBM which is different from those ICBMs flight-tested as of May 1, 1979 in any one or more of the following respects:

(a) the number of stages, the length, the largest diameter, the launch-weight, or the thrown-weight, of the missile;

(b) the type of propellant (that is, liquid or solid) of any of its stages.

First Common Understanding

As used in the First Agreed Statement to paragraph 9 of Article IV of the Treaty, the term "different," referring to the length, the diameter, the launch-weight, and the throw-weight, of the missile, means a difference in excess of five per cent.

Second Agreed Statement

Every ICBM of the one new type of light ICBM permitted to each Party pursuant to paragraph 9 of Article IV of the Treaty shall have the same number of stages and the same type of propellant (that is, liquid or solid) of each stage as the first ICBM of the one new type of light ICBM launched by that Party. In addition, after the twenty-fifth launch of an ICBM of that type, or after the last launch before deployment begins of ICBMs of that type, whichever occurs earlier, ICBMs of the one new type of light ICBM permitted to that Party shall not be different in any one or more of the following respects: the length, the largest diameter, the launch-weight, or the throw-weight, of the missile. A Party which launches ICBMs of the one new type of light ICBM permitted pursuant to paragraph 9 of Article IV of the Treaty shall promptly, notify the other Party of the date of the first launch and of the date of either the twenty-fifth or the last launch before deployment begins of ICBMs of that type, whichever occurs earlier.

Second Common Understanding

As used in the Second Agreed Statement to paragraph 9 of Article IV of the Treaty, the term "different," referring to the length, the diameter, the launch -weight, and the throw-weight, of the missile, means a difference in excess of live per cent from the value established for each of the above parameters as of the twenty-fifth launch or as of the last launch before deployment begins, whichever occurs earlier. The values demonstrated in each of the above parameters during the last twelve of the twenty-five launches or during the last twelve launches before deployment begins, whichever twelve launches occur earlier, shall not vary by more than ten per cent from any other of the corresponding values demonstrated during those twelve launches.

Third Common Understanding

The limitations with respect to launch-weight and throw-weight, provided for in the First Agreed Statement and the First Common Understanding to paragraph 9 of Article IV of the Treaty, do not preclude the flight-testing or the deployment of ICBMs with fewer

reentry vehicles, or fewer penetration aids, or both, than the maximum number of reentry vehicles and the maximum number of penetration aids with which ICBMs of that type have been flight-tested as of May 1, 1979, even if this results in a decrease in launch-weight or in throw-weight in excess of five per cent.

In addition to the aforementioned cases, those limitations do not preclude a decrease in launch-weight or in throw-weight in excess of five per cent, in the case of the flight-testing or the deployment of ICBMs with a lesser quantity of propellant, including the propellant of a self-contained dispensing mechanism or other appropriate device, than the maximum quantity of propellant, including the propellant of a self-contained dispensing mechanism or other appropriate device, with which ICBMs of that type have been flight-tested as of May 1, 1979, provided that such an ICBM is at the same time flight-tested or deployed with fewer reentry vehicles, or fewer penetration aids, or both, than the maximum number of reentry vehicles and the maximum number of penetration aids with which ICBMs of that type have been flight-tested as of May 1, 1979, and the decrease in launch-weight and throw-weight in such cases results only from the reduction in the number of reentry vehicles, or penetration aids, or both, and the reduction in the quantity of propellant.

Fourth Common Understanding

The limitations with respect to launch-weight and throw-weight, provided for in the Second Agreed Statement and the Second Common Understanding to paragraph 9 of Article IV of the Treaty, do not' preclude the flight-testing or the deployment of ICBMs of the one new type of light ICBM permitted to each Party pursuant to paragraph 9 of Article IV of the Treaty with fewer reentry vehicles, or fewer penetration aids, or both, than the maximum number of reentry vehicles and the maximum number of penetration aids with which ICBMs of that type have been flight-tested, even if this results in a decrease in launch-weight or in throw-weight in excess of five per cent.

In addition to the aforementioned cases, those limitations do not preclude a decrease in launch-weight or in throw-weight in excess of five per cent, in the case of the flight-testing or the deployment of ICBMs of that type with a lesser quantity of propellant, including the propellant of a self-contained dispensing mechanism or other appropriate device, than the maximum quantity of propellant, including the propellant of a self-contained dispensing mechanism or other appropriate device, with which ICBMs of that type have been flight-tested, provided that such an ICBM is at the same time flight-tested

or deployed with fewer reentry vehicles, or fewer penetration aids, or both, than the maximum number of reentry vehicles and the maximum number of penetration aids with which ICBMs of that type have been flight-tested, and the decrease in launch-weight and throw-weight in such cases results only from the reduction in the number of reentry vehicles, or penetration aids, or both, and the reduction in the quantity of propellant.

10. Each Party undertakes not to flight-test or deploy ICBMs of a type flight-tested as of May 1, 1979 with a number of reentry vehicles greater than the maximum number of reentry vehicles with which an ICBM of that type has been flight-tested as of that date.

First Agreed Statement

The following types of ICBMs and SLBMs equipped with MIRVs have been flight-tested with the maximum number of reentry vehicles set forth below:

For the United States of America

ICBMs ICBMs of the Minuteman III type—seven reentry vehicles;

SLBMs of the Poseidon C-3 type—fourteen reentry vehicles;

SLBMs of the Trident C-4 type—seven reentry vehicles.

For the Union of Soviet Socialist Republics

ICBMs of the RS-16 type—four reentry vehicles;

ICBMs of the RS-18 type—six reentry vehicles;

ICBMs of the RS-20 type—ten reentry vehicles;

ICBMs of the RSM-50 type—seven reentry vehicles.

Common Understanding

Minuteman III ICBMs of the United States of America have been deployed with no more than three reentry vehicles. During the term of the Treaty the United States of America has no plans to and will not flight-test or deploy missiles of this type with more than three reentry vehicles.

Second Agreed Statement

During the flight-testing of any ICBM, SLBM, or ASBM after May 1, 1979, the number of procedures for releasing or for dispensing may not exceed the maximum number of reentry vehicles established for missiles of corresponding types as provided for in paragraphs 10, 11, 12 and 13 of Article IV of the Treaty. In this Agreed Statement

"procedures for releasing or for dispensing" are understood to mean manoeuvres of a missile associated with targeting and releasing or dispensing its reentry vehicles to aim points, whether or not a reentry vehicle is actually released or dispensed. Procedures for releasing anti-missile defense penetration aids will not be considered to be procedures for releasing or for dispensing a reentry vehicle so long as the procedures for releasing anti-missile defense penetration aids differ from those for releasing or for dispensing reentry vehicles.

Third Agreed Statement

Each party undertakes:

(a) not to flight-test or deploy ICBMs equipped with multiple reentry vehicles, of a type flight-tested as of May 1, 1979, with reentry vehicles the weight of any of which is less than the weight of the lightest of those reentry vehicles with which an ICBM of that type has been flight-tested as of that date:

(b) not to flight-test or deploy ICBMs equipped with a single reentry vehicle and without an appropriate device for targeting a reentry vehicle, of a type flight-tested as of May 1, 1979, with a reentry vehicle the weight of which is less than the weight of the lightest reentry vehicle on an ICBM of a type, equipped with MIRVs and flight-tested by that Party as of May 1, 1979; and

(c) not to flight-test or deploy ICBMs equipped with a single reentry vehicle and with an appropriate device for targeting a reentry vehicle, of a type flight-tested as of May 1, 1979, with a reentry vehicle the weight of which is less than fifty per cent of the throw-weight of that ICBM.

11. Each Party undertakes not to flight-test or deploy ICBMs of the one new type permitted pursuant to paragraph 9 of this Article with a number of reentry vehicles greater than the maximum number of reentry vehicles with which an ICBM of either Party has been flight-tested as of May 1, 1979, that is, ten.

Firm Agreed Statement

Each Party undertakes not to flight-test or deploy the one new type of light ICBM permitted to each Party pursuant to paragraph 9 of Article IV of the Treaty with a number of reentry vehicles greater than the maximum number of reentry vehicles with which an ICBM of that type has been flight-tested as of the twenty-fifth launch or the

last launch before deployment begins of ICBMs of that type, whichever occurs earlier.

Second Agreed Statement

During the flight-testing of any ICBM, SLBM, or ASBM after May 1, 1979 the number of procedures for releasing or for dispensing may not exceed the maximum number of reentry vehicles established for missiles of corresponding types as provided for in paragraphs 10, 11, 12, and 13 of Article IV of the Treaty. In this Agreed Statement "procedures for releasing and for dispensing " are understood to mean maneuvers of a missile associated with targeting and releasing or dispensing its reentry vehicles to aim points, whether or not a reentry vehicle is actually released or dispensed. Procedures for releasing anti-missile defense penetration aids will not be considered to be procedures for releasing or for dispensing a reentry vehicle so long as the procedures for releasing anti-missile defense penetration aids differ from those for releasing or for dispensing reentry vehicles.

12. Each Party undertakes not to flight-test or deploy SLBMs with a number of reentry vehicles greater than the maximum number of reentry vehicles with which an SLBM of either Party has been flight-tested as of May 1, 1979, that is fourteen.

First Agreed Statement

The following types of ICBMs and SLBMs equipped with MIRVs have been flight-tested with the maximum number of reentry vehicles set forth below:

For the United States of America

ICBMs of the Minuteman III type—seven reentry vehicles;

SLBMs of the Poseidon C-3 type—fourteen reentry vehicles;

SLBMs of the Trident C-4 type—seven reentry vehicles.

For the Union of Soviet Socialist Republics

ICBMs of the RS-16 type—four reentry vehicles;

ICBMs of the RS-18 type—six reentry vehicles;

ICBMs of the RS-20 type—ten reentry vehicles;

SLBMs of the RSM-50 type—seven reentry vehicles

Second Agreement Statement

During the flight-testing of any ICBM, SLBM, or ASBM after May 1, 1979 the number of procedures for releasing or for dispensing may

not exceed the maximum number of reentry vehicles established for missiles of corresponding types as provided for in paragraphs 10, 11, 12 and 13 of Article IV of the Treaty. In this Agreed Statement "procedures for releasing or dispensing" are understood to mean maneuvers of a missile associated with targeting and releasing or dispensing its reentry vehicles to aim points, whether or not a reentry vehicle is actually released or dispensed. Procedures for releasing anti-missile defense penetration aids will not be considered to be procedures for releasing or for dispensing a reentry vehicle so long as the procedures for releasing anti-missile defense penetration aids differ from those for releasing or for dispensing reentry vehicles.

13. Each Party undertakes not to flight-test or deploy ASBMs with a number of reentry vehicles greater than the maximum number of reentry vehicles with which an ICBM of either Party has been flight-tested as of May 1, 1979, that is, ten.

Agreed Statement

During the flight-testing of any ICBM, SLBM, or ASBM after May 1, 1979 the number of procedures for releasing or for dispensing may not exceed the maximum number of reentry vehicles established for missiles of corresponding types as provided for in paragraphs 10, II, 12 and 13 of Article IV of the Treaty. In this Agreed Statement "procedures for releasing or for dispensing" are understood to mean maneuvers of a missile associated with targeting and releasing or dispensing its reentry vehicles to aim points, whether or not a reentry vehicle is actually released or dispensed. Procedures for releasing anti-missile defense penetration aids will not be considered to be procedures for releasing or for dispensing a reentry vehicle so long as the procedures for releasing anti-missile defense penetration aids differ from those for releasing or for dispensing reentry vehicles.

14. Each Party undertakes not to deploy at any one time on heavy bombers equipped for cruise missiles capable of a range in excess of 600 kilometers a number of such cruise missiles which exceeds the product of 28 and the number of such heavy bombers.

First Agreed Statement

For the purpose of the limitation provided for in paragraph 14 of Article IV of the Treaty, there shall be considered to be deployed on each heavy bomber of a type equipped for cruise missiles capable of a range in excess of 600 kilometers the maximum number of such missiles for which any bomber of that type is equipped for one operational mission.

Second Agreed Statement

During the term of the Treaty no bomber of the B-52 or B-l types of the United States of America and no bomber of the Tupolev-95 or Myasishchev types of the Union of Soviet Socialist Republics will be equipped for more than twenty cruise missiles capable of a range in excess of 600 kilometers.

Article V

1. Within the aggregate numbers provided for in paragraphs 1 and 2 of Article III, each Party undertakes to limit launchers of ICBMs and SLBMs equipped with MIRVs, ASBMs equipped with MIRVs, and heavy bombers equipped for cruise missiles capable of a range in excess of 600 kilometers to an aggregate number not to exceed 1,320.

2. Within the aggregate number provided for in paragraph 1 of this Article; each Party undertakes to limit launchers of ICBMs and SLBMs equipped with MIRVs and ASBMs equipped with MIRVs to an aggregate number not to exceed 1,200.

3. Within the aggregate number provided for in paragraph 2 of this Article, each Party undertakes to limit launchers of ICBMs equipped with MIRVs to an aggregate number not to exceed 820.

4. For each bomber of a type equipped for ASBMs equipped with MIRVs, the aggregate numbers provided for in paragraphs 1 and 2 of this Article shall include the maximum number of ASBMs for which a bomber of that type is equipped for one operational mission.

Agreed Statement

If a bomber is equipped for ASBMs equipped with MIRVs all bombers of that type shall be considered to be equipped for ASBMs equipped with MIRVs.

5. Within the aggregate numbers provided for in paragraphs 1, 2 and 3 of this Article and subject to the provisions of this Treaty, each Party has the right to determine the composition of these aggregates.

Article VI

1. The limitations provided for in this Treaty shall apply to those arms which are:

(a) operational;

(b) in the final stage of construction;

(c) in reserve, in storage, or mothballed;

(d) undergoing overhaul, repair, modernisation, or conversion.

2. Those arms in the final stage of construction are:

(a) SLBM launchers on submarines which have begun sea trials;

(b) ASBMs after a bomber of a type equipped for such missiles has been brought out of the shop, plant, or other facility where its final assembly or conversion for the purpose of equipping it for such missiles has been performed;

(c) other strategic offensive arms which are finally assembled in a shop, plant or other facility after they have been brought out of the shop, plant, or other facility where their final assembly has been performed.

3. ICBM and SLBM launchers of a type not subject to the limitation provided for in Article V, which undergo conversion into launchers of a type subject to that limitation, shall become subject to that limitation as follows:

(a) fixed ICBM launchers when work on their conversion reaches the stage which first definitely indicates that they are being so converted:

(b) SLBM launchers on a submarine when that submarine first goes to sea after their conversion has been performed.

Agreed Statement

The procedures referred to in paragraph 7 of Article VI of the Treaty shall include procedures determining the manner in which mobile ICBM launchers of a type not subject to the limitation provided for in Article V of the Treaty, which undergo conversion into launchers of a type subject to that limitation, shall become subject to that limitation, unless the Parties agree that mobile ICBM launchers shall not be deployed after the date on which the Protocol ceases to be in force.

4. ASBMs on a bomber which undergoes conversion from a bomber of a type equipped for ASBMs which are not subject to the limitation provided for in Article V into a bomber of a type equipped for ASBMs which are subject to that limitation shall become subject to that limitation when the bomber is brought out of the shop, plant, or other facility where such conversion has been performed.

5. A heavy bomber of a type not subject to the limitation provided for in paragraph 1 of Article V shall become subject to that limitation when it is brought out of the ‘shop, plant, or other facility where it has been converted into a heavy bomber of a type equipped for cruise missiles capable of a range in excess of 600 kilometers. A bomber of a

type not subject to the limitation provided for in paragraph 1 or 2 of Article III shall become subject to that limitation and to the limitation provided for in paragraph 1 of Article V when it is brought out of the shop, plant, or other facility where it has been converted into a bomber of a type equipped for cruise missiles capable of a range in excess of 600 kilometers.

6. The arms subject to the limitations provided for in this Treaty shall continue to be subject to these limitations until they are dismantled, are destroyed, or otherwise cease to be subject to these limitations under procedures to be agreed upon.

Agreed Statement

The procedures for removal of strategic offensive arms from the aggregate numbers provided for in the Treaty, which are referred to in paragraph 6 of Article VI of the Treaty, and which are to be agreed upon in the Standing Consultative Commission, shall include:

(a) procedures for removal from the aggregate numbers, provided for in Article V of the Treaty, of ICBM and SLBM launchers which are being converted from launchers of a type subject to the limitation provided for in Article V of the Treaty, into launchers of a type not subject to that limitation;

(b) procedures for removal from the aggregate numbers, provided for in Articles III and V of the Treaty, of bombers which are being converted from bombers of a type subject to the limitations provided for in Article III of the Treaty or in Articles III and V of the Treaty into airplanes or bombers of a type not so subject.

Common Understanding

The procedures referred to in subparagraph (b) of the Agreed Statement to paragraph 6 of Article VI of the Treaty for removal of bombers, from the aggregate numbers provided for in Articles III and V of the Treaty shall be based upon the existence of functionally related observable differences which indicate whether or not they can perform the mission of a heavy bomber, or whether or not they can perform the mission of a bomber equipped for cruise missiles capable of a range in excess of 600 kilometers.

7. In accordance with the provisions of Article XVII, the Parties will agree in the Standing Consultative Commission upon procedures to implement the provisions of this Article.

Article VII

I. The limitations provided for in Article III shall not apply to ICBM and SLBM test and training launchers or to space vehicle launchers for exploration and use of outer space. ICBM and SLBM test and training launchers are ICBM and SLBM launchers used only for testing or training.

Common Understanding

The term "testing," as used in Article VII of the Treaty, includes research and development.

2. The Parties agree that:

(a) there shall be no significant increase in the number of ICBM or SLBM test and training launchers or in the number of such launchers of heavy ICBMs;

(b) construction or conversion of ICBM launchers at test ranges shall be undertaken only for purposes of testing and training;

(c) there shall be no conversion of ICBM test and training launchers or of space vehicle launchers into ICBM launchers subject to the limitations provided for in Article III.

First Agreed Statement

The term "significant increase," as used in sub-paragraph 2(a) of Article VII of the Treaty, means an increase of fifteen per cent or more. Any new ICBM test and training launchers which replace ICBM test and training launchers at test ranges will be located only at test ranges.

Second Agreed Statement

Current test ranges where ICBMs are tested are located: for the United States of America, near Santa Maria, California, and at Cape Canaveral, Florida; and for the Union of Soviet Socialist Republics, in the areas of Tyura-Tam and Plesetskaya. In the future, each Party shall provide notification in the Standing Consultative Commission of the location of any other test range used by that Party to test ICBMs.

First Common Understanding

At test ranges where ICBMs are tested, other arms, including those not limited by the Treaty, may also be tested.

Second Common Understanding

Of the eighteen launchers of fractional orbital missiles at the test range where ICBMs are tested in the area of Tyura-Tam, twelve

launchers shall be dismantled or destroyed and six launchers may be converted to launchers for testing missiles undergoing modernisation.

Dismantling or destruction of the twelve launchers shall begin upon entry into force of the Treaty and shall be completed within eight months, under procedures for dismantling or destruction of these launchers to be agreed upon in the Standing Consultative Commission. These twelve launchers shall not be replaced.

Conversion of the six launchers may be carried out after entry into force of the Treaty. After entry into force of the Treaty, fractional orbital missiles shall be removed and shall be destroyed pursuant to the provisions of subparagraph 1(c) of Article IX and of Article XI of the Treaty and shall not be replaced by other missiles, except in the case of conversion of these six launchers for testing missiles undergoing modernisation. After removal of the fractional orbital missiles, and prior to such conversion, any activities associated with these launchers shall be limited to normal maintenance requirements for launchers in which missiles are not deployed. These six launchers shall be subject to the provisions of Article VII of the Treaty and, if converted, to the provisions of the Fifth Common Understanding to paragraph 5 of Article II of the Treaty.

Article VIII

1. Each Party undertakes not to flight-test cruise missiles capable of a range in excess of 600 kilometers or ASBMs from aircraft other than bombers or to convert such aircraft into aircraft equipped for such missiles.

Agreed Statement

For purposes of testing only, each Party has the right, through initial construction or, as an exception to the provisions of paragraph 1 of Article VIII of the Treaty, by conversion, to equip for cruise missiles capable of a range in excess of 600 kilometers of for ASBMs no more than sixteen airplanes, including airplanes which are prototypes of bombers equipped for such missiles. Each Party also has the right, as an exception to the provisions of paragraph 1 of Article VIII of the Treaty, to flight-test from such airplanes cruise missiles capable of a range in excess of 600 kilometers and after the date on which the Protocol ceases to be in force, to flight-test ASBMs from such airplanes as well, unless the Parties agree that they will not flight-test ASBMs after that date. The limitations provided for in Article III of the Treaty shall not apply to such airplanes.

The aforementioned airplanes may include only:

(a) airplanes other than bombers which, as an exception to the provisions of paragraph I of Article VIII of the Treaty, have been converted into airplanes equipped for cruise missiles capable of a range in excess of 600 kilometers or for ASBMs;

(b) airplanes considered to be heavy bombers pursuant to subparagraph 3(c) or 3(d) of Article II of the Treaty; and

(c) airplanes other than heavy bombers which. prior to March 7, 1979, were used for testing cruise missiles capable of a range in excess of 600 kilometers.

The airplanes referred to in subparagraphs (a) and (b) of this Agreed Statement shall be distinguishable on the basis of functionally related observable differences from airplanes which otherwise would be of the same type but cannot perform the mission of a bomber equipped for cruise missiles capable of a range in excess of 600 kilometers or for ASBMs.

The airplanes referred to in subparagraph (c) of this Agreed Statement shall not be used for testing cruise missiles capable of a range in excess of 600 kilometers after the expiration of a six-month period from the date of entry into force of the Treaty, unless by the expiration of that period they are distinguishable on the basis of functionally related observable differences from airplanes which otherwise would be of the same type but cannot perform the mission of a bomber equipped for cruise missiles capable of a range in excess of 600 kilometers.

First Common Understanding

The term “testing,” as used in the Agreed Statement to paragraph 1 of Article VIII of the Treaty, includes research and development.

Second Common Understanding

The Parties shall notify each other in the Standing Consultative Commission of the number of airplanes, according to type, used for testing pursuant to the Agreed Statement to paragraph 1 of Article VIII of the Treaty. Such notification shall be provided at the first regular session of the Standing Consultative Commission held after an airplane has been used for such testing.

Third Common Understanding

None of the sixteen airplanes referred to in the Agreed Statement to paragraph 1 of Article VIII of the Treaty may be replaced, except in

the event of the involuntary destruction of any such airplane or in the case of the dismantling or destruction of any such airplane. The procedures for such replacement and for removal of any such airplane from that number, in case of its conversion, shall be agreed upon in the Standing Consultative Commission.

2. Each Party undertakes not to convert aircraft other than bombers into aircraft which can carry out the mission of a heavy bomber as referred to in sub-paragraph 3(b) of Article II.

Article IX

1. Each Party undertakes not to develop, test, or deploy:

(a) ballistic missiles capable of a range in excess of 600 kilometers for installation on waterborne vehicles other than submarines, or launchers of such missiles;

Common Understanding to Subparagraph (a)

The obligations provided for in sub paragraph 1(a) of Article IX of the Treaty do not affect current practices for transporting ballistic missiles.

(b) fixed ballistic or cruise missile launchers for emplacement on the ocean floor, on the seabed, or on the beds of internal waters and inland waters, or in the subsoil thereof, or mobile launchers of such missiles, which move only in contact with the ocean floor, the seabed, or the beds of internal waters and inland waters, or missiles for such launchers;

Agreed Statement to subparagraph (b)

The obligations provided for in subparagraph 1(b) of Article IX of the Treaty shall apply to all areas of the ocean floor and the seabed, including the seabed zone referred to in Articles I and II of the 1971 Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof.

(c) systems for placing into Earth orbit nuclear weapons or any other kind of weapons of mass destruction, including fractional orbital missiles;

Common Understanding to subparagraph (c)

The provisions of subparagraph 1(c) of Article IX of the Treaty do not require the dismantling or destruction of any existing launchers of either Party.

(d) mobile launchers of heavy ICBMs;

(e) SLBMs which have a launch-weight greater or a throw-weight greater than that of the heaviest, in terms of either launch-weight or throw-weight, respectively, of the light ICBMs deployed by either Party as of the date of signature of this Treaty, or launchers of such SLBMs; or

(f) ASBMs which have a launch-weight greater or a throw-weight greater than that of the heaviest, in terms of either launch-weight or throw-weight, respectively, of the light ICBMs deployed by either Party as of the date of signature of this Treaty.

First Agreed Statement in subparagraphs (c) and

The launch-weight of an SLBM or of an ASBM is the weight of the fully loaded missile itself at the time of launch.

Second Agreed Statement to subparagraphs (e) and (f)

The throw-weight of an SLBM or of an ASBM is the sum of the weight of:

(a) its reentry vehicle or reentry vehicles;

(b) any self-contained dispensing mechanisms or other appropriate devices for targeting one reentry vehicle, or for releasing or for dispensing and targeting two or more reentry vehicles; and

(c) its penetration aids, including devices for their release.

Common Understanding to subparagraphs (e) and (f)

The term "other appropriate devices," as used in the definition of the throw-weight of an SLBM or of an ASBM in the Second Agreed Statement to subparagraphs 1(e) and 1(f) of Article IX of the Treaty means any devices for dispensing and targeting two or more reentry vehicles; and any devices for releasing two or more reentry vehicles or for targeting one reentry vehicle, which cannot provide their reentry vehicles or reentry" vehicle with additional velocity of more than 1,000 meters per second.

2. Each Party undertakes not to flight-test from aircraft cruise missiles capable of a range in excess of 600 kilometers which are equipped with multiple independently targetable warheads and not to deploy such cruise missiles on aircraft.

Agreed Statement

Warheads of a cruise missile are independently targetable if maneuvering or targeting of the warheads to separate aim points

along ballistic trajectories or any other flight paths, which are unrelated to each other, is accomplished during a flight of a cruise missile.

Article X

Subject to the provisions of this Treaty, modernisation and replacement of strategic offensive arms may be carried out.

Article XI

1. Strategic offensive arms which would be in excess of the aggregate numbers provided for in this Treaty as well as strategic offensive arms prohibited by this Treaty shall be dismantled or destroyed under procedures to be agreed upon in the Standing Consultative Commission.

2. Dismantling or destruction of strategic offensive arms which would be in excess of the aggregate number provided for in paragraph 1 of Article III shall begin on the date of the entry into force of this Treaty and shall be completed within the following periods from that date: four months for ICBM launchers; six months for SLBM launchers; and three months for heavy bombers.

3. Dismantling or destruction of strategic offensive arms which would be in excess of the aggregate number provided for in paragraph 2 of Article III shall be initiated no later than January 1, 1981, shall be carried out throughout the ensuing twelve-month period, and shall be completed no later than December 31, 1981.

4. Dismantling or destruction of strategic offensive arms prohibited by this Treaty shall be completed within the shortest possible agreed period of time, but not later than six months after the entry into force of this Treaty.

Article XII

1. In order to ensure the viability and effectiveness of this Treaty, each Party undertakes not to circumvent the provisions of this Treaty, through any other state or states, or in any other manner.

Article XIII

1. Each Party undertakes not to assume any international obligations which would conflict with this Treaty.

Article XIV

The Parties undertake to begin, promptly after the entry into force of this Treaty, active negotiations with the objective of achieving, as soon as possible, agreement on further measures for the limitation and reduction of strategic arms. It is also the objective of the Parties

to conclude well in advance of 1985 an agreement limiting strategic offensive arms to replace this Treaty upon its expiration.

Article XV

1. For the purpose of providing assurance of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

2. Each party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph I of this Article.

3. Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Treaty. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

First Agreed Statement

Deliberate concealment measures, as referred to in paragraph 3 of Article *XV of* the Treaty, are measures carried out deliberately to hinder or deliberately to impede verification by national technical means of compliance with the provisions of the Treaty.

Second Agreed Statement

The obligation not to use deliberate concealment measures, provided for in paragraph 3 of Article *XV* of the Treaty, does not preclude the testing of anti-missile defense penetration aids.

First Common Understanding

The provisions of paragraph 3 of Article *XV* of the Treaty and the First Agreed Statement thereto apply to all provisions of the Treaty, including provisions associated with testing, in this connection, the obligation not to use deliberate concealment measures includes the obligation not to use deliberate concealment measures associated with testing, including those measures aimed at concealing the association between ICBMs and launchers during testing.

Second Common Understanding

Each Party is free to use various methods of transmitting telemetric information during testing, including its encryption, except that, in accordance with the provisions of paragraph 3 of Article *XV* of the Treaty, neither Party shall engage in deliberate denial of telemetric information, such as through the use of telemetry encryption, when

ever such denial impedes verification of compliance with the provisions of the Treaty.

Third Common Understanding

In addition to the obligations provided for in paragraph 3 of Article *XV* of the Treaty, no shelters which impede verification by national technical means of compliance with the provisions of the Treaty shall be used over ICBM silo launchers.

Article XVI

1. Each Party undertakes, before conducting each planned ICBM launch, to notify the other Party well in advance on a case-by-case basis that such a launch will occur, except for single ICBM launches from test ranges or from ICBM launcher deployment areas, which are not planned to extend beyond its national territory.

First Common Understanding

ICBM launches to which the obligations provided for in Article XVI of the Treaty apply, include, among others, those ICBM launches for which advance notification is required pursuant to the provisions of the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War Between the United States of America and the Union of Soviet Socialist Republics, signed September 30, 1971, and the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on the Prevention of Incidents On and Over the High Seas, signed May 25, 1972. Nothing in Article XVI of the Treaty is intended to inhibit advance notification, on a voluntary basis, of any ICBM launches not subject to its provisions, the advance notification of which would enhance confidence between the Parties.

Second Common Understanding

A multiple ICBM launch conducted by a Party, as distinct from single ICBM launches referred to in Article XVI of the Treaty, is a launch which would result in two or more of its ICBMs being in flight at the same time.

Third Common Understanding

The test ranges referred to in Article XVI of the Treaty are—those covered by the Second Agreed Statement to paragraph 2 of Article VII of the Treaty.

2. The Parties shall agree in the Standing Consultative Commission upon procedures to implement the provisions of this Article.

Article XVII

1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall use the Standing Consultative Commission established by the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding the Establishment of a Standing Consultative Commission of December 21, 1972.

2. Within the framework of the Standing Consultative Commission, with respect to this Treaty, the Parties will:

(a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

(b) provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

(c) consider questions involving unintended interference with national technical means of verification, and questions involving unintended impeding of verification by national technical means of compliance with the provisions of this Treaty;

(d) consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty;

(e) agree upon procedures for replacement, conversion, and dismantling or destruction, of strategic offensive arms in cases provided for in the provisions of this Treaty and upon procedures for removal of such arms from the aggregate numbers when they otherwise cease to be subject to the limitations provided for in this Treaty, and at regular sessions of the Standing Consultative Commission, notify each other in accordance with the aforementioned procedures, at least twice annually, of actions completed and those in process;

(f) consider, as appropriate, possible proposals for further increasing the viability of this Treaty, including proposals for amendments in accordance with the provisions of this Treaty;

(g) consider, as appropriate, proposals for further measures limiting strategic offensive arms.

3. In the Standing Consultative Commission the Parties shall maintain by category the agreed data base on the numbers of strategic offensive arms established by the Memorandum of Understanding Between the United States of America and the Union of Soviet Socialist Republics Regarding the Establishment of a Date Base on the Numbers of Strategic Offensive Arms of June 18, 1979.

Agreed Statement

In order to maintain the agreed data base on the numbers of strategic offensive arms subject to the limitations provided for in the Treaty in accordance with paragraph 3 of Article XVII of the Treaty, at each regular session of the Standing Consultative Commission the Parties will notify each other of and consider changes in those numbers in the following categories: launchers of ICBMs; fixed launchers of ICBMs; launchers of ICBMs equipped with MIRVs; launchers of SLBMs; launchers of SLBMs equipped with MIRVs; heavy bombers; heavy bombers equipped for cruise missiles capable of a range in excess of 600 kilometers; heavy bombers equipped only for ASBMs; ASBMs; and ASBMs equipped with MIRVs.

Article XVIII

Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing the entry into force of this Treaty.

Article XIX

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. This Treaty shall enter into force on the day of the exchange of instruments of ratification and shall remain in force through December 31, 1985, unless replaced earlier by an agreement further limiting strategic offensive arms.

2. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

3. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

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Treaty Between the United States of America and the Union of Soviet Socialist Republics on Underground Nuclear Explosions for Peaceful Purposes

ALSO KNOWN AS: PNE Treaty
DATE OF SIGNATURE: May 28, 1976
PLACE OF SIGNATURE: Moscow and Washington, DC
SIGNATORY STATES: United States, Soviet Union

[The signatory states]

Proceeding from a desire to implement Article III of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapon Tests, which calls for the earliest possible conclusion of an agreement on underground nuclear explosions for peaceful purposes,

Reaffirming their adherence to the objectives and principles of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, the Treaty on Non-Proliferation of Nuclear Weapons, and the Treaty on the Limitation of Underground Nuclear Weapon Tests, and their determination to observe strictly the provisions of these international agreements, Desiring to assure that underground nuclear explosions for peaceful purposes shall not be used for purposes related to nuclear weapons, Desiring that utilisation of nuclear energy be directed only toward peaceful purposes,

Desiring to develop appropriately cooperation in the field of underground nuclear explosions for peaceful purposes,

Have agreed as follows:

Article I

1. The Parties enter into this Treaty to satisfy the obligations in Article III of the Treaty on the Limitation of Underground Nuclear Weapon Tests, and assume additional obligations in accordance with the provisions of this Treaty.

2. This Treaty shall govern all underground nuclear explosions for peaceful purposes conducted by the Parties after March 31, 1976.

Article II

For the purposes of this Treaty:

(a) "explosion" means any individual or group underground nuclear explosion for peaceful purposes;

(b) "explosive" means any device, mechanism or system for producing an individual explosion;

(c) "group explosion" means two or more individual explosions for which the time interval between successive individual explosions does not exceed five seconds and for which the emplacement points of all explosives can be interconnected by straight line segments, each of which joins two emplacement points and each of which does not exceed 40 kilometers.

Article III

1. Each Party, subject to the obligations assumed under this Treaty and other international agreements, reserves the right to:

(a) carry out explosions at any place under its jurisdiction or control outside the geographical boundaries of test sites specified under the provisions of the Treaty on the Limitation of Underground Nuclear Weapon Tests; and

(b) carry out, participate or assist in carrying out explosions in the territory of another Stale at the request of such other State.

2. Each Party undertakes to prohibit, to prevent and not to carry out at any place under its jurisdiction or control, and further undertakes not to carry out, participate or assist in carrying out anywhere:

(a) any individual explosion having a yield exceeding 150 kilotons;

(b) any group explosion:

(1) having any aggregate yield exceeding 150 kilo-tons except in ways that will permit identification of each individual

explosion and determination of the yield of each individual explosion in the group in accordance with the provisions of Article IV of and the Protocol to this Treaty;

(2) having an aggregate yield exceeding one and one-half megatons;

(c) any explosion which does not carry out a peaceful application;

(d) any explosion except in compliance with the provisions of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, the Treaty on the Non-Proliferation of Nuclear Weapons, and other international agreements entered into by that Party.

3. The question of carrying out any individual explosion having a yield exceeding the yield specified in paragraph 2(a) of this Article will be considered by the Parties at an appropriate time to be agreed.

Article IV

1. For the purpose of providing assurance of compliance with the provisions of this Treaty, each Party shall:

(a) use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law; and

(b) provide to the other Party information and access to sites of explosions and furnish assistance in accordance with the provisions set forth in the Protocol to this Treaty.

2. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1(a) of this Article, or with the implementation of the provisions of paragraph 1(b) of this Article.

Article V

1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall establish promptly a Joint Consultative Commission within the framework of which they will:

(a) consult with each other, make inquiries and furnish information in response to such inquiries, to assure confidence in compliance with the obligations assumed;

(b) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

(c) consider questions involving unintended interference with the means for assuring compliance with the provisions of this Treaty;

(d) consider changes in technology or other new circumstances which have a bearing on the provisions of this Treaty; and

(e) consider possible amendments to provisions governing underground nuclear explosions for peaceful purposes.

2. The Parties through consultation shall establish, and may amend as appropriate, Regulations for the Joint Consultative Commission governing procedures, composition and other relevant matters.

Article VI

1. The Parties will develop cooperation on the basis of mutual benefit, equality, and reciprocity in various areas related to carrying out underground nuclear explosions for peaceful purposes.

2. The Joint Consultative Commission will facilitate this cooperation by considering specific areas and forms of cooperation which shall be determined by agreement between the Parties in accordance with their constitutional procedures.

3. The Parties will appropriately inform the International Atomic Energy Agency of results of their cooperation in the field of underground nuclear explosions for peaceful purposes.

Article VII

1. Each Party shall continue to promote the development of the international agreement or agreements and procedures provided for in Article V of the Treaty on the Non-Proliferation of Nuclear Weapons, and shall provide appropriate assistance to the International Atomic Energy Agency in this regard.

2. Each Party undertakes not to carry out, participate or assist in the carrying out of any explosion in the territory of another State unless that State agrees to the implementation in its territory of the international observation and procedures contemplated by Article V of the Treaty on the Non-Proliferation of Nuclear Weapons and the provisions of Article IV of and the Protocol to this Treaty, including the provision by that State of the assistance necessary for such implementation and of the privileges and immunities specified in the Protocol.

Article VIII

l. This Treaty shall remain in force for a period of five years, and it shall be extended for successive five-year periods unless either Party

notifies the other of its termination no later than six months prior to its expiration. Before the expiration of this period the Parties may, as necessary, hold consultations to consider the situation relevant to the substance of this Treaty. However, under no circumstances shall either Party be entitled to terminate this Treaty while the Treaty on the Limitation of Underground Nuclear Weapon Tests remains in force.

2. Termination of the Treaty on the Limitation of Underground Nuclear Weapon Tests shall entitle either Party to withdraw from this Treaty at any time.

3. Each Party may propose amendments to this Treaty. Amendments shall enter into force on the day of the exchange of instruments of ratification of such amendments.

Article IX

1. This Treaty including the Protocol which forms an integral part hereof, shall be subject to ratification in accordance with the constitutional procedures of each Party. This Treaty shall enter into force on the day of the exchange of instruments of ratification which exchange shall take place simultaneously with the exchange of instruments of ratification of the Treaty on the Limitation of Underground Nuclear Weapon Tests.

2. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

PROTOCOL TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES.

[The signatories],

Having agreed to the provisions in the Treaty on Underground Nuclear Explosions for Peaceful Purposes, hereinafter referred to as the Treaty,

Have agreed as follows:

Article I

1. No individual explosion shall take place at a distance in meters, from the ground surface which is less than 30 times the 3.4 root of its planned yield in kilotons.

2. Any group explosion with a planned aggregate yield exceeding 500 kilotons shall not include more than five individual explosions, each of which has a planned yield not exceeding 50 kilotons.

Article II

1. For each explosion, the Party carrying out the explosion shall provide the other Party:

(a) not later than 90 days before the beginning of emplacement of the explosives when the planned aggregate yield of the explosion does not exceed 100 kilotons, or not later than 180 days before the beginning of emplacement of the explosives when the planned aggregate yield of the explosion exceeds 100 kilotons, with the following information to the extent and degree of precision available when it is conveyed:

(1) the purpose of the planned explosion;

(2) the location of the explosion expressed in geographical coordinates with a precision of four or less kilometers, planned date and aggregate yield of the explosion;

(3) the type or types of rock in which the explosion will be carried out, including the degree of liquid saturation of the rock at the point of emplacement of each explosive; and

(4) a description of specific technological features of the project, of which the explosion is a part, that could influence the determination of its yield and confirmation of purpose; and

(b) not later than 60 days before the beginning of emplacement of the explosives the information specified in subparagraph 1(a) of this Article to the full extent and with the precision indicated in that subparagraph.

2. For each explosion with a planned aggregate yield exceeding 50 kilotons, the Party carrying out the explosion shall provide the other Party, not later than 60 days before the beginning of emplacement of the explosives, with the following information:

(a) the number of explosives, the planned yield of each explosive, the location of each explosive to be used in a group explosion relative to all other explosives in the group with a precision of 100 or less meters, the depth of emplacement of each explosive with a precision of one meter and the time intervals between individual explosions in any group explosion with a precision of one-tenth second; and

(b) a description of specific features of geological structure or other local conditions that could influence the determination of the yield.

3. For each explosion with a planned aggregate yield exceeding 75 kilotons, the Party carrying out the explosion shall provide the other Party, not later than 60 days before the beginning of emplacement of the explosives, with a description of the geological and geophysical characteristics of the site of each explosion which could influence determination of the yield, which shall include: the depth of the water table; a stratigraphic column above each emplacement point; the position of each emplacement point relative to nearby geological and other features which influenced the design of the project of which the explosion is a part; and the physical parameters of the rock, including density, seismic velocity, porosity, degree of liquid saturation, and rock strength, within the sphere centered on each emplacement point and having a radius, in meters, equal to 30 times the cube root of the planned yield in kilotons of the explosive emplaced at that point.

4. For each explosion with a planned aggregate yield exceeding 100 kilotons, the Party carrying out the explosion shall provide the other Party, not later than 60 days before the beginning of emplacement of the explosives, with:

(a) information on locations and purposes of facilities and installations which are associated with the conduct of the explosion;

(b) information regarding the planned date of the beginning of emplacement of each explosive; and

(c) a topographic plan in local coordinates of the areas specified in paragraph 7 of Article IV, at a scale of 1:24,000 or 1:25,000 with a contour interval of 10 meters or less.

5. For application of an explosion to alleviate the consequences of an emergency situation involving an unforeseen combination of circumstances which calls for immediate action for which it would not be practicable to observe the timing requirements of paragraphs 1, 2 and 3 of this Article, the following conditions shall be met:

(a) the Party carrying out an explosion for such purposes shall inform the other Party of that decision immediately after it has been made and describe such circumstances;

(b) the planned aggregate yield of an explosion for such purpose shall not exceed 100 kilotons; and

(c) the Party carrying out an explosion for such purpose shall provide to the other Party the information specified in paragraph 1 of this Article, and the information specified in paragraphs 2 and 3 of this Article if applicable, after the

decision to conduct the explosion is taken, but not later than 30 days before the beginning of emplacement of the explosives.

6. For each explosion, the Party carrying out the explosion shall inform the other Party, not later than two days before the explosion, of the planned time of detonation of each explosive with a precision of one second.

7. Prior to the explosion, the Party carrying out the explosion shall provide the other Party with timely notification of changes in the information provided in accordance with this Article.

8. The explosion shall not be carried out earlier than 90 days after notification of any change in the information provided in accordance with this Article which requires more extensive verification procedures than those required on the basis of the original information, unless an earlier time for carrying out the explosion is agreed between the Parties.

9. Not later than 90 days after each explosion the Party carrying out the explosion shall provide the other Party with the following information:

(a) the actual time of the explosion with a precision of one-tenth second and its aggregate yield;

(b) when the planned aggregate yield of a group explosion exceeds 50 kilotons, the actual time of the first individual explosion with a precision of one-tenth second, the time interval between individual explosions with a precision of one millisecond and the yield of each individual explosion; and

(c) confirmation of other information provided in accordance with paragraphs 1, 2, 3 and 4 of this Article and explanation of any changes or corrections based on the results of the explosion.

10. At any time, but not later than one year after the explosion, the other Party may request the Party carrying out the explosion to clarify any item of the information provided in accordance with this Article. Such clarification shall be provided as soon as practicable, but not later than 30 days after the request is made.

Article III

1. For the purposes of this Protocol:

(a) “designated personnel” means those nationals of the other Party identified to the Party carrying out an explosion as

the persons who will exercise the rights and functions provided for in the Treaty and this Protocol; and

(b) "emplacement hole" means the entire interior of any drill-hole, shaft, adit or tunnel in which an explosive and associated cables and other equipment are to be installed.

2. For any explosion with a planned aggregate yield exceeding 100 kilotons but not exceeding 150 kilotons if the Parties, in consultation based on information provided in accordance with Article II and other information that may be introduced by either Party, deem it appropriate for the confirmation of the yield of the explosion, and for any explosion with a planned aggregate yield exceeding 150 kilotons, the Party carrying out the explosion shall allow designated personnel within the areas and at the locations described in Article V to exercise the following rights and functions:

(a) confirmation that the local circumstances, including facilities and installations associated with the project, are consistent with the stated peaceful purposes;

(b) confirmation of the validity of the geological and geophysical information provided in accordance with Article II through the following procedures:

(1) examination by designated personnel of research and measurement data of the Party carrying out the explosion and of rock core or rock fragments removed from each emplacement hole, and of any logs and drill core from existing exploratory holes which shall be provided to designated personnel upon their arrival at the site of the explosion;

(2) examination by designated personnel of rock core or rock fragments as they become available in accordance with the procedures specified in subparagraph 2(b)(3) or this Article; and

(3) observation by designated personnel of implementation by the Party carrying out the explosion of one of the following four procedures, unless this right is waived by the other Party:

(i) construction of that portion of each emplacement hole starting from a point nearest the entrance of the emplacement hole which is at a distance, in meters, from the nearest, emplacement point equal to 30 times the cube root of the planned yield in kilotons of the

explosive to be emplaced at that point and continuing to the completion of the emplacement hole; or

(ii) construction of that portion of each emplacement hole starting from a point nearest the entrance of the emplacement hole which is at a distance, in meters, from the nearest emplacement point equal to six times the cube root of the planned yield in kilotons of the explosive to be emplaced at that point and continuing to the completion of the emplacement hole as well as the removal of rock core or rock fragments from the wall of an existing exploratory hole, which is substantially parallel with and at no point more than 100 meters from the emplacement hole, at locations specified by designated personnel which lie within a distance, in meters, from the same horizon as each emplacement point of 30 time the cube root of the planned yield in kilo-tons of the explosive to be emplaced at that point; or

(iii) removal of rock core or rock fragments from the wall of each emplacement hole at locations specified by designated personnel which lie within a distance, in meters, from each emplacement point of 30 times the cube root of the planned yield in kilotons of the explosive to be emplaced at each such point; or

(iv) construction of one or more new exploratory holes so that for each emplacement hole there will be a new exploratory hole to the same depth as that of the emplacement of the explosive, substantially parallel with and at no point more than 100 meters from each emplacement hole, from which rock cores would be removed at locations specified by designated personnel which lie within a distance, in meters, from the same horizon as each emplacement point of 30 times the cube root of the planned yield in kilo-tons of the explosive to be emplaced at each such point;

(c) observation of the emplacement of each explosive, confirmation of the depth of its emplacement and observation of the stemming of each emplacement hole;

(d) unobstructed visual observation of the area of the entrance to each emplacement hole at any time from the time of emplacement of each explosive until all personnel have been

withdrawn from the site for the detonation of the explosion; and

(e) observation of each explosion.

3. Designated personnel, using equipment provided in accordance with paragraph 1 of Article IV, shall have the right, for any explosion with a planned aggregate yield exceeding 150 kilotons, to determine the yield of each individual explosion in a group explosion in accordance with the provisions of Article VI.

4. Designated personnel, when using their equipment in accordance with paragraph 1 of Article IV, shall have the right, for any explosion with a planned aggregate yield exceeding 500 kilotons, to emplace, install and operate under the observation and with the assistance of personnel of the Party carrying out the explosion, if such assistance is requested by designated personnel, a local seismic network in accordance with the provisions of paragraph 7 of Article IV. Radio links may be used for the transmission of data and control signals between the seismic stations and the control center. Frequencies, maximum power output of radio transmitters, directivity of antennas and times of operation of the local seismic network radio transmitters before the explosion shall be agreed between the Parties in accordance with Article X and time of operation after the explosion shall conform to the time specified in paragraph 7 of Article IV.

5. Designated personnel shall have the right to:

(a) acquire photographs under the following conditions:

(1) the Party carrying out the explosion shall identify to the other Party those personnel of the Party carrying out the explosion who snail take photographs as requested by designating personnel.

(2) photographs shall be taken by personnel of the Party carrying out the explosion in the presence of designated personnel and at the time requested by designated personnel for taking such photo-graphs. Designated personnel shall determine whether these photographs are in conformity with their requests and, if not, additional photographs shall be taken immediately;

(3) photographs shall be taken with cameras provided by the other Party having built-in, rapid developing capability and a copy of each photograph shall be provided at the completion of the development process to both Parties;

(4) cameras provided by designated personnel shall be kept in agreed secure storage when not in use; and

(5) the request for photographs can be made, at any time, of the following:

(i) exterior views of facilities and installations associated with the conduct of the explosion as described in subparagraph 4(a) of Article II;

(ii) geological samples used for confirmation of geological and geophysical information, as provided for in subparagraph 2(b) of this Article and the equipment utilized in the acquisition of such samples;

(iii) emplacement and installation of equipment and associated cables used by designated personnel for yield determination;

(iv) emplacement and installation of the local seismic network used by designated personnel;

(v) emplacement of the explosives and the stemming of the emplacement hole; and

(vi) containers, facilities and installations for storage and operation of equipment used by designated personnel;

(b) photographs of visual displays and records produced by the equipment used by designated personnel and photographs within the control centers taken by cameras which are component parts of such equipment; and

(c) receive at the request of designated personnel and with the agreement of the Party carrying out the explosion supplementary photographs taken by the Party carrying out the explosion.

Article IV

1. Designated personnel in exercising their rights and functions may choose to use the following equipment of either Party, of which choice the Party carrying out the explosion shall be informed not later than 150 days before the beginning of emplacement of the explosives:

(a) electrical equipment for yield determination and equipment for a local seismic network as described in paragraphs 3, 4 and 7 of this Article ; and

(b) geologist's field tools and kits and equipment for recording of field notes.

2. Designated personnel shall have the right in exercising their rights and functions to utilise the following additional equipment which shall be provided by the Party carrying out the explosion, under

procedures to be established in accordance with Article X to ensure that the equipment meets the specifications of the other Party: portable short-range communication equipment, field glasses, optical equipment for surveying and other items which may be specified by the other Party. A description of such equipment and operating instructions shall be provided to the other Party not later than 90 days before the beginning of emplacement of the explosives in connection with which such equipment is to be used.

3. A complete set of electrical equipment for yield determination shall consist of:

(a) sensing elements and associated cables for transmission of electrical power, control signals and data;

(b) equipment of the control center, electrical power supplies and cables for transmission of electrical power, control signals and data; and

(c) measuring and calibration instruments, maintenance equipment and spare parts necessary for ensuring the functioning of sensing elements, cables and equipment of the control center.

4. A complete set of equipment for the local seismic network shall consist of:

(a) seismic stations each of which contains a seismic instrument, electrical power supply and associated cables and radio equipment for receiving and transmission of control signals and data or equipment for recording control signals and data;

(b) equipment of the control center and electrical power supplies; and

(c) measuring and calibration instruments, maintenance equipment and spare parts necessary for ensuring the functioning of the complete network.

5. In case designated personnel, in accordance with paragraph 1 of this Article, choose to use equipment of the Party carrying out the explosion for yield determination or for a local seismic network, a description of such equipment and installation and operating instructions shall be provided to the other Party not later than 90 days before the beginning of emplacement of the explosives in connection with which such equipment is to be used. Personnel of the Party carrying out the explosion shall emplace, install and operate the equipment in the presence of designated personnel. After the explosion,

designated personnel shall receive duplicate copies of the recorded data. Equipment for yield determination shall be emplaced in accordance with Article VI. Equipment for a local seismic network shall be emplaced in accordance with paragraph 7 of this Article.

6. In case designated personnel, in accordance with paragraph 1 of this Article, choose to use their own equipment for yield determination and their own equipment for a local seismic network, the following procedures shall apply:

(a) the Party carrying out the explosion shall be provided by the other Party with the equipment and information specified in subparagraphs (a)(1) and (a)(2) of this paragraph not later than 150 days prior to the beginning of emplacement of the explosives in connection with which such equipment is to be used in order to permit the Party carrying out the explosion to familiarise itself with such equipment, if such equipment and information has not been previously provided, which equipment shall be returned to the other Party not later than 90 days before the beginning of emplacement of the explosives. The equipment and information to he provided are:

(1) one complete set of electrical equipment for yield determination as described in paragraph 3 of this Article, electrical and mechanical design information, specifications and installation and operating instructions concerning this equipment; and

(2) one complete set of equipment for the local seismic network described in paragraph 4 of this Article, including one seismic station, electrical and mechanical design information, specifications and installation and operating instructions concerning this equipment;

(b) not later than 35 days prior to the beginning of emplacement of the explosives in connection with which the following equipment is to be used, two complete sets of electrical equipment for yield determination as described in paragraph 3 of this Article and specific installation instructions for the emplacement of the sensing elements based on information provided in accordance with subparagraph 2(a) of Article VI and two complete sets of equipment for the local seismic network as described in paragraph 4 of this Article, which sets of equipment shall have the same components and technical characteristics as the corresponding equipment

specified in subparagraph 6(a) of this Article, shall be delivered in sealed containers to the port of entry;

(c) the Party carrying out the explosion shall choose one of each of the two sets of equipment described above which shall be used by designated personnel in connection with the explosion;

(d) the set or sets of equipment not chosen for use in connection with the explosion shall be at the disposal of the Party carrying out the explosion for a period that may be as long as 30 days after the explosion at which time such equipment shall be returned to the other Party;

(e) the set or sets of equipment chosen for use shall be transported by the Party carrying out the explosion in the sealed containers in which this equipment arrived, after seals of the Party carrying out the explosion have been affixed to them, to the site of the explosion, so that this equipment is delivered to designated personnel for emplacement, installation and operation not later than 20 days before the beginning of emplacement of the explosives. This equipment shall remain in the custody of designated personnel in accordance with paragraph 7 of Article V or in agreed secure storage. Personnel of the Party carrying out the explosion shall have the right to observe the use of this equipment by designated personnel during the time the equipment is at the site of the explosion. Before the beginning of emplacement of the explosives, designated personnel shall demonstrate to personnel of the Party carrying out the explosion that this equipment is in working order;

(f) each set of equipment shall include two sets of components for recording data and associated calibration equipment. Both of these sets of components in the equipment chosen for use shall simultaneously record data. After the explosion, and after duplicate copies of all data have been obtained by designated personnel and the Party carrying out the explosion, one of each of the two sets of components for recording data and associated calibration equipment shall be selected, by an agreed process of chance, to be retained by designated personnel. Designated personnel shall pack and seal such components for recording data and associated calibration equipment which shall accompany them from the site of the explosion to the port of exit; and

(g) all remaining equipment may be retained by the Party carrying out the explosion for a period that may be as long as 30 days, after which time this equipment shall be returned to the other Party.

7. For any explosion with a planned aggregate yield exceeding 500 kilotons, a local seismic network, the number of stations of which shall be determined by designated personnel but shall not exceed the number of explosives in the group plus five, shall be emplaced, installed and operated at agreed sites of emplacement within an area circumscribed by circles of 15 kilometers in radius centered on points on the surface of the earth above the points of emplacement of the explosives during a period beginning not later than 20 days before the beginning of emplacement of the explosives and continuing after the explosion not later than three days unless otherwise agreed between the Parties. 8. The Party carrying out the explosion shall have the right to examine in the presence of designated personnel all equipment, instruments and tools of designated personnel specified in subparagraph 1(b) of this Article.

9. The Joint Consultative Commission will consider proposals that either Party may put forward for the joint development of standardized equipment for verification purposes.

Article V

1. Except as limited by the provisions of paragraph 5 of this Article, designated personnel in the exercise of their rights and functions shall have access along agreed routes:

(a) for an explosion with a planned aggregate yield exceeding 100 kilotons in accordance with paragraph 2 of Article III:

(1) to the locations of facilities and installations associated with the conduct of the explosion provided in accordance with subparagraph 4(a) of Article II; and

(2) to the locations of activities described in paragraph 2 of Article III; and

(b) for any explosion with a planned aggregate yield exceeding 150 kilotons, in addition to the access described in subparagraph I (a) of this Article:

(1) to other locations within the area circumscribed by circles of 10 kilometers in radius centered on points on the surface of the earth above the points of emplacement of the explosives in order to confirm that the local circumstances are consistent with the stated peaceful purposes;

(2) to the locations of the components of the electrical equipment for yield determination to be used for recording data when, by agreement between the Parties, such equipment is located outside the area described in subparagraph 1(b)(1) of this Article; and

(3) to the sites of emplacement of the equipment of the local seismic network provided for in paragraph 7 of Article IV.

2. The Party carrying out the explosion shall notify the other Party of the procedure it has chosen from among those specified in subparagraph 2(b)(3) or Article III not later than 30 days before beginning the implementation of such procedure. Designated personnel shall have the right to be present at the site of the explosion to exercise their rights and functions in the areas and at the locations described in paragraph 1 of this Article for a period of time beginning two days before the beginning of the implementation of the procedure and continuing for a period of three days after the completion of this procedure.

3. Except as specified in paragraph 4 of this Article designated personnel shall have the right to be present in the areas and at the locations described in paragraph 1 of this Article:

(a) for an explosion with a planned aggregate yield exceeding 100 kilotons but not exceeding 150 kilo-tons, in accordance with paragraph 2 of Article III, at any time beginning five days before the beginning of emplacement of the explosives and continuing after the explosion and after safe access to evacuated areas has been established according to standards determined by the Party carrying out the explosion for a period of two days; and

(b) for any explosion with a planned aggregate yield exceeding 150 kilotons, at any time beginning 20 days before the beginning of emplacement of the explosives and continuing after the explosion and after safe access to evacuated areas has been established according to standards determined by the Party carrying out the explosion for a period of:

(1) five days in the case of an explosion with a planned aggregate yield exceeding 150 kilotons but not exceeding 500 kilotons; or

(2) eight days in the case of an explosion with a planned aggregate yield exceeding 500 kilotons.

4. Designated personnel shall not have the right to be present in those areas from which all personnel have been evacuated in connection

with carrying out an explosion, but shall have the right to re-enter those areas at the same time as personnel of the Party carrying out the explosion.

5. Designated personnel shall not have or seek access by physical, visual or technical means to the interior of the canister containing an explosive, to documentary or other information descriptive of the design of an explosive nor to equipment for control and firing of explosives. The Party carrying out the explosion shall not locate documentary or other information descriptive of the design of an explosive in such ways as to impede the designated personnel in the exercise of their rights and functions.

6. The number of designated personnel present at the site of an explosion shall not exceed:

(a) for the exercise of their rights and functions in connection with the confirmation of the geological and geophysical information in accordance with the provisions of subparagraph 2(b) and applicable provisions of paragraph 5 of Article III—the number of emplacement holes plus three;

(b) for the exercise of their rights and functions in connection with confirming that the local circumstances are consistent with the information provided and with the stated peaceful purposes in accordance with the provisions in subparagraphs 2(a), 2(c), 2(d) and 2(e) and applicable provisions of paragraph 5 of Article III—the number of explosives plus two;

(c) for the exercise of their rights and functions in connection with confirming that the local circumstances are consistent with the information provided and with the stated peaceful purposes in accordance with the provisions in subparagraphs 2(a), 2(c), 2(d) and 2(e) with applicable provisions of paragraph 5 of Article III and in connection with the use of electrical equipment for determination of the yield in accordance with paragraph 3 of Article III—the number of explosives plus seven; and

(d) for the exercise of their rights and functions in connection with confirming that the local circumstances are consistent with the information provided and with the stated peaceful purposes in accordance with the provisions in subparagraph 2(a), 2(c), 2(d) and 2(e) and applicable provisions of paragraph 5 of Article III and in connection with the use of electrical equipment for determination of the yield in accordance with paragraph 3 of Article III and with the use of the local

seismic network in accordance with paragraph 4 of Article III—the number of explosives plus 10.

7. The Party-carrying out the explosion shall have the right to assign its personnel to accompany designated personnel while the latter exercise their rights and functions.

8. The Party carrying out an explosion shall assure for designated personnel telecommunications ‘with their authorities, transportation and other services appropriate to their presence and to the exercise of their rights and functions at the site of the explosion.

9. The expenses incurred for the transportation of designated personnel and their equipment to and from the site of the explosion, telecommunications provided for in paragraph 8 of this Article, their living and working quarters, subsistence and all other personal expenses shall be the responsibility of the Party other than the Party carrying out the explosion.

10. Designated personnel shall consult with the Party carrying out the explosion in order to coordinate the planned programme and schedule of activities of designated personnel with the programme of the Party carrying out the explosion for the conduct of the project so as to ensure that designated personnel are able to conduct their activities in an orderly and timely way that is compatible with the implementation of the project. Procedures for such consultations shall he established in accordance with Article X.

Article VI

For any explosion with a planned aggregate yield exceeding 150 kilotons, determination of the yield of each explosive used shall be carried out in accordance with the following provisions:

1. Determination of the yield of each individual explosion in the group shall be based on measurements of the velocity of propagation, as a function of time, of the hydrodynamic shock wave generated by the explosion, taken by means of electrical equipment described in paragraph 3 of Article IV.

2. The Party carrying out the explosion shall provide the other Party with the following information:

(a) not later than 60 days before the beginning of emplacement of the explosives, the length of each canister in which the explosives will be contained in the corresponding emplacement hole, the dimensions of the tube or other device used to emplace the canister and the cross-sectional dimensions

of the emplacement hole to a distance, in meters, from the emplacement point of 10 times the cube root of its yield in kilotons;

(b) not later than 60 days before the beginning of emplacement of the explosives, a description of materials, including their densities, to be used to stem each emplacement hole; and

(c) not later than 30 days before the beginning of emplacement of the explosives, for each emplacement hole of a group explosion, the local coordinates of the point of emplacement of the explosive, the entrance of the emplacement hole, the point of the emplacement hole most distant from the entrance the location of the emplacement hole at each 200 meters distance from the entrances and the configuration of any known voids larger than one cubic meter located within the distance, in meters, of 10 times the cube root of the planned yield in kilotons measured from the bottom of the canister containing the explosive. The error in these coordinates shall not exceed one per cent of the distance between the emplacement hole and the nearest other emplacement hole or one per cent of the distance between the point of measurement and the entrance of the emplacement hole, whichever is smaller, but in no case shall the error be required to be less than one meter.

3. The Party carrying out the explosion shall emplace for each explosive that portion of the electrical equipment for yield determination described in subparagraph 3(a) of Article IV supplied in accordance with paragraph 1 of Article IV in the same emplacement hole as the explosive in accordance with the installation instructions supplied under the provisions of paragraph 5 or 6 of Article IV. Such emplacement shall be carried out under the observation of designated personnel Other equipment specified in subparagraph 3(b) of Article IV shall be emplaced and installed:

(a) by designated personnel under the observation and with the assistance of personnel of the Party carrying out the explosion, if such assistance requested by designated personnel; or

(b) in accordance with paragraph 5 of Article IV.

4. That portion of the electrical equipment for yield determination described in subparagraph 3(a) of Article IV that is to be emplaced in each emplacement hole shall be located so that the end of the electrical equipment which is farthest from the entrance to the emplacement

hole is at a distance in meters, from the bottom of the canister containing the explosive equal to 3.5 times the cube root of the planned yield in kilotons of the explosive when the planned yield is less than 20 kilotons and three times the cube root of the planned yield in kilotons of the explosive when the planned yield is 20 kilo-tons or more. Canisters longer than 10 meters containing the explosive shall only be utilized if there i: prior agreement between the Parties establishing provisions for their use. The Party carrying out the explosion shall provide the other Party with data on the distribution of density inside any other canister in the emplacement hole with a transverse cross-sectional area exceeding 10 square centimeters located within a distance, in meters, of 10 times the cube root of the planned yield in kilotons of the explosion from the bottom of the canister containing the explosive. The Party carrying out the explosion shall provide the other Party with access to confirm such data on density distribution within any such canister.

5. The Party carrying out an explosion shall fill each emplacement hole, including all pipes and tube; contained therein which have at any transverse section an aggregate cross-sectional area exceeding 10 square centimeters in the region containing the electrical equipment for yield determination and to a distance, in meters, of six times the cube root 01 the planned yield in kilotons of the explosive from the explosive emplacement point, with material having a density not less than seven-tenths of the average density of the surrounding rock, and from that point to a distance of not less than 60 meters from the explosive emplacement point with material having a density greater than one grain per-cubic centimeter.

6. Designated personnel shall have the right to:

(a) confirm information provided in accordance with sub-paragraph 2(a) of this Article ;

(b) confirm information provided in accordance with sub-paragraph 2(b) of this Article and be provided, upon request, with a sample of each batch of stemming material as that material is put into the emplacement hole; and

(c) confirm the information provided in accordance with subparagraph 2(c) of this Article by having access to the data acquired and by observing, upon their request, the making of measurements.

7. For those explosives which are emplaced in separate emplacement holes, the emplacement shall be such that the distance D, in meters, between any explosive and any portion of the electrical

equipment for determination of the yield of any other explosive in the group shall be not less than 10 times the cube root of the planned yield in kilotons of the larger explosive of such a pair of explosives. Individual explosions shall be separated by time intervals, in milliseconds, not greater than one-sixth the amount by which the distance D, in meters, exceeds 10 times the cube root of the planned yield in kilotons of the larger explosive of such a pair of explosives.

8. For those explosives in a group which are emplaced in a common emplacement hole, the distance, in meters, between each explosive and any other explosive in that emplacement hole shall be not less than 10 times the cube root of the planned yield in kilotons of the larger explosive of such a pair of explosives, and the explosives shall be detonated in sequential order, beginning with the explosive farthest from the entrance to the emplacement hole, with the individual detonations separated by time intervals, in milliseconds, of not less than one times the cube root of the planned yield in kilotons of the largest explosive in this emplacement hole.

Article VII

1. Designated personnel with their personal baggage and their equipment as provided in Article IV shall be permitted to enter the territory of the Party carrying out the explosion at an entry port to be agreed upon by the Parties, to remain in the territory of the Party carrying out the explosion for the purpose of fulfilling their rights and unctions provided for in the Treaty and this Protocol, and to depart from an exit port to be agreed upon by the Parties.

2. At all times while designated personnel are in the territory of the Party carrying out the explosion, their persons, property, personal baggage, archive: and documents as well as their temporary official and living quarters shall be accorded the same privileges and immunities as provided in Articles 22, 23, 24, 29, 30, 31, 34 and 36 of the Vienna Convention on Diplomatic Relations of 1961 to the persons, property, personal baggage, archives and documents of diplomatic agents as well as to the premises of diplomatic missions and private residences of diplomatic agents.

3. Without prejudice to their privileges and immunities it shall be the duty of designated personnel to respect the laws and regulations of the State in whose territory the explosion is to be carried out insofar as they do not impede in any way whatsoever the proper exercising of their rights and functions provided for by the Treaty and this Protocol.

Article VIII

The Party carrying out an explosion shall have sole and exclusive control over and full responsibility for the conduct of the explosion.

Article IX

1. Nothing in the Treaty and this Protocol shall affect proprietary rights in information made available under the Treaty and this Protocol and in information which may be disclosed in preparation for and carrying out of explosions; however, claims to such proprietary rights shall not impede implementation of the provisions of the Treaty and this Protocol.

2. Public release of the information provided in accordance with Article II or publication of material using such information, as well as public release of the results of observation and measurements obtained by designated personnel, may take place only by agreement with the Party carrying out an explosion; however, the other Party shall have the right to issue statements after the explosion that do not divulge information in which the Party carrying out the explosion has rights which are referred to in paragraph 1 of this Article.

Article X

The Joint Consultative Commission shall establish procedures through which the Parties will, as appropriate, consult with each other for the purpose of ensuring efficient implementation of this Protocol.

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Treaty between the United Sates of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapon Tests (1974)

ALSO KNOWN AS: Threshold Test Ban Treaty (TTBT)

DATE OF SIGNATURE: July 3, 1974

PLACE OF SIGNATURE: Moscow

SIGNATORY STATES: United States, Soviet Union

[The signatories),

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to take effective measures toward reductions in strategic arms, nuclear disarmament, and general and complete disarmament under strict and effective international control,

Recalling the determination expressed by the Parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time, and to continue negotiations to this end. Noting that the adoption of measures for the further limitation of underground nuclear weapon tests would contribute to the achievement of these objectives and would meet the interests of strengthening peace and the further relaxation of international tension.

Reaffirming their adherence to the objectives and principles of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water and of the Treaty on the Non-Proliferation of Nuclear Weapons, Have agreed as follows:

Article I

1. Each Party undertakes to prohibit, to prevent, and not to carry out any underground nuclear weapon test having a yield exceeding 150 kilotons at any place under its jurisdiction of control, beginning March 31, 1976.

2. Each Party shall limit the number of its underground nuclear weapon tests to a minimum.

3. The Parties shall continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapon tests.

Article II

1. For the purpose of providing assurance of compliance with the provisions of the Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with the generally recognized principles of international law.

2. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.

3. To promote the objectives and implementation of the provisions of this Treaty the Parties shall, as necessary, consult with each other, make inquiries and furnish information in response to such inquiries.

Article III

The provisions of this Treaty do not extend to underground nuclear explosions carried out by the Parties for peaceful purposes. Underground nuclear explosions for peaceful purposes shall be governed by an agreement which is to be negotiated and concluded by the Parties at the earliest possible time.

Article IV

This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. This Treaty shall enter into force on the day of the exchange of instruments of ratification.

Article V

1. This Treaty shall remain in force for a period of five years. Unless replaced earlier by an agreement in implementation of the objectives specified in paragraph 3 of Article I of this Treaty, it shall be extended for successive five-year periods unless either Party notifies the other of its termination no later than six months prior to the

expiration of the Treaty. Before the expiration of this period the Parties may, as necessary, hold consultations to consider the situation relevant to the substance of this Treaty and to introduce possible amendments to the text of the Treaty.

2. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from this Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

3. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

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Treaty between the United States of America and the Union of the Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (1972)

ALSO KNOWN AS: Anti-Ballistic Missile, Treaty,

ABM TREATY: The first of two treaties concluding the Strategic Arms Limitation Talks (SALT)

DATE OF SIGNATURE: May 26, 1972

PLACE OF SIGNATURE: Moscow

SIGNATORY STATES: United States Soviet Union

DATE OF ENTRY INTO FORCE: October 3, 1972

[The signatories], hereinafter referred to as the Parties,

Proceeding from the premise that nuclear war would have devastating consequences for all mankind, Considering that effective measures to limit anti-ballistic missile systems would be a substantial factor in curbing the race in strategic offensive arms and would lead to a decrease in the risk of outbreak of war involving nuclear weapons,

Proceeding from the premise that the limitation of anti-ballistic missile systems, as well as certain agreed measures with respect to the limitation of strategic offensive arms, would contribute to the creation of more favourable conditions for further negotiations on limiting strategic arms,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to take effective measures toward reductions in strategic arms, nuclear disarmament, and general complete disarmament,

Desiring, to contribute to the relaxation of international tension and the strengthening of trust between States, Have agreed as follows:

Article I

1. Each Party undertakes to limit anti-ballistic missile (ABM) systems and to adopt other measures in accordance with the provisions of this Treaty.

2. Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for defense of an individual region except as provided for in Article III of this Treaty.

Article II

1. For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of:

(a) ABM interceptor missiles, which are interceptor missiles constructed and deployed for an ABM role, or of a type tested in an ABM mode;

(b) ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles; and

(c) ABM radars, which are radars constructed and deployed for an ABM role, or of a type tested in an ABM mode.

2. The ABM system components listed in paragraph 1 of this Article include those which are:

(a) operational;

(b) under construction;

(c) undergoing testing;

(d) undergoing overhaul, repair or conversion; or

(e) mothballed.

Article III

Each Party undertakes not to deploy ABM systems or their components except that:

(a) within one ABM system deployment area having a radius of one hundred and fifty kilometers and centered on the Party's national capital, a Party may deploy: (I) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, and (2) ABM radars within no more than six ABM radar complexes, the

area of each complex being circular and having a diameter of no more than three kilometers; and

(b) within one ABM, system deployment area having a radius of one hundred and fifty kilometers and containing ICBM silo launchers, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, (2) two large phased-array ABM radars comparable in potential to corresponding ABM radars operational or under construction on the date of signature of the Treaty in an ABM system deployment area containing ICBM silo launchers, and (3) no more than eighteen ABM radars each having a potential less than the potential of the smaller of the above-mentioned two large phased-array ABM radars.

Article IV

The limitations provided for in Article III shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges. Each Party may have no more than a total of fifteen ABM launchers at test ranges.

Article V

1. Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.

2. Each Party undertakes not to develop, test, or deploy ABM launchers for launching more than one ABM interceptor missile at a time from each launcher, nor to modify deployed launchers to provide them with such a capability, nor to develop, test, or deploy automatic or semi-automatic or other similar systems for rapid reload of ABM launchers.

Article VI

To enhance assurance of the effectiveness of the limitations on ABM systems and their components provided by, this Treaty, each Party undertakes:

(a) not to give missiles, launchers, or radars, other than ABM interceptor missiles, ABM launchers, or ABM radars, capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode; and

(b) not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward.

Article VII

Subject to the provisions of this Treaty, modernisation and replacement of ABM systems or their components may be carried out.

Article VIII

ABM systems or their components in excess of the numbers or outside the areas specified in this Treaty, as well as ABM systems or their components prohibited by this Treaty, shall be destroyed or dismantled under agreed procedures within the shortest possible agreed period of time.

Article IX

To assure the viability and effectiveness of this Treaty, each Party undertakes not to transfer to other States, and not to deploy outside its national territory, ABM systems or their components limited by this Treaty.

Article X

Each Party undertakes not to assume any international obligations which would conflict with this Treaty.

Article XI

The Parties undertake to continue active negotiations for limitations on strategic offensive arms.

Article XII

1. For the purpose of providing assurance of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

2. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.

3. Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Treaty. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

Article XIII

1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall establish promptly a Standing Consultative Commission, within the framework of which they will:

(a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

(b) provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

(c) consider questions involving unintended interference with national technical means of verification;

(d) consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty;

(e) agree upon procedures and dates for destruction or dismantling of ABM systems or their components in cases provided for by the provisions of this Treaty;

(f) consider, as appropriate, possible proposals for further increasing the viability of this Treaty, including proposals for amendments in accordance with the provisions of this Treaty;

(g) consider, as appropriate, proposals for further measures aimed at limiting strategic arms.

2. The Parties through consultation shall establish, and may amend as appropriate, Regulations for the Standing Consultative Commission governing procedures, composition and other relevant matters.

Article XIV

1. Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing the entry into force of this Treaty.

2. Five years after entry into force of this Treaty, and at five year intervals thereafter, the Parties shall together conduct a review of this Treaty.

Article XV

1. This Treaty shall be of unlimited duration.

2. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its

supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

Article XVI

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. The Treaty shall enter into force on the day of the exchange of instruments of ratification.

2. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

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Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Sub-soil Thereof

OPENED FOR SIGNATURE AT: London, Moscow and Washington: 11 February 1971

ENTERED INTO FORCE: 18 May 1972

THE DEPOSITARY GOVERNMENTS: The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America

The States Parties to this Treaty,

Recognising the common interest of mankind in the progress of the exploration and use of the sea-bed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the sea-bed and the ocean floor serves the interests of maintaining world peace, reduces international tensions and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race,

Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

Article I

1. The States Parties to this Treaty undertake not to emplant or emplace on the sea-bed and the ocean floor and in the subsoil thereof beyond the outer limit of a sea-bed zone, as defined in Article II, any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The undertakings of paragraph 1 of this Article shall also apply to the sea-bed zone referred to in the same paragraph, except that within such sea-bed zone, they shall not apply either to the coastal State or to the sea-bed beneath its territorial waters.

3. The States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this Article and not to participate in any other way in such actions.

Article II

For the purpose of this Treaty, the outer limit of the sea-bed zone referred to in Article I shall be coterminous with the twelve-mile outer limit of the zone referred to in part II of the Convention on the Territorial Sea and the Contiguous Zone, signed at Geneva on 29 April 1958, and shall be measured in accordance with the provisions of part I, section II, of that Convention and in accordance with international law.

Article III

1. In order to promote the objectives of and ensure compliance with the provisions of this Treaty, each State Party to the Treaty shall have the right to verify through observation the activities of other States Parties to the Treaty on the sea-bed and the ocean floor and in the subsoil thereof beyond the zone referred to in Article I, provided that observation does not interfere with such activities.

2. If after such observation reasonable doubts remain concerning the fulfilment of the obligations assumed under the Treaty, the State Party having such doubts and the State Party that is responsible for the activities giving rise to the doubts shall consult with a view to

removing the doubts. If the doubts persist, the State Party having such doubts shall notify the other States Parties, and the Parties concerned shall co-operate on such further procedures for verification as may be agreed, including appropriate inspection of objects, structures, installations or other facilities that reasonably may be expected to be of a kind described in Article I. The Parties in the region of the activities, including any coastal State, and any other Party so requesting, shall be entitled to participate in such consultation and co-operation. After completion of the further procedures for verification, an appropriate report shall be circulated to other Parties by the Party that initiated such procedures.

3. If the State responsible for the activities giving rise to the reasonable doubts is not identifiable by observation of the object, structure, installation or other facility, the State Party having such doubts shall notify and make appropriate inquiries of States Parties in the region of the activities and of any other State Party. If it is ascertained through these inquiries that a particular State Party is responsible for the activities, that State Party shall consult and cooperate with other Parties as provided in paragraph 2 of this Article. If the identity of the State responsible for the activities cannot be ascertained through these inquiries, then further verification procedures, including inspection, may be undertaken by the inquiring State Party, which shall invite the participation of the Parties in the region of the activities, including any coastal State, and of any other Party desiring to co-operate.

4. If consultation and co-operation pursuant to paragraphs 2 and 3 of this Article have not removed the doubts concerning the activities and there remains a serious question concerning fulfilment of the obligations assumed under this Treaty, a State Party may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council, which may take action in accordance with the Charter.

5. Verification pursuant to this Article may be undertaken by any State Party using its own means, or with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

6. Verification activities pursuant to this Treaty shall not interfere with activities of other States Parties and shall be conducted with due regard for rights recognized under international law, including the freedoms of the high seas and the rights of coastal States with respect to the exploration and exploitation of their continental shelves.

Article IV

Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to existing international conventions, including the 1958 Convention on the Territorial Sea and the Contiguous Zone, or with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coasts, including, *inter alia,* territorial seas and contiguous zones, or to the sea-bed and the ocean floor, including continental shelves.

Article V

The Parties to this Treaty undertake to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof.

Article VI

Any State Party may propose amendments to this Treaty. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and, thereafter, for each remaining State Party on the date of acceptance by it.

Article VII

Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held at Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review shall take into account any relevant technological developments. The review conference shall determine, in accordance with the views of a majority of those Parties attending, whether and when an additional review conference shall be convened.

Article VIII

Each state Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject-matter of this Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

Article IX

The provisions of this Treaty shall in no way affect the obligations assumed by States Parties to the Treaty under international instruments establishing zones free from nuclear weapons.

Article X

1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform the Governments of all signatory and acceding States of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XI

This Treaty, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

In Witness whereof the undersigned, being duly authorized thereto, have signed this Treaty.

Done in triplicate, at the cities of London, Moscow and Washington, this seventh day of February, one thousand nine hundred seventy-one.

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Treaty on the Non-Proliferation of Nuclear Weapons

OPENED FOR SIGNATURE AT: London, Moscow and Washington: 1 July 1968

ENTERED INTO FORCE: 5 March 1970

THE DEPOSITARY GOVERNMENTS: The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapons tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations 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 that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

Article I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear

explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Article III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall he applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (6) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material

and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

Article IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organisations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world,

Article V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through

an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

Article VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good, faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Article VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

Article VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that: the

purposes of the Preamble and the provisions of the Treaty are being realised. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

Article IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations

Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

Article XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in triplicate, at the cities of London, Moscow and Washington, the first day of July, one thousand nine hundred and sixty-eight.

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Text of the Treaty on the Non-Proliferation of Nuclear Weapons*

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear

* The Treaty was opened for signature at London, Moscow and Washington on 1 July 1968 and entered into force on 5 March 1970. The text of the Treaty was first published by the United Nations as an annex to General Assembly resolution 2373 (XXII) of 12 June 1968.

explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapons tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations 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 that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

Article I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise

acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Article III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: *(a)* source or special fissionable material, or *(b)* equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

Article IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organisations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

Article V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

Article VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Article VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

Article VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realised. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

Article IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall

continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

Article XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in triplicate, at the cities of London, Moscow and Washington, the first day of July, one thousand nine hundred and sixty-eight.

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Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (14 February, 1967)

OPENED FOR SIGNATURE AT: Mexico city 14 February 1967
ENTERED INTO FORCE: For each Government individually
DEPOSITARY GOVERNMENT: Mexico
TOTAL NUMBER OF PARTIES AS OF 31 DECEMBER 1992: 33

PREAMBLE

In the name of their peoples and faithfully interpreting their desires and aspirations, the Governments of the States which sign the Treaty for the Prohibition of Nuclear Weapons in Latin America,

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighbourliness,

Recalling that the United Nations General Assembly, in its Resolution 808 (IX), adopted unanimously as one of the three points of a coordinated programme of disarmament "the total prohibition of the use and manufacture of nuclear weapons and Weapons of mass destruction of every type"

Recalling that militarily denuclearized zones are not an end in themselves but father a means for achieving general and complete disarmament at a later stage,

Recalling United Nations General Assembly Resolution 1911 (XVIII), which established that the measures that should be agreed upon for the denuclearisation of Latin America should be taken in the light of the principles of the Charter of the United Nations and of regional agreements"

Recalling United Nations General Assembly Resolution 2028 (XX), which established the principle of an acceptable balance of mutual responsibilities and duties for the nuclear and non-nuclear powers, and

Recalling that the Charter of the Organisation of American States proclaims that it is an essential purpose of the Organisation to strengthen the peace and security of the hemisphere.

Convinced:

That the incalculable destructive power of nuclear weapons has made it imperative that the legal prohibition of war should be strictly observed in practice if the survival of civilisation and of mankind itself is to be assured,

That nuclear weapons, whose terrible effects are suffered indiscriminately and inexorably, by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth

That general and complete disarmament under effective international control is a vital matter which all the peoples of the world equal demand,

That the proliferation of nuclear weapons, which seems inevitable unless States, in the exercise of their sovereign rights, impose restrictions on themselves in order to prevent it, would make any agreement on disarmament enormously difficult and would increase the danger of the outbreak of a nuclear conflagration

That the establishment of militarily denuclearized zones is closely linked with the maintenance, of peace and security in the respective regions,

That the military denuclearisation of vast geographical zones adopted by the sovereign decision of the States comprised therein, exercise a beneficial influence on other regions where similar conditions exit.

That the privileged situation of the signatory States, whose territories are wholly free from nuclear weapons, imposes upon them the inescapable duty of preserving that situation both in their own interests and for the good of mankind,

That the existence of nuclear weapons in any country of Latin America would make it a target for possible nuclear attacks and would inevitably set off, throughout the region, a ruinous race in nuclear weapons which would involve the unjustifiable diversion, for warlike

purposes, of the limited resources required for economic and social development,

That the foregoing reasons, together with the traditional peace-loving outlook of Latin America, give rise to an inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American countries should use their right to the greatest and most equitable possible access to this new source of energy in order to expedite the economic and social development of their peoples,

Convinced finally:

That the military denuclearisation of Latin America—being understood to mean the undertaking entered into internationally in this Treaty to keep their territories forever free from nuclear weapons—will constitute a measure which" will spare their peoples from the squandering of their limited resources on nuclear armaments and will protect them against possible nuclear attacks on their territories, and will also constitute a significant contribution towards preventing the proliferation of nuclear weapons and a powerful factor for general and complete disarmament, and

That Latin America, faithful to its; tradition of universality, must not only endeavour to banish from its homelands the scourge of a nuclear war, but must also strive to promote the well-being and advancement of its peoples, at the same time co-operating in the fulfilment of the ideals of mankind, that is to say, in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all, in accordance with the principles and purposes set forth in the Charter of the United Nations and in the Charter of the Organisation of American States,

Have agreed as follows:

Article 1

Obligations

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:

(a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and

(b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorising directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon

Article 2

Definition of the Contracting Parties

For the purpose of this Treaty the Contracting parties are those for whom the Treaty is in force.

Article 3

Definition of Territory

For the purposes of this Treaty, the term “territory” shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation.

Article 4

Zone of Application

1. The zone of application of this Treaty is the whole of the territories for which the Treaty is in force.

2. Upon fulfillment of the requirements of Article 28, paragraph 1, the zone of application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude from there directly eastward to a point at 30^{0} north latitude, 50^{0} west longitude; from there, along a loxodromic line to a point at 5^{0} north latitude, 20^{0} west longitude; from there, directly southward to a point at 60^{0} south latitude, 115^{0} west longitude; form there, directly, westward to a point at 0 latitude, 115^{0} west longitude; from there, along a loxodromic line to a point at 35^{0} north latitude, 75^{0} west longitude. 150^{0} west longitude; from there, directly eastward to a point at 35^{0} north latitude, 75^{0} west longitude.

Article 5

Definition of Nuclear Weapons

For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof.

Article 6

Meeting of Signatories

At the request of any of the signatory States or if the Agency established by Article 7 should so decide, a meeting of all the signatories may be convoked to consider in common questions which may affect the very essence of this instrument, including possible amendments to it. In either case, the meeting will be convoked by the General Secretary.

Article 7

Organisation

1. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organisation to be known as the Agency for the Prohibition of Nuclear Weapons in Latin America, hereinafter referred to as "the Agency". Only the Contracting Parties shall be affected by its decisions.

2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising therefrom.

3. The Contracting Parties agree to extend to the Agency full and prompt co-operation in accordance with the provisions of this Treaty, of any agreements they may conclude with the Agency and of agreements the Agency may conclude with any other international organisation or body.

4. The headquarters of the Agency shall be in Mexico City.

Article 8

Organs

1. There are hereby established as principal organs of the Agency a General Conference, a Council and a Secretariat.

2. Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

Article 9

The General Conference

1. The General Conference, the supreme organ of the Agency, shall be composed of all the Contracting Parties; it shall hold regular sessions every two years, and may also hold special sessions whenever this Treaty so provides or, in the opinion of the Council, the circumstances so require.

2. The General Conference:

(a) May consider and decide on any matters or questions covered by this Treaty, within the limits thereof, including those referring to powers and functions of any organ provided for in this Treaty;

(b) Shall establish procedures for the control system to ensure observance of this Treaty in accordance with its provisions;

(c) Shall elect the Members of the Council and the General Secretary;

(d) May remove the General Secretary from office if the proper functioning of the Agency so requires;

(e) Shall receive and consider the biennial and special reports submitted by the Council and the General Secretary.

(f) Shall initiate and consider studies designed to facilitate the optimum fulfilment of the aims of this Treaty, without prejudice to the power of the General Secretary independently to carry out similar studies for submission to and consideration by the Conference.

(g) Shall be the organ competent to authorise the conclusion of agreements with Governments and other international organisations and bodies.

3. The General Conference shall adopt the Agency's budget and fix the scale of financial contributions to be paid by Member States, taking into account the systems and criteria used for the same purpose by the United Nations.

4. The General Conference shall elect its officers for each session and may establish such subsidiary organs as it deems necessary for the performance of its functions.

5. Each Member of the Agency shall have one vote. The decisions of the General Conference shall be taken by a two-thirds majority of the Members present and voting i the case of member relating to the control system and measures referred to in Article 20, the admission of new Members, the election or removal of the General Secretary, adoption of the budget and matters related thereto. Decisions on other matters, as well as procedural questions and also determination of which questions must be decided by a two-thirds majority, shall be taken by a simple majority of the Members present and voting.

6. The General Conference shall adopt its own rules of procedure

Article 10

The Council

1. The Council shall be composed of five Members of the Agency elected by the General Conference from among the Contracting Parties, due account being taken of equitable geographic distribution.

2. The Members of the Council shall be elected for a term of four years. However, in the first election three will be elected for two years. Outgoing Members may not be re-elected for the following period unless the limited number of States for which the Treaty is in force so requires.

3. Each Member of the Council shall have one representative.

4. The Council shall be so organized as to be able to function continuously.

5. In addition to the functions conferred upon it by this Treaty and to those which may be assigned to it by the General Conference, the Council shall, through the General Secretary, ensure the proper operation of the control system in accordance with the provisions of this Treaty and with the decisions adopted by the General Conference

6. The Council shall submit an annual report on its work to the General Conference as well as such special reports as it deems necessary or which the General Conference requests of it.

7. The Council shall elect I its officers for each session.

8. The decisions of the Council shall be taken by a simple majority of its Members present and voting.

9. The Council shall adopt its own rules of procedure.

Article 11

The Secretariat

1. The Secretariat shall consist of a General Secretary, who shall be the chief administrative officer of the. Agency, and of such staff as

the Agency may require. The term of office of the General Secretary shall be four years and he may be re-elected for a single additional term. The General Secretary may not be a national" of the country in which the Agency has its headquarters. In case the office of General Secretary becomes vacant, a new election shall be held to fill the office for the remainder of the term.

2. The staff of the Secretariat shall be appointed by the General Secretary, in accordance with rules laid down by the General Conference.

3. In addition to the functions conferred upon him by this Treaty and to those which may be assigned to him by the General Conference, the General Secretary shall ensure, as provided by Article 10, paragraph 5, the proper operation of the control system established by this Treaty, in accordance with the provisions of the Treaty and the decisions taken by the General Conference.

4. The General Secretary shall act in that capacity in all meetings of the General Conference and of the Council and shall make an annual report to both bodies on the work of the Agency and any special reports requested by the General Conference or the Council or which the General Secretary may deem desirable.

5. The General Secretary shall establish the procedures for distributing to all Contracting Parties information received by the Agency from governmental sources and such information from non-governmental sources as may be of interest to the Agency.

6. In the performance of their duties the General Secretary and the staff shall not seek or receive instructions from any Government or from any other authority external to the Agency and shall refrain from any action which might reflect on their position as international officials responsible only to the Agency; subject to their responsibility to the Agency, they shall not disclose any industrial secrets or other confidential information coming to their knowledge by reason of their official duties in the Agency.

7. Each of the Contracting Parties undertakes to respect the exclusively international character of the responsibilities of the General Secretary and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 12

Control System

1. For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with Article 1, a

control system shall be established which shall be put into effect in accordance with the provisions of Articles 13-18 of this Treaty.

2. The control system shall be used in particular for the purpose of verifying:

(a) That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons;

(b) That none of the activities prohibited in Article 1 of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad; and

(c) That explosion for peaceful purpose are compatible with Article 18 of this Treaty.

Article 13

IAEA Safeguards

Each Contracting Party shall negotiate multilateral of bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities, Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the date of the initiation of such negotiations except in case of unforeseen circumstances or *force majeure.*

Article 14

Reports of the Parties

1. The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

2. The Contracting Parties shall simultaneously transmit to the Agency a copy of any report they may submit to the International Atomic Energy Agency which relates to matters that are the subject of this Treaty and to the application of safeguards.

3. The Contracting Parties shall also transmit to the Organisation of American States, for its information, any reports that may be of interest to it, in accordance with the obligations established by the Inter-American System.

Article 15

Special Reports Requested by toe General Secretary

1. With the authorisation of the Council, the General Secretary may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any event or circumstance connected with compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the Generals-Secretary.

2. The General Secretary shall inform the Council and the Contracting Parties forth with of such requests and of the respective replies.

Article 16

Special Inspections

1. The International Atomic Energy Agency and the Council established by this Treaty have the power of carrying out special inspections in the following cases:

(a) In the case of the International Atomic Energy Agency, in accordance with the agreements referred to in Article 13 of this Treaty;

(b) In the case of the Council:

(i) When so requested, the reasons for the request being stated, by any Party which suspects that some activity prohibited by this Treaty has been carried out or is about to be carried out, either in the territory of any other Party or in any other place on such latter Party's behalf, the Council shall immediately arrange for such an inspection in accordance with Article 10, paragraph 5;

(ii) When requested by any Party which has been suspected of or charged with having violated this Treaty, the Council shall immediately arrange for the special inspection requested in accordance with Article 10, paragraph 5.

The above requests will be made to the Council through the General Secretary.

2. The costs and expenses of any special inspection carried out under paragraph 1, subparagraph *(b),* sections (i) and (ii) of this Article shall be borne by the requesting Party or Parties, except where the Council concludes on the basis of the report on the special inspection

that in view of the circumstances existing in the case, such costs and expenses should be borne by the Agency.

3. The General Conference shall formulate) the procedures for the organisation and execution of the special inspections carried out in accordance with paragraph 1, subparagraph *(b),* sections (i) and (ii) of this Article.

4. The Contracting Parties undertake to grant the inspectors carrying out such special inspections full and free access to all places and all information which may be necessary for the performance of their duties and which are directly and intimately connected with the suspicion of violation of this Treaty. If so requested by the authorities of the Contracting Party in whose territory the inspection is carried out, the inspectors designated by the General Conference shall be accompanied by representatives of said authorities, provided that this does not in any way delay or hinder the work of the inspectors.

5. The Council shall immediately transmit to all the Parties, through the General Secretary, a copy of any report resulting from special inspections.

6. Similarly, the Council shall send through the General Secretary to the Secretary-General of the United Nations, for transmission to the United Nations Security Council and General Assembly, and to the Council of the Organisation of American States, for its information, a copy of any report resulting from any special inspection carried out in accordance with paragraph 1, subparagraph (b), sections (i) and (ii) of this Article.

7. The Council may decide, or any Contracting Party may request, the convening of a special session of the General Conference for the purpose of considering the reports resulting from any special inspection. In such a case, the General Secretary shall take immediate steps to convene the special session requested.

8. The General Conference, convened in special session under this Article, may make recommendations to the Contracting Parties and submit reports to the Secretary-General of the United Nations to be transmitted to the United Nations Security Council and the General Assembly.

Article 17

Use of Nuclear Energy for Peaceful Purpose

Nothing in the provisions of This Treaty shall prejudice the rights of the Contracting Parties, in conformity with this Treaty, to use nuclear

energy for peaceful purposes, in particular for their economic development and social progress.

Article 18

Explosions for Peaceful Purpose

1. The Contracting Parties may carry out explosions of nuclear devices for peaceful purposes—including explosions which involve devices similar to those used in nuclear weapons—or collaborate with third parties for the same purpose provided that they do so in accordance with the provisions of this Article and the other Articles of the Treaty, particularly Articles 1 and 5.

2. Contracting Parties intending to carry out, or to co-operate in carrying out, such an explosion shall notify the Agency and the International Atomic Energy Agency, as far in advance as the circumstances require, of the date of the explosion and shall at the same time provide the following information:

(a) The nature of the nuclear device and the source from which it was obtained;

(b) The place and purpose of the planned explosion;

(c) The procedures which win be followed in order to comply with paragraph 3 of this Article ;

(d) The expected force of the device; and

(e) The fullest possible information on any possible radioactive fall-out that may result from the explosion or explosions, and measures which will be taken to avoid danger to the population, flora, fauna and territories of any other Party or Parties.

3. The General Secretary and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to ascertain whether the device and the procedures followed during the explosion are in conformity with the information supplied under paragraph 1 of this Article and the other provisions of this Treaty.

4. The Contracting Parties may accept the collaboration of third parties for the purposes set forth in paragraph 1 of the present Article, in accordance with paragraphs 2 and 3 thereof.

Article 19

Relations with other International Organisations

1. The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General Conference and as it considers likely to facilitate the efficient operation of the control system established by this Treaty.

2. The Agency may also enter into relations with any international organisation or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.

3. The Contracting Parties may, if they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute.

Article 20

Measures in the Event of Violation of the Treaty

1. The General Conference shall take note of all cases in which, in its opinion, any Contracting Party is not complying fully with its obligations under this Treaty and shall draw the matter to the attention of the Party concerned, making such recommendations as it deems appropriate.

2. If, in its opinion, such non-compliance constitutes a violation of this Treaty which might endanger peace and security, the General Conference shall report thereon simultaneously to the United Nations Security Council and the General Assembly through the Secretary-General of the United Nations, and to the Council of the Organisation of American States. The General Conference shall likewise report to the International Atomic Energy Agency for such purposes as are relevant in accordance ‘ with its Statute.

Article 21

United nations and Organisation of American States

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of States Members of the Organisation of American States, under existing regional treaties.

Article 22

Privileges and Immunities

1. The Agency shall enjoy in the territory of each of the Contracting Parties such legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its purposes.

2. Representatives of the Contracting parties accredited to the Agency and officials of the Agency shall similarly enjoy such privileges and immunities as are necessary for the performance of their functions.

3. The Agency may conclude agreements with the Contracting Parties with a view to determining the details of the application of paragraphs 1 and 2 of this Article.

Article 23

Notification of Other Agreements

Once this Treaty has entered into force, the Secretariat shall be notified immediately of any international agreement concluded by any of the Contracting Parties on matters with which this Treaty is concerned; the Secretariat shall register it and notify the other Contracting Parties.

Article 24

Settlement of Disputes

Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.

Article 25

Signature

1. This Treaty shall be open indefinitely for signature by:
   (a) All the Latin American Republics, and
   (b) All other sovereign States situated in their entirety south of latitude 35° north in the western hemisphere; and, except as provided in paragraph 2 of this Article, all such States which become sovereign, when they have been admitted by the General Conference.

2. The General Conference shall not take any decision regarding the admission of a political entity part or all of whose territory is the subject, prior to the date when this Treaty is opened for signature, of a dispute or claim between an extra-continental country and one or more Latin American States, so long as the dispute has not been settled by peaceful means.

Article 26

Ratification and Deposit

1. This Treaty shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.

2. This Treaty and the instruments of ratification shall be deposited with the Government of the Mexican United States; which is hereby designated the Depositary Government.

3. The Depositary Government shall send certified copies of this Treaty to the Governments of signatory States and shall notify them of the deposit of each instrument of ratification.

Article 27

Reservations

This Treaty shall not be subject to reservations.

Article 28

Entry into Force

1. Subject to the provisions of paragraph 2 of this Article, this Treaty shall enter into force among the States that have ratified it as soon as the following requirements have been met:

(a) Deposit of the instruments of ratification of this Treaty with the Depositary Government by the Governments of the States mentioned in Article 25 which are in existence on the date when this Treaty is opened for signature and which are not affected by the provisions of Article 25, paragraph 2;

(b) Signature and ratification of Additional Protocol I annexed to this Treaty by all extra-continental or continental States having *de jure* or d*e facto* international responsibility for territories situated in the zone of application of the Treaty;

(c) Signature and ratification of the Additional Protocol II annexed to this Treaty by all powers possessing nuclear weapons;

(d) Conclusion of bilateral or multilateral agreements on the application of the Safeguards System of the International Atomic Energy Agency in accordance with Article 13 of this Treaty.

2. All signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.

3. As soon as this Treaty has entered force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government shall convene a preliminary meaning of those States in order that the Agency may be set up and commence its work.

4. After the entry into force of this Treaty for all the countries of the zone, the rise of a new power possessing nuclear weapons shall hive the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, subparagraph *(c)* of this Article, and which request such suspension; the Treaty shall remain suspended until the new power, on its own initiative or upon request by the General Conference, ratifies the annexed Additional Protocol II.

Article 29

Amendments

1. Any Contracting Party may propose amendments to this Treaty and shall submit its proposals to the Council through the General Secretary, who shall transmit them to all the other Contracting Parties and in addition to all other signatories in accordance with Article 6 The Council, through the General Secretary, shall immediately following the meeting of signatories convene a special session of the General Conference to examine the proposals made, for the adoption of which a two-thirds majority of the Contracting Parties present and voting shall be required.

2. Amendments adopted shall enter into force as soon as the requirements set forth in Article 28 of this Treaty have been complied with.

Article 30

Duration and Denunciation

1. This Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the General Secretary of the Agency if, in the opinion of the denouncing State, there have arisen or may arise circumstances connected with the content of this Treaty or of the annexed Additional Protocols I and II which affect its supreme interests or the peace and security of one or more Contracting Parties.

2. The denunciation shall take effect three months after the delivery to the General Secretary of the Agency of the notification by the Government of the signatory State concerned. The General Secretary, shall immediately communicate such notification to the other Contracting Parties and to the Secretary-General of the United Nations for the information of the United Nations Security Council and the General Assembly, He shall also communicate it to the Secretary-General of the Organisation of American States.

Article 31

Authentic Texts and Registration

This Treaty, of which the Spanish, Chinese, English, French, Portuguese and Russian texts are equally authentic, shall be registered by the Depositary Government in accordance with Article 102 of the United Nations Charter. The Depositary Government shall notify the Secretary-General of the United Nations of the signatures, ratifications and amendments relating to this Treaty and shall communicate them to the Secretary-General of the Organisation of American States for its information.

Transitional Article

Denunciation of the declaration referred to in Article 28, paragraph 2, shall be subject to the same procedures as the denunciation of this Treaty, except that it will take effect on the date of delivery of the respective notification.

In witness where OF the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Treaty on behalf of their respective Governments.

Done at Mexico, Distrito Federal, on the Fourteenth day of February, one thousand nine hundred and sixty-seven.

Additional Protocol I

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments.

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far us lies in their power, towards ending the armaments race, especially in the of nuclear weapons, and towards strengthening a world peace, on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1

To undertake to apply the statute of denuclearisation in respect of warlike purposes as defined in Article 1, 3, 5 and 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America in territories for which, *de jure* or *de facto,* they are internationally responsible and which lie within the limits of the geographical zone established in that Treaty.

Article 2

The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this

Protocol is an annex, and the provisions regarding ratification and denunciation contained in the Treaty shall be applicable to it.

Article 3

This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Protocol on behalf of their respective Governments.

Additional Protocol II

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution "Ml (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards promoting and strengthening a world at peace based on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1

The statute of denuclearisation of Latin America in respect of warlike purposes, as defined, delimited and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this instrument is an annex, shall be fully respected by the Parties to this Protocol in all its express aims and provisions.

Article 2

The Governments represented by the undersigned Plenipotentiaries undertake, therefore, not to contribute in any way to the performance of acts involving a violation of the obligations of Article 1 of the Treaty in the territories to which the Treaty applies in accordance with Article 4 thereof.

Article 3

The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America.

Article 4

The duration of this Protocol shall he the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the definitions of territory and nuclear weapons set forth in Articles 3 and 5 of THE Treaty shall he

applicable to this Protocol, as well as the provisions regarding ratification, reservations, denunciation, authentic texts and registration contained in Articles 26, 27, 30 and 31 of the Treaty.

Article 5

This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof, the undersigned Plenipotentiaries, having deposited their full powers, found to be in good and due form, hereby sign this Additional Protocol on behalf of their respective Governments.

Amendment to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean Pursuant to Resolution 268 (XII)

Article 25, paragraph 2, of the Treaty should be replaced by the following text:

> "The status of State Party to the Treaty of Tlatelolco shall be restricted to the independent States within the zone of application of the Treaty, in accordance with Article 4 thereof and with paragraph 1 of this Article, which on 10 December 1985 were Members of the United Nations, and to the Non-Self-Governing Territories specified in document OEA/CER.P.AG/doc. 1939/85 of 5 November 1985, when they attain their independence."

Amendments to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean Pursuant to Resolution 290 (VII)

Article 14

2. The Contracting Parties shall simultaneously forward to the Agency copies of the reports submitted to the International Atomic Energy Agency with regard to matters that are subject of this Treaty that are relevant to the work of the Agency.

3. The information furnished by the Contracting Parties cannot be, totally or partially, disclosed or transmitted to third parties, by the recipients of the reports, except when the Contracting Parties give their express consent.

Article 15

1. At the request of any of the Parties and with the authorisation of the Council, the General Secretary may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any extraordinary event or

circumstance which may affect compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to cooperate promptly and fully with the General Secretary.

2. The General Secretary shall immediately inform the Council and the Contracting Parties of such requests and the respective replies.

Current Article 16 shall be replaced by the following text:

Article 16

1. The International Atomic Energy Agency has the power of carrying out special inspections, subject to Article 1*2* and to the agreements referred to in Article 13 of this Treaty,

2. At the request of any of the Contracting parties in accordance with the procedures established in Article 15 of this Treaty the Council shall submit for consideration by the International Atomic Energy Agency a request that the necessary mechanisms be put into operation to carry out a special inspection.

3. The General Secretary shall request the Director General of the International Atomic Energy Agency opportunely to transmit to him the information forwarded for the knowledge of the Board of Governors of the International Atomic Energy Agency with regard to the conclusion of the special inspection. The General Secretary shall promptly make this information known to the Council.

4. The Council, through the General Secretary, shall transmit said information to all the Contracting Parties.

Article 19

The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General Conference and as it considers likely to facilitate the efficient operation of the control system established in the present Treaty.

And the remaining Articles, from Article 20 onwards, shall be renumbered:

Article 20

1. The Agency may also enter into relations with any international organisation or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.

2. The Contracting Parties may, they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute

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Treaty on Principles Governing the Activities of States in the Exploration and use of Outer Space, including the Moon and Other Celestial Bodies (1967)

OPENED FOR STATURE AT: London, Moscow and Washington: 27 January 1967

ENTERED INTO FORCE: 10 October 1967

THE DEPOSITARY GOVERNMENTS: The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America

The States Parties to this Treaty,

Inspired by the great prospects opening up before mankind as a result of man's entry into outer space,

Recognising the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes,

Believing that the exploration and use of outer space should be carried on for the benefit of all peoples irrespective of the degree of their economic or scientific development,

Desiring to contribute to broad international co-operation in the scientific as well as the legal aspects of the exploration and use of outer space for peaceful purposes,

Believing that such co-operation will contribute to the development of mutual understanding and to the strengthening of friendly relations between States and peoples,

Recalling resolution 1962 (XVIII), entitled "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space", which was adopted unanimously by the United Nations General Assembly on 13 December 1963,

Recalling resolution 1884 (XVIII), calling upon States to refrain from placing in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction or from installing such weapons on celestial bodies, which was adopted unanimously by the United Nations General Assembly on 17 October 1963,

Taking account of United Nations General Assembly' resolution 110 (II) of 3 November 1947, which condemned propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, and considering that the aforementioned resolution is applicable to outer space,

Convinced that a Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, will further the Purposes and Principles of the Charter of the United Nations,

Have agreed on the following:

Article I

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind.

Outer space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.

There shall be freedom of scientific investigation in outer space, including the moon and other celestial bodies, and States shall facilitate and encourage international co-operation in such investigation.

Article II

Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.

Article III

States Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the moon and other celestial bodies, in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding.

Article IV

States Parties to the Treaty undertake not to place in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, instal such weapons on celestial bodies, or station such weapons in outer space in any other manner.

The moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on celestial bodies shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration of the moon and other celestial bodies shall also not be prohibited.

Article V

States Parties to the Treaty shall regard astronauts as envoys of mankind in outer space and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of another State Party or on the high seas. When astronauts make such a landing, they shall be safely and promptly returned to the State of registry of their space vehicle.

In carrying on activities in outer space and on celestial bodies, the astronauts of one State Party shall render all possible assistance to the astronauts of other States Parties.

States Parties to the Treaty shall immediately inform the other States Parties to the Treaty or the Secretary-General of the United Nations of any phenomena they discover in outer space, including the moon and other celestial bodies, which could constitute a danger to the life or health of astronauts.

Article VI

States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer space, including the moon and other celestial bodies, shall require authorisation and continuing supervision by the appropriate State Party to the Treaty. When activities are carried on in outer space, including the moon and other celestial bodies, by an international organisation, responsibility for compliance with this Treaty shall be

borne both by the international organisation and by the States Parties to the Treaty participating in such organisation.

Article VII

Each State Party to the Treaty that launches or procures the launching of an object into outer space, including the moon and other celestial bodies, and each State Party from whose territory or facility an object is launched, is internationally liable for damage to another State Party to the Treaty or to its natural or juridical persons by such object or its component parts on the Earth", in air space or in outer space, including the moon and other celestial bodies.

Article VIII

A State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on; a celestial body. Ownership of objects launched into outer space, including objects landed or constructed on a celestial body, and of their component parts, is not affected by their presence in outer space or on a celestial body or by their return to the Earth. Such objects or component parts found beyond the limits of the State Party to the Treaty on whose registry they are carried shall be returned to that State Party, which shall, upon request, furnish identifying data prior to their return.

Article IX

In the exploration and use of outer space, including the moon and other celestial bodies, States Parties to the Treaty shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space, including the moon and other celestial bodies, with due regard to the corresponding interests of all other States Parties to the Treaty. States Parties to the Treaty shall pursue studies of outer space, including the moon and other celestial bodies, and conduct exploration of them so as to avoid their harmful contamination and also adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter and, where necessary, shall adopt appropriate measures for this purpose. If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and use of outer space, including the moon and other celestial bodies, it shall undertake appropriate international

consultations before proceeding with any such activity or experiment. A State Party to the Treaty which has reason to believe that an activity or experiment planned by another State Party in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities in the peaceful exploration and use of outer space, including the moon and other celestial bodies, may request consultation concerning the activity or experiment.

Article X

In order to promote international co-operation in the exploration and use of outer space, including the moon and other celestial bodies, in conformity with the purposes of this Treaty;- the States Parties to the Treaty shall consider on a basis of equality any requests by other States Parties to the Treaty to be afforded an opportunity to observe the flight of space objects launched by those States.

The nature of such an opportunity for observation and the conditions under which it could be afforded shall be determined by agreement between the States concerned.

Article XI

In order to promote international co-operation in the peaceful exploration and use of outer space, States Parties to the Treaty conducting activities in outer space, including the moon and other celestial bodies, agree to inform the Secretary-General of the United Nations as well as the public and the international scientific community, to the greatest extent feasible and practicable, of the nature, conduct, locations and results of such activities. On receiving the said information, the Secretary-General of the United Nations should be prepared to disseminate it immediately and effectively.

Article XII

All stations, installations, equipment and space vehicles on the moon and other celestial bodies shall be open to representatives of other States Parties to the Treaty on a basis of reciprocity. Such representatives shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited.

Article XIII

The provisions of this Treaty shall apply to the activities of States Parties to the Treaty in the exploration and use of outer space, including

the moon and other celestial bodies, whether such activities are carried on by a single State Party to the Treaty or jointly with other States, including cases where they are carried on within the framework of international inter-governmental organisations.

Any practical questions arising in connexion with activities carried on by international inter-governmental organisations in the exploration and use of outer space, including the moon and other celestial bodies, shall be resolved by the States Parties to the Treaty either with the appropriate international organisation or with one or more States members of that international organisation, which are Parties to this Treaty.

Article XIV

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force upon the deposit; of instruments of ratification by five Governments including the Governments designated as Depositary Governments under this Treaty.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force and other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it.

Article XVI

Any State Party to the Treaty may give notice of its withdrawal from the Treaty one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XVII

This Treaty, of which the English, Russian, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in triplicate, at the cities of London, Moscow and Washington, the twenty-seventh day of January, one thousand nine hundred and sixty-seven.

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Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (1963)

OPENED FOR SIGNATURE: At London, Moscow and Washington, 8 August 1963

ENTERED INTO FORCE: 10 October 1963

THE DEPOSITARY GOVERNMENTS: Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the "Original Parties",

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,

Have agreed as follows:

Article I

1. Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere; beyond its limits, including outer space; or under water, including territorial waters or high seas; or

(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

2. Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.

Article II

1. Any Party may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all of the Original Parties.

Article III

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Original Parties—the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics—which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all the Original Parties and the deposit of their instruments of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article IV

This Treaty shall be of unlimited duration.

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

Article V

This Treaty, of which the English and Russian texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in triplicate at the city of Moscow the fifth day of August, one thousand nine hundred and sixty-three.

For the Government of the United States of America:	*For the Government of the United Kingdom of Great Britain and Northern Ireland:*	*For the Government of the Union of Soviet Socialist Republics:*
Dean Rusk	Home	A. Gromyko

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Treaty Banning Nuclear Weapon Tests in the Atmosphere, Outer Space and Under Water

ALSO KNOWN AS: Limited Test Ban Treaty, Partial Test Ban Treaty

DATE OF SIGNATURE: August 5, 1963

PLACE OF SIGNATURE: Moscow Signatory states: Afghanistan, Algeria, Australia, Austria, Belgium, Benin, Bolivia, Brazil, Bulgaria, Burundi, Byelorussia, Cameroon, Canada, Chad, Chile, Colombia, Costa Rica, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, Gabon, German Democratic Republic, federal Republic of Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Republic of Korea, Kuwait, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, Senegal, Sierra Leone, Somalia, Soviet Union, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syria, Taiwan, Tanzania, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Yemen Arab Republic, Yugoslavia, Zaire

RATIFICATIONS: Afghanistan, Australia, Austria, Bahamas, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Byelorussia, Canada, Cape Verde, Central African Republic, Chad, Chile, Costa Rica, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Federal Republic of Germany, Ghana,

Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Republic of Korea, Kuwait, Laos, Lebanon, Libya, Luxembourg, Madagascar, Malawi, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Papua New Guinea, Peru, Philippines, Poland, Romania, Rwanda, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Soviet Union, Spain, Sri Lanka, Sudan, Swaziland, Syria, Taiwan, Tanzania, Thailand, Togo, Tonga, Trinidad and Tobago, Turkey, Uganda, United Kingdom, United States, Uruguay, Venezuela, People's Democratic Republic of Yemen, Yugoslavia, Zaire, Zambia.

DATE OF ENTRY INTO FORCE: October 10, 1963

[The signatories],

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons.

Seeking to achieve the discontinuance of all test explosions of. nuclear weapons for all time, determined to Continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances, Have agreed as follows:

Article I

1. Each of the Parties of this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere; beyond its limits, including outer space; or underwater, including territorial waters or high seas; or

(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

2. Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.

Article II

1. Any Party may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all of the Original Parties.

Article III

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposit with the Governments of the Original parties the United States of America, the United kingdom of great Britain, and Northern Ireland, and the Union of Soviet Socialist Republics—which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all the Original Parties and the deposit of their instruments of ratification.

4. For States whose instruments of ratification accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices

6. This Treaty shall be registered by the Depositary Governments pursuant of Article 102 of the Charter of the United Nations.

Article IV

This Treaty shall be of unlimited duration.

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

Article V

This Treaty, of which the English and Russian texts are equally authentic, shall be deposited in the archives of the Depositary Governments, Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

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The Antarctic Treaty

SIGNED IN WASHINGTON: 1 December 1959

ENTERED INTO FORCE: 23 June 1961

THE DEPOSITARY GOVERNMENT: United States of America, The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Recognising that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord;

Acknowledging the substantial contributions to scientific knowledge resulting from international cooperation in scientific investigation in Antarctica;

Convinced that the establishment of a firm foundation for the continuation and development of such cooperation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year accords with the interests of science and the progress of all mankind;

Convinced also that a treaty ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony in Antarctica will further the purposes and principles embodied in the Chatter of the United Nations;

Have agreed as follows:

Article I

1. Antarctica shall be used for peaceful purposes only. There shall be prohibited, *inter alia,* any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons.

2. The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

Article II

Freedom of scientific investigation in Antarctica and cooperation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.

Article III

1. In order to promote international cooperation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the Contracting Parties agree that, to the greatest extent feasible and practicable:

(a) information regarding plans for scientific programmes in Antarctica shall be exchanged to permit maximum economy and efficiency of operations;

(b) scientific personnel shall be exchanged in Antarctica between expeditions and stations;

(c) scientific observations and results from Antarctica shall be exchanged and made freely available.

2. In implementing this Article, every encouragement shall be given to the establishment of cooperative working relations with those Specialized Agencies of the United Nations and other international organisations having a scientific or technical interest in Antarctica.

Article IV

1. Nothing contained in the present Treaty shall be interpreted as:

(a) a renunciation by any Contracting Party of previously, asserted rights of or claims to territorial sovereignty in Antarctica;

(b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;

(c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.

2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of

sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.

Article V

1. Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.

2. In the event of the conclusion of international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, to which all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX are parties, the rules established under such agreements shall apply in Antarctica.

Article VI

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.

Article VII

1. In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled to participate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article. Observers shall be nationals of the Contracting Parties which designate them. The names of observers shall be communicated to every other Contracting Party having the right to designate observers, and like notice shall be given of the termination of their appointment.

2. Each observer designated in accordance with the provisions of paragraph 1 of this Article shall have complete freedom of access at any time to any or all areas of Antarctica.

3. All areas of Antarctica, including all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica, shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of this Article.

4. Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties having the right to designate observers.

5. Each Contracting Party shall, at the time when the present Treaty enters into force for it, inform the other Contracting Parties, and thereafter shall give them notice in advance, of

(a) all expeditions to and within Antarctica, on the part of its ships or nationals, and all expeditions to Antarctica organized in or proceeding from its territory;

(b) all stations in Antarctica occupied by its nationals and

(c) Any military personal or equipment intended to be introduced by it into Antarctica to the conditions prescribed in paragraph 2 of Article I of the present Treaty.

1. In order to facilitate the exercise of their functions under the present Treaty, and without prejudice to the respective positions of the Contracting Parties relating to jurisdiction over all other persons in Antarctica, observers designated under paragraph 1 of Article VII and scientific personnel exchanged under subparagraph 1 (i) of Article III of the Treaty, and members of the staffs accompanying any such persons, shall be subject only to the jurisdiction of the Contracting Party of which they are nationals in respect of all acts or omissions occurring while they are in Antarctica for the purpose of exercising their functions.

2. Without prejudice to the provisions of paragraph 1 of this Article, and pending the adoption of measures in pursuance of sub-paragraph 1 *(e)* of Article IX, the Contracting Parties concerned in any case of dispute with regard to the exercise of jurisdiction in Antarctica shall immediately consult together with a view to reaching a mutually acceptable solution.

Article IX

1. Representatives of the Contracting Parties named in the preamble to the present Treaty shall meet at the City of Canberra within two months after the date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty, including measures regarding:

(a) use of Antarctica for peaceful purposes only;

(b) facilitation of scientific research in Antarctica;

(c) facilitation of international scientific cooperation in Antarctica;

(d) facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty;

(e) questions relating to the exercise of jurisdiction in Antarctica;

(f) preservation and conservation of living resources in Antarctica.

2. Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the despatch of a scientific expedition.

3. Reports from the observers referred to in Article VII of the present Treaty shall be transmitted to the representatives of the Contracting Parties participating in the meetings referred to in paragraph 1 of the present Article.

4. The measures referred to in paragraph 1 of this Article shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures.

5. Any or all of the rights established in the present Treaty may be exercised as from the date of entry into force of the Treaty whether or not any measures facilitating the exercise of such rights have been proposed, considered or approved as provided in this Article.

Article X

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty.

Article XI

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement; but failure to reach

agreement on reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

Article XII

1. (a) The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX. Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

   (b) Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification is received within a period of two years from the date of entry into force of the modification or amendment in accordance with the provisions of subparagraph 1 *(a)* of this Article shall be deemed to have withdrawn from the present Treaty on the date of the expiration of such period.

2. (a) If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.

   (b) Any modification or amendment to the present Treaty which is approved at such a Conference by a majority of the Contracting Parties there represented, including a majority of those whose representatives are entitled to participate in the meetings provided for under Article IX, shall be communicated by the depositary Government to all the Contracting Parties immediately after the termination of the Conference and shall enter into force in accordance with the provisions of paragraph 1 of the present Article.

   (c) If any such modification or amendment has not entered into force in accordance with the provisions of subparagraph 1 (a), of this Article within a period of two years after the date

of its communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present Treaty; and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

Article XIII

1. The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of the United Nations, or by any other State which may be Invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

2. Ratification of or accession to the present Treaty shall be affected by each State in accordance with its constitutional processes.

3. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the depositary Government.

4. The depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.

5. Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its' instrument of accession.

6. The present Treaty shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

Article XIV

The present Treaty, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Governments of the signatory and acceding States.

In Witness whereof, the undersigned Plenipotentiaries, duly authorized, have signed the present Treaty.

Done at Washington this first day of December, one thousand nine hundred and fifty-nine.

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Anti-War Treaty (Non-Aggression and Conciliation) (1933)

ALSO KNOWN AS: Saavedra Lamas Treaty

DATE OF SIGNATURE: October 10, 1933

PLACE OF SIGNATURE: Rio de Janeiro Signatory states', Argentina, Brazil, Chile, Mexico, Paraguay, Uruguay

The States hereinafter named, in an endeavour to contribute to the consolidation of peace, and in order to express their adherence to the effort that all civilized nations have made to further the spirit of universal harmony;

To the end of condemning aggression and territorial acquisitions secured by means of armed conquest and of making them impossible, of sanctioning their invalidity through the positive provisions of this Treaty, and in order to replace them with pacific solutions based upon lofty concepts of justice and equity;

Being convinced that one of the most effective means of insuring the moral and material benefits the world derives from peace is through the organisation of a permanent system of conciliation of international disputes, to be applied upon a violation of the hereinafter mentioned principles, Have decided to record, in conventional form, these aims of non-aggression and concord, through the conclusion of the present Treaty, to which end they have appointed the undersigned Plenipotentiaries, who, after having exhibited their respective full powers, which were found in good and due form, have agreed on the following provisions:

Article I

The High Contracting Parties solemnly declare that they condemn wars of aggression in their mutual relations or against other States

and that the settlement of disputes and controversies shall be effected only through the pacific means established by International Law.

Article II

They declare that between the High Contracting Parties territorial questions must not be settled by resort to violence and that they shall recognise no territorial arrangement not obtained through pacific means, nor the validity of an occupation or acquisition of territory brought about by armed force.

Article III

In case any of the States engaged in the dispute fails to comply with the obligations set forth in the foregoing Articles, the Contracting States undertake to make every effort in their power for the maintenance of peace. To that end, and in their character of neutrals, they shall adopt a common and solidary attitude: they shall exercise the political, juridical or economic means authorized by International Law; they shall bring the influence of public opinion to bear; but in no case shall they resort to intervention either diplomatic or armed. The attitude they may have to take under other collective treaties of which said States are signatories is excluded from the foregoing provisions.

Article IV

The High Contracting Parties, with respect to all controversies which have not been settled through diplomatic channels within a reasonable period, obligate themselves to submit to the conciliatory procedure created by this Treaty, the disputes specifically mentioned, and any others that may arise in their reciprocal relations, without any further limitations than those recited in the following Article.

Article V

The High Contracting Parties and the States which may hereafter accede to this Treaty may not formulate at the moment of signing, ratifying or adhering thereto limitations to the procedure of conciliation other than those indicated below:

(a) Controversies for the settlement of which pacifist treaties, conventions, covenants, or agreements, of any nature, have been concluded. These shall in no case be deemed superseded by this Treaty; to the contrary, they shall be considered as supplemented thereby insofar as they are directed to insure peace. Questions or issues settled by previous treaties are also included in the exception.

(b) Disputes that the Parties prefer to settle by direct negotiation or through submission to an arbitral or judicial procedure by mutual consent.

(c) Issues that International Law leaves to the exclusive domestic jurisdiction of each State, under its constitutional system. On this ground the Parties may object to their being submitted to the procedure of conciliation before the national or local jurisdiction has rendered a final decision. Cases of manifest denial of justice or delay in the judicial proceedings are excepted, and should they arise, the procedure of conciliation shall be started not later than within the year.

(d) Questions affecting constitutional provisions of the Parties to the controversy. In case of doubt, each Party shall request its respective Tribunal or Supreme Court, whenever vested with authority therefor, to render a reasoned opinion on the matter.

At any time, and in the manner provided for in Article XV, any High Contracting Party may communicate the instrument stating that it has partially or totally dropped the limitations set thereby to the procedure of conciliation.

The Contracting Parties shall deem themselves bound to each other in connection with the limitations made by any of them, only to the extent of the exceptions recorded in this Treaty.

Article VI

Should there be no Permanent Commission of Conciliation, or any other international body charged with such a mission under previous treaties in force, the High Contracting Parties undertake to submit their controversies to examination and inquiry by a Commission of Conciliation to be reorganized in the manner hereinafter set forth, except in case of an agreement to the contrary entered into by the Parties in each instance:

The Commission of Conciliation shall consist of five members. Each Party to the controversy shall appoint one member, who may be chosen from among its own nationals. The three remaining members shall be appointed by agreement of the Parties from among nationals of third nations. The latter must be of different nationalities, and shall not have their habitual residence in the territory of the Parties concerned, nor be in the service of either one of them. The Parties shall select the President of the Commission of Conciliation from among these three members.

Should the Parties be unable to agree, they may request a third nation or any other existing international body to make those designations. Should the nominees so designated be objected to by the Parties, or by any of them, each Party shall submit a list containing as many names as vacancies are to be filled, and the names of those to sit on the Commission of Conciliation shall be determined by lot.

Article VII

Those Tribunals or Supreme Courts of Justice vested by the domestic law of each State with authority to interpret, as a Court of sole or final recourse and in matters within their respective jurisdiction, the Constitution, the treaties or the general principles of the Law of Nations, may be preferred for designation by the High Contracting Parties to discharge the duties entrusted to the Commission of Conciliation established in this Treaty. In this event, the Tribunal or Court may be constituted by the whole bench or may appoint some of its members to act independently or in Mixed Commissions organized with justices of other Courts or Tribunals, as may be agreed by the Parties to the controversy.

Article VIII

The Commission of Conciliation shall establish its own Rules of Procedure. Those shall provide, in all cases, for hearing both sides.

The Parties to the controversy may furnish, and the Commission may request from them, all the antecedents and data necessary. The Parties may be represented by agents, with the assistance of counsellors or experts, and may also submit every kind of evidence.

Article IX

The proceedings and discussions of the Commission of Conciliation shall not be made public unless there is a decision to that effect, assented to by the Parties.

In the absence of any provision to the contrary, the Commission shall adopt its decisions by a majority vote; but it may not pass upon the substance of the issue unless all its members are in attendance.

Article X

It is the duty of the Commission to procure a conciliatory settlement of the disputes submitted to it.

After impartial consideration of the questions involved in the dispute, it shall set forth in a report the outcome of its work and shall submit to the Parties proposals for a settlement on the basis of a just and equitable solution.

The report of the Commission shall, in no case, be in the nature of a decision or arbitral award, either in regard to the exposition or interpretation of facts or in connection with juridical consideration or findings.

Article XI

The Commission of Conciliation shall submit its report within a year to be reckoned from the day of its first sitting, unless the Parties decide, by common accord, to shorten or extend that term.

Once started, the procedure of conciliation may only be interrupted by a direct settlement between the Parties, or by their later decision to submit, by common accord, the dispute to arbitration or to an international, court.

Article XII

On communicating its report to the Parties, the Commission of Conciliation shall fix a period of time, which shall not exceed six months, within which the Parties shall pass upon the bases of settlement it has proposed. Once this period of time has expired the Commission shall set forth in a final act the decision of the Parties.

Should the period of time elapse without the Parties having accepted the settlement, nor adopted by common accord another friendly solution, the Parties to the controversy shall regain their freedom of action to proceed as they may see fit within the limitations set forth in Articles I and II of this Treaty.

Article XIII

From the outset of the procedure of conciliation until the expiration of the term set by the Commission for the Parties to make a decision, they shall abstain from any measure which may prejudice the carrying out of the settlement to be proposed by the Commission and, in general, from every act capable of aggravating or prolonging the controversy.

Article XIV

During the procedure of conciliation the members of the Commission shall receive honoraria in the amount to be agreed upon by the Parties to the controversy. Each Party shall bear its own expenses and a moiety of the joint expenses or honoraria.

Article XV

This Treaty shall be ratified by the High Contracting Parties, as soon as possible, in conformity with their respective constitutional procedures.

The original Treaty and the instruments of ratification shall be deposited in the Ministry of Foreign Affairs and Worship of the Argentine Republic, which shall give notice of the ratifications to the other signatory States. The Treaty shall enter into effect for the High Contracting Parties thirty days after deposit of the respective ratifications and in the order in which the same may be made.

Article XVI

This Treaty remains open to the adherence of all the States.

The adherence shall be made through the deposit of the respective instrument with the Ministry of Foreign Affairs and Worship of the argentine Republic, which shall give notice thereof to the other States concerned.

Article XVII

This Treaty is concluded for an indefinite period but it may be denounced by means of one year's previous notice, at the expiration of which it shall cease to be in force as regards the Party denouncing the same, but shall remain in force as regard States which may be Parties thereto under signature or adherence. Notice of the denunciation shall be addressed to the Ministry of Foreign *Affairs and* Worship of the Argentine Republic, which will transmit it to the other States concerned.

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Treaty for the Limitation of Naval Armament (1936)

ALSO KNOWN AS: London Naval Treaty

DATE OF SIGNATURE: March 25, 1936

PLACE OF SIGNATURE: London

SIGNATORY STATES: the United States, the French Republic, Great Britain, Ireland and the British Dominions, India

RATIFICATIONS: The United States, France, United Kingdom, Canada, Australia, New Zealand, India

DATE OF ENTRY INTO FORCE: July 29, 1937

[The signatories],

Desiring to reduce the burdens and prevent the dangers inherent in competition in naval armament; Desiring, in view of the forthcoming expiration of the Treaty for the Limitation of Naval Armament signed at Washington on the 6th February, 1922, and ‘ of the Treaty for the Limitation and Reduction of Naval Armament signed in London on the 22nd April, 1930 (save for Part IV thereof), to make provision for the limitation of naval armament, and for the exchange of information concerning naval construction;

Have resolved to conclude a Treaty for these purposes....[and] have agreed as follows:

PART I

DEFINITIONS

Article 1

For the purposes of the present Treaty, the following expressions are to be understood in the sense hereinafter defined.

A.—Standard Displacement

(1) The standard displacement of a surface vessel is the displacement of the vessel, complete, fully manned, engined, and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war. but without fuel or reserve feed water on board.

(2) The standard displacement of a submarine is the surface displacement of the vessel complete (exclusive of the water in non-watertight structure), fully manned, engined and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions for crew, miscellaneous stores and implement of every description that are intended to be carried in war, but ‘without fuel, lubricating oil. fresh water or ballast water of any kind on board.

(3) The word “ton” except in the expression “metric tons” denotes the ton of 2,240 lb. (1,016 kilos).

B.—Categories

(1) *Capital Ships* are surface vessels of war belonging to one of the two following sub-categories:

(a) Surface vessels of war, other than aircraft-carriers, auxiliary vessels, or capital ship of sub-category *(b),* the standard displacement of which exceeds 10,000 tons (10,160 metric tons) or which carry a gun with a calibre exceeding 8 in. (203 mm.);

(b) Surface vessels of war, other than aircraft-carriers, the standard displacement of which does not exceed 8,000 tons (8,128 metric tons) and which carry a gun with a calibre exceeding 8 in. (203 mm.).

(2) *Aircraft-Carriers* are surface vessels of war, whatever their displacement, designed or adapted primarily for the purpose of carrying and operating aircraft at sea. The fitting of a landing-on or flying-off deck on any vessel of war, provided such vessel has not been designed or adapted primarily for the purpose of carrying -and operating aircraft at sea, shall not cause any vessel so fitted to be classified in the category of aircraft-carriers.

The category of aircraft-carriers is divided into two sub-categories as follows:

(a) Vessels fitted with a flight deck, from which aircraft can take off or on which aircraft can land from the air;

(b) Vessels not fitted with a flight deck as described in (a) above.

(3) *Light Surface Vessels* are surface vessels of war other than aircraft-carriers, minor war vessels or auxiliary vessels, the standard displacement of which exceeds 100 tons (102 metric tons) and does not exceed 10,000 tons (10,160 metric tons), and which do not carry a gun with a calibre exceeding 8 in. (203 mm.).

The category of light surface vessels is divided into three sub-categories as follows:

(a) Vessels which carry a gun with a calibre exceeding 6.1 in. (155mm.);

(b) Vessels which do not carry a gun with a calibre exceeding 6.1 in. (155 mm.) and the standard displacement of which exceeds 3,000 tons (3,048 metric tons);

(c) Vessels which do not carry a gun with a calibre exceeding 6.1 in. (155 mm.) and the standard displacement of which does not exceed 3,000 tons (3,048 metric tons).

(4) *Submarines* are all vessels designed to operate below the surface of the sea.

(5) *Minor War Vessels* are surface vessels of war, other than auxiliary vessels, the standard displacement of which exceeds 100 tons (102 metric tons) and does not exceed 2,000 tons (2,032 metric tons), provided they have none of the following characteristics:

(a) Mount a gun with a calibre exceeding 6.1 in. (155 mm.);

(b) Are designed or fitted to launch torpedoes;

(c) Are designed for a speed greater than twenty knots.

(6) *Auxiliary Vessels* are naval surface vessels the standard displacement of which exceeds 100 tons (102 metric tons) which are normally employed on fleet duties or as troop transports, or in some other way than as fighting ships, and which are not specifically built as fighting ships, provided they have none of the following characteristics:

(a) Mount a gun with a calibre exceeding 6.1 in. (155 mm.);

(b) Mount more than eight guns with a calibre exceeding 3 in. (76 mm.);

(c) Are designed or fitted to launch torpedoes;

(d) Are designed for protection by armour plate;

(e) Are designed for a speed greater than twenty-eight knots;

(f) Are designed or adapted primarily for operating aircraft at sea;

(g) Mount more than two aircraft-launching apparatus.

(7) *Small Craft are* naval surface vessels the standard displacement of which does not exceed 100 tons (102 metric tons).

C.—Over Age

Vessels of the following categories and sub-categories shall be - deemed to be "over-age" when the undermentioned number of years have elapsed since completion:

(a) Capital ships.....26 years.

(b) Aircraft-carriers.....20 years.

(c) Light surface vessels, sub-categories (a) and (b):

(i) If laid down before 1st January, 1920.....16 years.

(ii) If laid down after 31st December, 1919.....20 years.

(d) Light surface vessels, sub-category (c).....16 years.

(e) Submarines. ..13 years

D.—Month

The word "month" in the present Treaty with reference to a period of time denotes the month of thirty days.

PART II
LIMITATION

Article 2

After the date of the coming into force of the present Treaty, no vessel exceeding the limitations as to displacement or armament prescribed by this Part of the present Treaty shall be acquired by any High Contracting Party or constructed by, for or within the jurisdiction of any High Contracting Party.

Article 3

No vessel which at the date of the coming into force of the present Treaty carries guns with a calibre exceeding the limits prescribed by this Part of the present Treaty shall, if reconstructed or modernised, be rearmed with guns of a greater calibre than those previously carried by her.

Article 4

(1) No capital ship shall exceed 35,000 tons (35,560 metric tons) standard displacement.

(2) No capital ship shall carry a gun with a calibre exceeding 14 in. (356 mm.); provided however that if any of the Parties to the Treaty

for the Limitation of Naval Armament signed at Washington on the 6th February, 1922, should fail to enter into an agreement to conform to this provision prior to the date of the coming into force of the present Treaty, but in any case not later than the 1st April, 1937, the maximum calibre of gun carried by capital ships shall be 16 in. (406 mm.).

(3) No capital ship of sub-category (a), the standard displacement of which is less than 17,500 tons (17,780 metric tons), shall be laid down or acquired prior to the 1st January, 1943.

(4) No capital ship, the main armament of which consists of guns of less than 10 in. (254 mm.) calibre, shall be laid down or acquired prior to the 1st January, 1943.

Article 5

(1) No aircraft-carrier shall exceed 23,000 tons (23,368 metric tons) standard displacement or carry a gun with a calibre exceeding 6.1 in. (155 mm.).

(2) If the armament of any aircraft-carrier includes guns exceeding 5.25 in. (134 mm.) in calibre, the total number of guns carried which exceed that calibre shall not be more than ten.

Article 6

(1) No light surface vessel of sub-category (b) exceeding 8,000 tons (8,128 metric tons) standard displacement, and no light surface vessel of sub-category (a) shall be laid down or acquired prior to the 1st January, 1943.

(2) Notwithstanding the provisions of paragraph (1) above, if the requirements of the national security of any High Contracting Party are, in His opinion, materially affected by the actual or authorised amount of construction by any Power of light surface vessels of sub-category (b), or of light surface vessels not conforming to the restrictions of paragraph (1) above, such High Contracting Party shall, upon notifying the other High Contracting Parties of His intentions and the reasons therefor, have the right to lay down or acquire light surface vessels of sub-categories (a) and (b) of any standard displacement up to 10,000 tons (10,160 metric tons) subject to the observance of the provisions of Part III of the present Treaty. Each of the other High Contracting Parties shall thereupon be entitled to exercise the same right.

(3) It is understood that the provisions of paragraph (1) above constitute no undertaking expressed or implied to continue the restrictions therein prescribed after the year 1942.

Article 7

No submarine shall exceed 2,000 tons (2,032 metric tons) standard displacement or carry a gun exceeding 5.1 in. (130 mm.) in calibre.

Article 8

Every vessel shall be rated at its standard displacement, as defined in Article 1A of the present Treaty.

Article 9

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into, vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6.1 in. (US mm.) In calibre.

Article 10

Vessels which were laid down before the date of the coming into force of the present Treaty, the standard displacement or armament of which exceeds the limitations or restrictions prescribed in this Part of the presets Treaty "or their category or sub-category, or vessels which before that date were converted to target use exclusively or retained exclusively for experimental or training purposes under the provisions of previous treaties, shall retain the category or designation which applied to them before the said date.

PART III

ADVANCE NOTIFICATION AND EXCHANGE OF INFORMATION

Article 11

(1) Each of the High Contracting Parties shall communicate every year to each of the other High Contracting Parties information, as hereinafter provided, regarding His annual programme for the construction and acquisition of all vessels of the categories and sub-categories mentioned in Article 12 (a), whether or not the vessels concerned are constructed within His own jurisdiction, and periodical information giving details of such vessels and of any alterations to vessels of the said categories or sub-categories already completed.

(2) For the purposes of this and the succeeding Parts of the present Treaty, information shall be deemed to have reached a High Contracting Party on the date upon which such information is communicated to His Diplomatic Representatives accredited to the High Contracting Party by whom the information is given.

(3) This information shall be treated as confidential until published by the High Contracting Party supplying it.

Article 12

The information to be furnished under the preceding Article in respect of vessels constructed by or for a High Contracting Party shall be given as follows; and so as to reach all the other High Contracting Parties within the periods or at the times mentioned:

(a) Within the first four months of each calendar year, the Annual Programme of construction of all vessels of the following categories and sub-categories, stating the number of vessels of each category or sub-category and, for each vessel, the calibre of the largest gun. The categories and sub-categories in question are:

Capital Ships:

sub-category (a)

sub-category (b) Aircraft-Carriers:

sub-category (a)

sub-category (b) Light Surface Vessels:

sub-category (a)

sub-category (b) sub-category (c) Submarines.

(b) Not less than four months before the date of the laying of the keel, the following particulars in respect of each such vessel:

Name or designation;

Category and sub-category;

Standard displacement in tons and metric tons;

Length at waterline at standard displacement;

Extreme beam at or below waterline at standard displacement;

Mean draught at standard displacement;

Designed horse-power;

Designed speed;

Type of machinery;

Type of fuel;

Number and calibre of all guns of 3 in. (76 mm.) calibre and above;

Approximate number of guns of less than 3 in. (76 mm.) calibre;

Number of torpedo tubes; Whether designed to lay mines;

Approximate number of aircraft for which provision is to be made.

(c) As soon as possible after the laying-down of the keel of each such vessel, the date on which it was laid.

(d) Within one month after the date of completion of each such vessel, the date of completion together with all the particulars specified in paragraph (b) above relating to the vessel on completion.

(e) Annually during the month of January, in respect of vessels belonging to the categories and sub-categories mentioned in paragraph (a) above:

(i) Information as to any important alterations which it may have proved necessary to make during the preceding year in vessels under construction, in so far as these alterations affect the particulars mentioned in paragraph (b) above.

(ii) information as to any important alterations made during the preceding year in vessels previously completed, in so far as these alterations affect the particulars mentioned in paragraph (b) above.

(iii) Information concerning vessels which may have been scrapped or otherwise disposed of during the preceding year. If such vessels are not scrapped, sufficient information shall be given to enable their new status and condition to be determined.

(f) Not less than four months before undertaking such alterations as would cause a completed vessel to come within one of the categories or sub-categories mentioned in paragraph (a) above, or such alterations as would cause a vessel to change from one to another of the said categories or sub-categories: information as to her intended characteristics as specified in paragraph (b) above.

Article 13

No vessel coming within the categories or sub-categories mentioned in Article 12 (a) shall be laid down by any High Contracting Party until after the expiration of a period of four months both from the date on which the Annual Programme in which the vessel is included, and from the date on which the particulars in respect of that vessel prescribed by Article 12 (b), have reached all the other High Contracting Parties.

Article 14

If a High Contracting Party intends to acquire a completed or partially completed vessel coming within the categories or sub-

categories mentioned in Article 12 (a), that vessel shall be declared at the same time and in the same manner as the vessels included in the Annual Programme prescribed in the said Article. No such vessel shall be acquired until after the expiration of a period of four months from the date on which such declaration has reached all the other High Contracting Parties. The particulars mentioned in Article 12 (b), together with the date on which the keel was laid, shall be furnished in respect of such vessel so as to reach all the other High Contracting Parties within one month after the date on which the contract for the acquisition of the vessel was signed. The particulars mentioned in Article 12 (d), (e) and (f) shall be given as therein prescribed.

Article 15

At the time of communicating' the Annual Programme prescribed by Article 12 (a), each High Contracting Party shall inform all the other High Contracting Parties of all vessels included in His previous Annual Programmes and declarations that have not yet been laid down or acquired, but which it is the intention to lay down or acquire during the period covered by the first mentioned Annual Programme.

Article 16

If. before the keel of any vessel coming within the categories or sub-categories mentioned in Article 12 (a) is laid, any important modification is made in the particulars regarding her which have been communicated under Article 12 (b), information concerning this modification shall be given, and the laying of the keel shall be deferred until at least four months after this information has reached all the other High Con tracting Parties.

Article 17

No High Contracting Party shall lay down or acquire any vessel of the categories or sub-categories mentioned in Article 12 (a), which has not previously been included in His Annual Programme of construction or declaration of acquisition for the current year or in any earlier Annual Programme or declaration.

Article 18

If the construction, modernisation or reconstruction of any vessel coming within the categories or sub-categories mentioned in Article 12 (a), which is for the order of a Power not a party to the present Treaty, is undertaken within the jurisdiction of any-High Contracting Party, He shall promptly inform all the other High Contracting Parties of the

date of the signing of the contract and shall also give as soon as possible in respect of the vessel all the information mentioned in Article 12 (b), (c) and (d).

Article 19

Each High Contracting Party shall give lists of all His minor war vessels and auxiliary vessels with their characteristics, as enumerated in Article 12 (b), and information as to the particular service for which they are intended, so as to reach all the other High Contracting Parties within one month after the date of the coming into force of the present Treaty; and, so as to reach all the other High Contracting Parties within the month of January in each subsequent year, any amendments in the lists and changes in the information.

Article 20

Each of the High Contracting Parties shall communicate to each of the other High Contracting Parties, so as to reach the latter within one month after the date of the coming into force of the present Treaty, particulars, as mentioned in Article 12 (b), of all vessels of the categories or sub-categories mentioned in Article 12 (a), which are then under construction for Him, whether or not such vessels are being constructed within His own jurisdiction, together with similar particulars relating to any such vessels then under construction within His own jurisdiction for a Power not a party to the present Treaty.

Article 21

(1) At the time of communicating His initial Annual Programme of construction and declaration of acquisition, each High Contracting Party shall inform each of the other High Contracting Parties of any vessels of the categories or sub-categories mentioned in Article 12 (a), which have been previously authorised and which it is the intention to lay down or acquire during the period covered by the said Programme.

(2) Nothing in this Part of the present Treaty shall prevent any High Contracting Party from laying down or acquiring, at any time during the four months following the date of the coming into force of the Treaty, any vessel included, or to be included, in His initial Annual Programme of construction or declaration of acquisition, or previously authorised, provided that the information prescribed by Article 12 (b) concerning each vessel shall be communicated so as to reach all the other High Contracting Parties within one month after the date of the coming into force of the present Treaty.

(3) If the present Treaty should not come into force before the 1st May, 1937, the initial Annual Programme of construction and declaration of acquisition, to be communicated under Articles 12 (a) and 14 shall reach all the other High Contracting Parties within one month after the date of the coming into force of the present Treaty.

PART IV

GENERAL AND SAFEGUARDING CLAUSES

Article 22

No High Contracting Party shall, by gift, sale or any mode of transfer, dispose of any of His surface vessels of war or submarines in such a manner that such vessel may become a surface vessel of war or a submarine in any foreign navy. This provision shall not apply to auxiliary vessels.

Article 23

(1) Nothing in the present Treaty shall prejudice the right of any High Contracting Party, in the event of loss or accidental destruction of a vessel, before the vessel in question has become over-age, to replace such vessel by a vessel of the same category or sub-category as soon as the particulars of the new vessel mentioned in Article 12 (b) shall have reached all the other High Contracting Parties.

(2) The provisions of the preceding paragraph shall also govern the immediate replacement, in such circumstances, of a light surface vessel of sub-category (b) exceeding 8,000 tons (8,128 metric tons) standard displacement, or of a light surface vessel of sub-category (a), before the vessel in question has become over-age, by a light surface vessel of the same sub-category of any standard displacement up to 10,000 tons (10,160 metric tons).

Article 24

(1) If any High Contracting Party should become engaged in war, such High Contracting Party may, if He considers the naval requirements of His defence are materially affected, suspend, in so far as He is concerned, any or all of the obligations of the present Treaty, provided that He shall promptly notify the other High Contracting Parties that the circumstances require such suspension, and shall specify the obligations it is considered necessary to suspend.

(2) The other High Contracting Parties shall in such case promptly consult together, and shall examine the situation thus presented with

a view to agreeing as to the obligations of the present Treaty, if any, which each of the said High Contracting Parties may suspend. Should such consultation not produce agreement, any of the said High Contracting Parties may suspend, in so far as He is concerned, any or all of the obligations of the present Treaty, provided that He shall promptly give notice to the other High Contracting Parties of the obligations which it is considered necessary to suspend.

(3) On the cessation of hostilities, the High Contracting Parties shall consult together with a view to fixing a date upon which the obligations of the Treaty which have been suspended shall again become operative, and to agreeing upon any amendments in the present Treaty which may be considered necessary.

Article 25

(1) In the event of any vessel not in conformity with the limitations and restrictions as to standard displacement and armament prescribed by Articles 4, 5 and 7 of the present Treaty being authorised, constructed or acquired by a Power not a party to the present Treaty, each High Contracting Party reserves the right to depart if, and to the extent to which, He considers such departures necessary in order to meet the requirements of His national security;

(a) During the remaining period of the Treaty, from the limitations and restrictions of Articles 3, 4. 5,*6* (1) and 7, and

(b) During the current year, from His Annual Programmes of construction and declarations of acquisition.

This right shall be exercised in accordance with the following provisions:

(2) Any High Contracting Party who considers it necessary that such right should be exercised, shall notify the other High Contracting Parties to that effect, stating precisely the nature and extent of the proposed departures and the reasons therefor.

(3) The High Contracting Parties shall thereupon consult together and endeavour to reach an agreement with a view to reducing to a minimum the extent of the departures which may be made.

(4) On the expiration of a period of three months from the date of the first of any notifications which may have been given under paragraph (2) above, each of the High Contracting Parties shall, subject to any agreement which may have been reached to the contrary, be entitled to depart during the remaining period of the present Treaty

from the limitations and restrictions prescribed in Articles 3, 4, 5, 6 (1) and 7 thereof.

(5) On the expiration of the period mentioned in the preceding paragraph, any High Contracting Party shall be at liberty, subject to any agreement which may have been reached during the consultations provided for in paragraph (3) above, and on informing all the other High Contracting Parties, to depart from His Annual Programmes of construction and declarations of acquisition and to alter the characteristics of any vessels building or which have already appeared in His Programmes or declarations.

(6) In such event, no delay in the acquisition, the laying of the keel, or the altering of any vessel shall be necessary by reason of any of the provisions of Part III of the present Treaty. The particulars mentioned in Article 12 (b) shall, however, be communicated to all the other High Contracting Parties before the keels of any vessels are laid. In the case of acquisition, information relating to the vessel shall be given under the provisions of Article 14.

Article 26

(1) If the requirements of the national security of any High Contracting Party should, in His opinion, be materially affected by any change of circumstances, other than those provided for in Articles 6 (2), 24 and 25 of the present Treaty, such High Contracting Party shall have the right to depart for the current year from His Annual Programmes of construction and declarations of acquisition. The amount of construction by any Party to the Treaty, within the imitations and restrictions thereof, shall not, however, constitute a change of circumstances for the purposes of the present Article. The above mentioned light shall be exercised in accordance with the following provisions:

(2) Such High Contracting Party shall, if He desires to exercise the above mentioned right, notify all the other High Contracting Parties to that effect, stating in what respects He proposes to depart from His Annual Programmes of construction and declarations of acquisition, giving reasons for the proposed departure.

(3) The High Contracting Parties will thereupon consult together with a view to agreement as to whether any departures are necessary in order to meet the situation.

(4) On the expiration of a period of three months from the date of the first of any notifications which may have been given under paragraph (2) above, each of the High Contracting Parties shall, subject

to any agreement which may have been reached to the contrary, be entitled to depart from His Annual Programmes of construction and declarations of acquisition, provided notice is promptly given to the other High Contracting Parties stating precisely in what respects He proposes so to depart.

(5) In such event, no delay in the acquisition, the laying of the keel, or the altering of any vessel shall be necessary by reason of any of the provisions of Part III of the present Treaty. The particulars mentioned in Article 12 (b) shall, however, be communicated to all the other High Contracting Parties before the keels of any vessels are laid. In the case of acquisition, information relating to the vessels shall be given under the provisions of Article 14.

PART V

FINAL CLAUSES

Article 27

The present Treaty shall remain in force until the 31st December, 1942.

Article 28

(1) His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland will, during the last quarter of 1940, initiate through the diplomatic channel a consultation between the. Governments of the Parties to the present Treaty with a view to holding a conference in order to frame a new treaty for the reduction and limitation of naval armament. This conference shall take place in 1941 unless the preliminary consultations should have shown that the holding of such a conference at that time would not be desirable or practicable.

(2) In the course of the consultation referred to in the preceding paragraph, views shall be exchanged in order to determine whether, in the light of the circumstances then prevailing and the experience gained in the interval in the design and construction of capital ships, it may be possible to agree upon a reduction in the standard displacement or calibre of guns of capital ships to be constructed under future annual programmes and thus, if possible, to bring about a reduction in the cost of capital ships.

Article 29

None of the provisions of the present Treaty shall constitute a precedent for any future treaty.

Article 30

(1) The present Treaty shall be ratified by the Signatory Powers in accordance with their respective constitutional methods, and the instruments of ratification shall be deposited as soon as possible with His Majesty's Government in the United Kingdom, which will transmit certified copies of all the *proces-verbaux* of the deposits of ratifications to the Governments of the said Powers and of any country on behalf of which accession has been made in accordance with the provisions of Article 31.

(2) The Treaty shall come into force on the 1st January, 1937, provided that by that date the instruments of ratification of all the said Powers shall have been deposited. If all the above-mentioned instruments of ratification have not been deposited by the 1st January, 1937, the Treaty shall come into force so soon thereafter as these are all received.

Article 31

(1) The present Treaty shall, at any time after this day's date, be open to accession on behalf of any country for which the Treaty for the Limitation and Reduction of Naval Armament was signed in London on the 22nd April 1930, but for which the present Treaty has not been signed. The instrument of accession shall be deposited with His Majesty's Government in the United Kingdom, which will transmit certified copies of the *proces-verbaux* of the deposit to the Governments of the Signatory Powers and of any country on behalf of which accession has been made.

(2) Accessions, if made prior to the date of the coming into force of the Treaty, shall take effect on that date. If made afterwards, they shall take effect immediately.

(3) If accession should be made after the date of the coming into force of the Treaty, the following information shall be given by the acceding Power so as to reach all the other High Contracting Parties within one month after the date of accession:

(a) The initial Annual Programme of construction and declaration of acquisition, as prescribed by Articles 12 (a) and 14 relating to vessels already authorised, but not yet laid down or acquired, belonging to the categories or sub-categories mentioned in Article 12 (a).

(b) A list of the vessels of the above-mentioned categories or sub-categories completed or acquired after the date of the

coming into force of the present Treaty, stating particulars of such vessels as specified in Article 12 (b), together with similar particulars relating to any such vessels which have been constructed within the jurisdiction of the acceding Power after the date of the coming into force of the present Treaty, for a Power not a party thereto.

(c) Particulars, as specified in Article 12 (b), of all vessels of the categories or sub-categories above-mentioned which are then under construction for the acceding Power, whether or not such vessels are being constructed within His own jurisdiction, together with similar particulars relating to any such vessels then under construction within His jurisdiction for a Power not a party to the present Treaty.

(d) Lists of all minor war vessels and auxiliary vessels with their characteristics and information concerning them, as prescribed by Article 19.

(4) Each of the High Contracting Parties shall reciprocally furnish to the Government of any country on behalf of which accession is made after the date of the coming into force of the present Treaty, the information specified in paragraph (3) above, so as to reach that Government within the period therein mentioned.

(5) Nothing in Part III of the present Treaty shall prevent an acceding Power from laying down or acquiring, at any time during the four months following the date of accession, any vessel included, or to be included, in His initial Annual Programme of construction or declaration of acquisition, or previously authorised, provided that the information prescribed, by Article 12 (b) concerning each vessel shall be communicated so as to reach all the other High Contracting Parties within one month after the date of accession.

Article 32

The present Treaty, of which the French and English texts shall both be equally authentic, shall be deposited in the Archives of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland which will transmit certified copies thereof to the Governments of the countries for which the Treaty for the Limitation and Reduction of Naval Armament was signed in London on the 22nd April, 1930.

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General Treaty for Renunciation of War as an Instrument of National Policy (1928)

ALSO KNOWN AS: Kellogg-Briand Pact, Pact of Paris

DATE OF SIGNATURE: August 27, 1928

PLACE OF SIGNATURE: Paris

SIGNATORY STATER: Germany, United States, Belgium, French Republic, Great Britain, Ireland and the British Dominions, India, Italy, Japan Poland, Czechoslovakia Accessions: Afghanistan, Abyssinia, Albania, Austria, Bulgaria, Chile, China Costa Rica, Cuba, Denmark, Free City of Danzig, Dominican Republic, Egypt, Estonio, Finland, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Latvia, Liberia, Lithuania, Luxembourg, Mexico, the Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Persia, Portugal, Roumania, Kingdom of the Serbs, Croats and Slovenes, Siam, Spain, Sweden, Switzerland, Turkey, Soviet Union, Venezuela

[The signatories],

Deeply sensible of their solemn duty to promote the welfare of mankind;

Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;

Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory Power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this Treaty;

Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavour and by adhering to the

present Treaty as soon as it comes into force bring their peoples within the scope of its beneficient provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy;

Have decided to conclude a Treaty and... have agreed upon the following articles:

Article I

The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

Article II

The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

Article III

The present Treaty shall be ratified by the High Contracting Parties named in the Preamble in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their several instruments of ratification shall have been deposited at Washington.

This Treaty shall, when it has come into effect as prescribed in the preceding paragraph, remain open as long as may be necessary for adherence by all the other Powers of the world. Every instrument evidencing the adherence of a Power shall be deposited at Washington and the Treaty shall immediately upon such deposit become effective as between the Power thus adhering and the other Powers parties hereto.

It shall be the duty of the Government of the United States to furnish each Government named in the Preamble and every Government subsequently adhering to this Treaty with a certified copy of the Treaty and of every instrument of ratification or adherence. It shall also be the duty of the Government of the United States telegraphically to notify such Governments immediately upon the deposit with it of each instrument of ratification or adherence.

In faith whereof the respective Plenipotentiaries have signed this Treaty in the French and English languages both texts having equal force, and hereunto affix their seals.

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Treaty Between the United States of America, the British Empire, France, Italy and Japan, for the Limitation of Naval Armament (1922)

ALSO KNOWN AS. *Washington Naval Treaty*
DATE OF SIGNATURE*: February 6, 1922*
PLACE OF SIGNATURE*: Washington, DC Signatory states: United States, the British Empire, France, Italy, and Japan*

[The signatories]

Desiring to contribute to the maintenance of the general peace and to reduce the burdens of competition in armament;

Have resolved, with a view to accomplishing these purposes, to conclude a Treaty to limit their respective naval armament,

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

CHAPTER I

GENERAL PROVISIONS, RELATING TO THE LIMITATION OF NAVAL ARMAMENT

Article I

The Contracting Powers agree to limit their respective naval armament as provided in the present Treaty.

Article II

The Contracting Powers may retain respectively the capital ships which are specified in Chapter II, Part I. On the coming into force of the present Treaty, but subject to the following provisions of this Article,

all other capital ships, built or building, of the United States, the British Empire and Japan shall be disposed of as prescribed in Chapter II, Part 2.

In addition to the capital ships specified in Chapter II, Part I, the United States may complete and retain two ships of the *West Virginia* class now under construction. On the completion of these two ships, the *North Dakota* and *Delaware* shall be disposed of as prescribed in Chapter II, Part 2.

The British Empire may, in accordance with the replacement table in Chapter II, Part 3, construct two new capital ships not exceeding 35,000 tons (35, 560 metric tons) standard displacement each. On the completion of the said two ships, the *Thunderer, King George V, Ajax* and *Centurion* shall be disposed of as prescribed in Chapter II, Part 2.

Article III

Subject to the provisions of Article II, the Contracting Powers shall abandon their respective capitalship-building programmes, and no new capital ships shall be constructed or acquired by any of the Contracting Powers except replacement tonnage, which may be constructed or acquired as specified in Chapter II, Part 3.

Ships which are replaced in accordance with Chapter II, Part 3, shall be disposed of as prescribed in Part 2 of that Chapter.

Article IV

The total capital ship replacement tonnage of each of the Contracting Powers shall not exceed in standard displacement: for the United States, 525,000 tons (533,400 metric tons); for the British Empire, 525,000 torts, (533,400 metric tons); for France, 175,000 tons (177,800 metric tons); for Italy, 175,000 tons (177,800 metric tons); for Japan, 315,000 tons (320,040 metric tons).

Article V

No capital ship exceeding 35,000 tons, (35,560 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers.

Article VI

No capital ship of any of the Contracting Powers shall carry a gun with a calibre in excess of 16 inches (406 millimetres).

Article VII

The total tonnage for aircraft-carriers of each of the Contracting Powers shall not exceed in standard displacement: for the United

States, 135,000 tons (137,160 metric tons); for the British Empire, 135,000 tons (137,160 metric tens); for France, 60,000 tons (60,960 metric tons); for Italy, 60,000 tons (60, 960 metric tons); for Japan, 81,000 tons (82,296 metric-tons).

Article VIII

The replacement of aircraft-carriers shall be effected only as prescribed in Chapter II, Part 3, provided, however, that all aircraft-carrier tonnage in existence or building on November 12, 1921, shall be considered experimental, and may be replaced, within the total tonnage limit prescribed in Article VII, without regard to its age.

Article IX

No aircraft-carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers.

However, any of the Contracting Powers may, provided that its total tonnage allowance of aircraft-carriers is not thereby exceeded, build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons (33,528 metric tons) standard displacement, and in order to effect economy any of the Contracting Powers may use for this purpose any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the provisions of Article II. The armament of any aircraft-carriers exceeding 27,000 tons (27,432 metric tons) standard displacement shall be in accordance with the requirements of Article X, except that the total number of guns to be carried, in case any of such guns be of a calibre exceeding 6 inches (152 millimetres), except anti-aircraft guns and guns not exceeding 5 inches (127 millimetres), shall not exceed eight.

Article X

No aircraft-carrier of any of the Contracting Powers shall carry a gun with a calibre in excess of 8 inches (203 millimetres). Without prejudice to the provisions of Article IX, if the armament carried includes guns exceeding 6 inches (152 millimetres) in calibre, the total number of guns carried, except antiaircraft guns and guns not exceeding 5 inches (127 millimetres), shall not exceed ten. If, alternatively, the armament contains no guns exceeding 6 inches (152 millimetres) in calibre, the number of guns is not limited. In either case the number of anti-aircraft guns and of guns not exceeding 5 inches (127 millimetres) is not limited.

Article XI

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other than a capital ship or aircraft-carrier, shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers. Vessels not specifically built as fighting ships nor taken in time of peace under Government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution, of hostilities otherwise than as fighting ships, shall not be within the limitations of this Article.

Article XII

No vessel of war of any of the Contracting Powers hereafter laid down, other than a capital ship, shall carry a gun with a calibre in excess of 8 inches (203 millimetres).

Article XIII

Except as provided in Article IX, no ship designated in the present Treaty to be scrapped may be reconverted into a vessel of war.

Article XIV

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6 inches (152 millimetres) calibre.

Article XV

No vessel of war constructed within the jurisdiction of any of the Contracting Powers for a non-Contracting Power shall exceed the limitations as to displacement and armament prescribed by the present Treaty for vessels of a similar type which may be constructed by or for any of the Contracting Powers; provided, however, that the displacement for aircraft-carriers constructed for a non-Contracting Power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement.

Article XVI

If the construction of any vessel of war for a non-Contracting Power is undertaken within the jurisdiction of any of the Contracting Powers, such Power shall promptly inform the other Contracting Powers of the date of the signing of the contract and the date on which the keel of the ship is laid; and shall also communicate to them the particulars relating to the ship prescribed in Chapter II Part 3, Section I(b), (4) and (5).

Article XVII

In the event of a Contracting Power being engaged in war, such Power shall not use as a vessel of war any vessel of war which may be under construction within its jurisdiction for any other Power, or which may have been constructed within its jurisdiction for another Power and not delivered.

Article XVIII

Each of the Contracting Powers undertakes not to dispose by gift, sale or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the Navy of any foreign Power.

Article XIX

The United States, the British Empire and Japan agree that the *status quo* at the time of the signing of the present Treaty, with regard to fortifications and naval bases, shall be maintained in their respective territories and possessions specified hereunder:

1. The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands;
2. Hong-Kong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean, east of the meridian of 110^{0} east longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its territories, and (c) New Zealand;
3. The following insular territories and possessions of Japan in the Pacific Ocean, to wit: the Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire.

The maintenance of the *status quo* under the foregoing provisions implies that no new fortifications or naval bases shall be established in the territories and possessions specified; that no measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces, and that no increase shall be made in the coast defences of the territories and possessions above specified. This restriction, however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace.

Article XX

The rules for determining tonnage displacement prescribed in Chapter II, Part 4, shall apply to the ships of each of the Contracting Powers.

CHAPTER II

RULES RELATING TO THE EXECUTION OF THE TREATY—DEFINITION OF TERMS

PART 1

CAPITAL SHIPS WHICH MAY BE RETAINED BY THE CONTRACTING POWERS

In accordance With Article II, ships may be retained by each of the Contracting Powers as specified in this Part. [See Tables 1-5.]

TABLE 1

Ships Which May be Retained by the United States

Name	*Tonnage*
Maryland	32,600
California	32,300
Tennessee	32,300
Idaho	32,000
New Mexico	32,000
Mississippi	32,000
Arizona	31,400
Pennsylvania	31,400
Oklahoma	27,500
Nevada	27,500
New York	27,000
Texas	27,000
Arkansas	26,000
Wyoming	26,000
Florida	21,825
Utah	21,825
North Dakota	20,000
Delaware	20.000

On the completion of the two ships of the *West Virginia* class and the scrapping of the *North Dakota* and *Delaware as* provided in Article II, the total tonnage to be retained by the United States will be 525,850 tons.

On the completion of the two new ships to be constructed and the scrapping of the *Thunderer, King George V, Ajax* and *Centurion,* as provided in Article II, the total tonnage to be retained by the British Empire will be 558,950 tons.

France may lay down new tonnage in the years 1927, 1929, and 1931, as provided in Part 3, Section II.

Italy may lay down new tonnage in the years 1927. 1929, and 1931, as provided in Part 3, Section II.

PART 2

RULES FOR SCRAPPING VESSELS OF WAR

The following rules shall be observed for the scrapping of vessels of war which are to be disposed of in accordance with Articles II and III.

TABLE 2

Ships Which May be Retained by the British Empire

Name	*Tonnage*
Royal Sovereign	25,750
Royal Oak	25,750
Revenge	25,750
Resolution	25,750
Ramillies	25,750
Malaya	27,500
Valiant	27,500
Barham	27,500
Queen Elizabeth	27,500
Warspite	27,500
Benbow	25,000
Emperor of India	25,000
Iron Duke	25,000
Marlborough	25,000
Hood	41,200
Renown	26,500
Repulse	26,500
Tiger	28,500
Thunderer	22,500
King George V	23,000
Ajax	23,000
Centurion	23,000
Total tonnage	580,450.

I. A vessel to be scrapped must be placed in such condition that it cannot be put to combatant use.

II. This result must be finally effected in any one of the following ways:

(a) Permanent sinking of the vessel;

(b) Breaking the vessel up. This shall always involve the destruction or removal of all machinery, boilers and armour, and all deck, side and bottom plating;

(c) Converting the vessel to target use exclusively. In such case all the provisions of paragraph III of this Part, except sub-paragraph (6), in so far as may be necessary to enable the ship to be used as a mobile target, and except sub-paragraph (7), must be previously complied with. Not more than one capital ship may be retained for this purpose at one time by any of the Contracting Powers.

(d) of the capital ships which would otherwise be scrapped under the present Treaty in or after the year 1931, France and Italy may each retain two sea-going vessels for training purpose:, exclusively, that is, a gunnery of torpedo schools. The two vessels retained by France shall be of the *Jean Bart* class, and of those retained by Italy one shall be the *Dante Alighieri,* the other of the *Giulio Cesure* class. On retaining these ships for the purpose above stated, France and Italy respectively undertake to remove and destroy their conning-towers, and not to use the said ships as vessels of war.

TABLE 3

Ships Which May be Retained by France

Name	*Tonnage (metric tons)*
Bretagne	23,500
Lorraine	23,500
Provence	23,500
Paris	23,500
France	23,500
Jean Bart	23,500
Courbet	23,500
Condorcet	18,890
Diderot	18,890
Voltaire	18,890
Total tonnage	221,170

III. (a) Subject to the special exceptions contained in Article IX, when a vessel is due for scrapping, the first stage of scrapping, which consists in rendering a ship incapable of further warlike service, shall be immediately undertaken.

TABLE 4

Ships which may be retained by Italy

Name	*Tonnage (metric tons)*
Andrea Doria	22,700
Caio Duilio	22.700
Conte Di Cavour	22,500
Giulio Cesare	22,500
Leonardo Da Vinci	22,500
Dante Alighieri .	19,500
Roma	12,600
Napoli	12,600
Vittorio Emanuele	12,600
Regina Elena	12,600
Total tonnage	182,800

(b) A vessel shall be considered incapable of further warlike service when there shall have been removed and landed, or else destroyed in the ship:

(1) All guns and essential portions of guns, fire-control tops and revolving parts of all barbettes and turrets;

(2) All machinery for working hydraulic or electric mountings;

(3) All fire-control instruments and range-finders;

(4) All ammunition, explosives and mines:

TABLE 5

Ships, Which May be Retained by Japan Name

Name	*Tonnage*
Mutsu	33,800
Nagato	33,800
Hiuga	31,260
Ise	31,260
Yamashiro	30,600
Fu-So	30,600

Kirishima	27,500
Haruna	27,500
Hiyei	27,500
Kongo	27.500
Total tonnage	301,320

(5) All torpedoes, war-heads and torpedo tubes;

(6) All wireless telegraphy installations;

(7) The conning-tower and all side armour, or alternatively all main propelling machinery; and

(8) All landing and flying-off platforms and all other aviation accessories.

IV. The periods in which scrapping of vessels is to be effected are as follow:

(a) In the case of vessels to be scrapped under the first paragraph of Article II, the work of rendering the vessels incapable of further warlike service, in accordance with paragraph III of this Part, shall be completed within six months from the coming into force of the present Treaty, and the scrapping shall be finally effected within eighteen months from such coming into force.

(b) In the case of vessels to be scrapped under the second and third paragraphs of Article II, or under Article III, the work of rendering the vessel incapable of further warlike service, in accordance with paragraph III of this Part, shall be commenced not later than the date of completion of its successor, and shall be finished within six months from the date of such completion. The vessel shall be finally scrapped, in accordance with paragraph II of this Part, within eighteen months from the date of completion of its successor. If, however, the completion of the new vessel be delayed, then the work of rendering the old vessel incapable of further warlike service, in accordance with paragraph III of this Part, shall be commenced within four years from the laying of the keel of the new vessel, and shall be finished within six months from the date on which such work was commenced, and the old vessel shall be finally scrapped in accordance with paragraph II of this Part, within eighteen months from the date when the work of rendering it incapable of further warlike service was commenced.

PART 3

REPLACEMENT

The replacement of capital ships and aircraft-carriers shall take place according to the rules in Section I and the tables in Section II of this Part.

Section I: Rules for Replacement

(a) Capital ships and aircraft-carriers twenty years after the date of their completion may, except as otherwise provided in Article VIII and in the tables in Section II of this Part, be replaced by new construction, but within the limits prescribed in Article IV and Article VII. The keels of such new construction may, except as otherwise provided in Article VIII and in the tables in Section II of this Part, be laid down not earlier than seventeen years from the date of completion of the tonnage to be replaced, provided, however, that no capital-ship tonnage, with the exception of the ships referred to in the third paragraph of Article II, and the replacement tonnage specifically mentioned in Section II of this Part, shall be laid down until ten years from November 12, 1921.

(b) Each of the Contracting Powers shall communicate promptly to each of the other Contracting Powers the following information:

(1) The names of the capital ships and aircraft-carriers to be replaced by new construction;

(2) The date of governmental authorisation of replacement tonnage;

(3) The date of laying the keels of replacement tonnage;

(4) The standard displacement in tons and metric tons of each new ship to be laid down, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draft at standard displacement;

(5) The date of completion of each new ship and its standard displacement in tons and metric tons, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draft at standard displacement, at time of completion.

(c) In case of loss or accidental destruction of capital ships or aircraft-carriers, they may immediately be replaced by new construction, subject to the tonnage limits prescribed in Articles

IV and VII and in conformity with the other provisions of the present Treaty, the regular replacement programme being deemed to be advanced to that extent.

(d) No retained capital ships or aircraft-carriers shall be reconstructed except for the purpose of providing means of defence against air and submarine attack, and subject to the following rules: The Contracting Powers may, for that purpose, equip existing tonnage with bulge or blister or anti-air attack deck protection, providing the increase of displacement thus effected does not exceed 3,000 tons (3,048 metric tons) displacement for each ship. No alterations in side armour, in calibre, number or general type of mounting of main armament shall be permitted except:

(1) in the case of France and Italy, which countries within the limits allowed for bulge may increase their armour protection and the calibre of the guns now carried on their existing capital ships so as not to exceed 16 inches (406 millimetres) and;

(2) the British Empire shall be permitted to complete, in the case of the *Renown,* the alterations to armour that have already been commenced but temporarily suspended.

Section II: Note Applicable to all the Tables in Section II

The order above prescribed in which ships are to be scrapped is in accordance with their age. It is understood that when replacement begins according to the ... tables the order of scrapping in the case of the ships of each of the Contracting Powers may be varied at its option, provided, however, that such Power shall scrap in each year the number of ships above stated.

PART 4
DEFINITIONS

For the purposes of the present Treaty, the following expressions are to be understood in the sense defined in this Part.

Capital Ship

A capital ship, in the case of ships hereafter built, is defined as, a vessel of war, not an aircraft-carrier whose displacement exceeds 10,000 tons (10,160 metric tons) standard displacement, or which carries a gun with, a calibre exceeding 8 inches (203 millimetres).

Aircraft-Carrier

An aircraft-carrier is defined as a vessel of war with a displacement in excess of 10,000 tons (10,160 metric tons) standard displacement designed for the specific and exclusive purpose of carrying aircraft. It must be so constructed that aircraft can be launched therefrom and landed theron, and not designed and constructed for carrying a more powerful armament than that allowed to it under Article IX or Article X as the case may be.

Standard Displacement

The standard displacement of a ship is the displacement of the ship complete, fully manned, engined, and equipped ready for sea, including all armament and ammunition, equipment, outfit provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel or reserve feed water on board.

The word “ton” in the present Treaty, except in the expression “metric tons”, shall be understood to mean the ton of 2,240 pounds (1,016 kilos).

Vessels now completed shall retain their present ratings of displacement tonnage in accordance with their national system of measurement. However, a Power expressing displacement in metric tons shall be considered for the application of the present Treaty as owning only the equivalent displacement in tons of 2,240 pounds.

A vessel completed hereafter shall be rated at its displacement tonnage when in the standard condition defined herein.

CHAPTER III

MISCELLANEOUS PROVISIONS

Article XXI

If during the term of the present Treaty the requirements of the national security of any Con-tracting Power in respect of naval defence are, in the opinion of that Power, materially affected by any change of circumstances, the Contracting Powers will, at the request of such Power, meet in conference with a view to the reconsideration of the provisions of the Treaty and its amendment by mutual agreement.

In view of possible technical and scientific developments, the United States, after consultation with the other Contracting Powers, shall arrange for a conference of all the Contracting Powers which shall

convene as soon as possible after the expiration of eight years from the coming into force of the present Treaty to consider what changes, if any, in the Treaty may be necessary to meet such developments.

Article XXII

Whenever any Contracting Power shall become engaged in a war which in its opinion affects the naval defence of its national security, such Power may after notice to the other Contracting Powers suspend for the period of hostilities its obligations under the present Treaty other than those under Articles XIII and XVII, provided that such Power shall notify the other Contracting Powers that the emergency is of such a character as to require such suspension.

The remaining Contracting Powers shall in such case consult together with a view to agreement as to what temporary modifications, if any, should be made in the Treaty as between themselves. Should such consultation not produce agreement, duly made in accordance with the constitutional methods of the respective Powers, any one of said Contracting Powers may, by giving notice to the other Contracting Powers, suspend for the period of hostilities its obligations under the present Treaty, other than those under Articles XIII and XVII.

On the cessation of hostilities the Contracting Powers will meet in conference to consider what modifications, if any, should be made in the provisions of the present Treaty.

Article XXIII

The present Treaty shall remain in force until December 31st, 1936, and in case none of the Contracting Powers shall have given notice two years before that date of its intention to terminate the Treaty, it shall continue in force until the expiration of two years from the date on which notice of termination shall be given by one of the Contracting Powers, whereupon the Treaty shall terminate as regards all the Contracting Powers. Such notice shall be communicated in writing to the Government of the United States, which shall immediately transmit a certified copy of the notification to the other Powers and inform them of the date on which it was received. The notice shall be deemed to have been given and shall take effect on that dale. In the event of notice of termination being given by the Government of the United States, such notice shall be given to the diplomatic representatives at Washington of the other Contracting Powers, and the notice shall be deemed to have been given and shall take effect on the date of the communication made to the said diplomatic representatives.

Within one year of the date on which a notice of termination by any Power has taken effect, all the Contracting Powers shall meet in conference.

Article XXIV

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the proces-verbal of the deposit of ratifications.

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

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Treaty Concerning the Archipelago of Spitsbergen (1920)

DATE OF SIGNATURE: February 9, 1920

PLACE OF SIGNATURE: Paris

SIGNATORY STATES: the United States, Great Britain, Ireland and the British Dominions, India, Denmark, the French Republic, Italy, Japan, Norway, the Netherlands, Sweden.

[The Signatories]

Desirous, while recognising the sovereignty of Norway over the Archipelago of Spitsbergen, including Bear Island, of seeing these territories provided with an equitable regime, in order to assure their development and peaceful utilisation, ... have agreed as follows:

Article 1

The High Contracting Parties undertake to recognise, subject to the stipulations of the present Treaty, the full and absolute sovereignty of Norway over the Archipelago of Spitsbergen, comprising, with Bear Island or Beeren-Eiland, all the islands situated between 10° and 35º longitude East of Greenwich and between 74° and 81° latitude North, especially West Spitsbergen, North-East Land, Barents Island, Edge Island, Wiche Islands, Hope Island or Hopen-Eiland, and Prince Charles Foreland, together with all islands great or small and rocks appertaining thereto.

Article 2

Ships and nationals of all the High Contracting Parties shall enjoy equally the rights of fishing and hunting in the territories specified in Article 1 and in their territorial waters.

Norway shall be free to maintain, take or decree suitable measures to ensure the preservation and, if necessary, the re-constitution of the

fauna and flora of the said regions, and their territorial waters; it being clearly understood that these measures shall always be applicable equally to the nationals of all the High Contracting Parties without any exemption, privilege or favour whatsoever, direct or indirect to the advantage of any one of them.

Occupiers of land whose rights have been recognised in accordance with the terms of Articles 6 and 7 will enjoy the exclusive right of hunting on their own land: (1) in the neighbourhood of their habitations, houses, stores, factories and installations, constructed for the purpose of developing their property, under conditions laid down by the local police regulations; (2) within a radius of 10 kilometres round the head-quarters of their place of business or works; and in both cases, subject always to the observance of regulations made by the Norwegian Government in accordance with the conditions laid down in the present Article.

Article 3

The nationals of all the High Contracting Parties shall have equal liberty of access and entry for any reason or object whatever to the waters, fjords and ports of the territories specified in Article 1; subject to the observance of local laws and regulations, they may carry on there without impediment all maritime, industrial, mining and commercial operations on a footing of absolute equality.

They shall be admitted under the same conditions of equality to the exercise and practice of all maritime, industrial, mining or commercial enterprises both on land and in territorial waters, and no monopoly shall be established on any account or for any enterprise whatever.

Notwithstanding any rules relating to coasting trade which may be in force in Norway, ships of the High Contracting Parties going to or coming from the territories specified in Article 1 shall have the right to put into Norwegian ports on their outward or homeward voyage for the purpose of taking on board or disembarking passengers or cargo going to or coming from the said territories, or for any other purpose.

It is agreed that in every respect and especially with regard to exports, imports and transit traffic, the nationals of all the High Contracting Parties, their ships and goods shall not be subject to any charges or restrictions whatever which are not borne by the nationals, ships or goods which enjoy in Norway the treatment of the most favoured nation; Norwegian nationals, ships or goods being for this

purpose assimilated to those of the other High Contracting Parties, and not treated more favourably in any respect.

No charge or restriction shall be imposed on the exportation of any goods to the territories of any of the Contracting Powers other or more onerous than on the exportation of similar goods to the territory of any other Contracting Power (including Norway) or to any other destination.

Article 4

All public wireless stations established or to be established by or with the authorisation of, the Norwegian Government within the territories referred to in Article 1 shall always be open on a footing of absolute equality to communications from ships of all flags and from nationals of the High Contracting Parties, under the conditions laid down in the Wireless Telegraphy Convention of July 5th, 1912, or in the subsequent International Convention which may be concluded to replace it.

Subject to international obligations arising out of a state of war, owners of landed property shall always be at liberty to establish and use for their own purposes wireless telegraphy installations, which shall be free to communicate on private business with fixed or moving wireless stations, including those on board ships and aircraft.

Article 5

The High Contracting Parties recognise the utility of establishing an international meteorological station in the territories specified in Article 1, the organisation of which shall form the subject of a subsequent Convention.

Conventions shall also be concluded laying down the conditions under which scientific investigations may be conducted in the said territories.

Article 6

Subject to the provisions of the present Article, acquired rights of nationals of the High Contracting Parties shall be recognised.

Claims arising from taking possession or from occupation of land before the signature of the present Treaty shall be dealt with in accordance with the Annex hereto, which will have the same force and .effect as the present Treaty.

Article 7

With regard to methods of acquisition, enjoyment and exercise of the right of ownership of property, including mineral rights, in the

territories specified in Article 1, Norway undertakes to grant to all nationals of the High Contracting Parties treatment based on complete equality and in conformity with the stipulations of the present Treaty.

Expropriation may be resorted to only on grounds of public utility and on payment of proper compensation.

Article 8

Norway undertakes to provide for the territories specified in Article 1 mining regulations which, especially from the point of view of imposts, taxes or charges of any kind, and of general or particular labour conditions, shall exclude all privileges, monopolies or favours for the benefit of the State or of the nationals of any one of the High Contracting Parties, including Norway, and shall guarantee to the paid staff of all categories the remuneration and protection necessary for their physical, moral and intellectual welfare.

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Treaty of Versailles (1919)

DATE OF SIGNATURE: June 28, 1919

PLACE OF SIGNATURE: Versailles

SIGNATORY STATES: The British Empire, France, Italy, Japan, the United States, Belgium, Bolivia, Brazil, China, Cuba, Czechoslovakia, Ecuador, Greece, Guatemala, Haiti, the Hedjaz, Honduras, Liberia, Nicaragua, Panama, Peru, Poland, Portugal, Roumania, the Serb-Croat-Slovene State, Siam, Uruguay, Germany, The United States of America, The British Empire, France, Italy and Japan.

These Powers being described in the present Treaty as the Principal Allied and Associated Powers, Belgium, Bolivia, Brazil, China, Cuba, Ecuador, Greece, Guatemala, Haiti, the Hedjaz, Honduras, Liberia, Nicaragua, Panama, Peru, Poland, Portugal, Roumania, the Serb-Croat-Slovene State, Siam, Czechoslovakia and Uruguay, These Powers constituting with the Principal Powers mentioned above the Allied and Associated Powers, of the one part; and Germany of the other part;

Bearing in mind that on the request of the Imperial German Government an armistice was granted on November II, 1918, to Germany by the Principal Allied and Associated Powers in order that a Treaty of Peace might be concluded with her, and The Allied, and Associated Powers being equally desirous that the war in which they were successively involved directly or indirectly and which originated in the declaration of war by Austria-Hungary on July 28, 1914, against Serbia, the declaration of war by Germany against Russia on August 1, 1914, and against France on August 3, 1914, and in the invasion of Belgium, should be replaced by a firm just and durable Peace.

For this purpose the High Contracting Parties Who having communicated their full powers found in good and due form have agreed as follows: From the coming into force of the present Treaty the state of war will terminate. From that moment and subject to the provisions of this Treaty official relations with Germany, and with any of the German States, will be resumed by the Allied and Associated Powers.

PART I

THE COVENANT OF THE LEAGUE OF NATIONS

The High Contracting Parties,

In order to promote international co-operation and to achieve international peace and security

by the acceptance of obligations not to resort to war,

by the prescription of open, just and honourable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings, of organised peoples with one another,

Agree to this Covenant of the League of Nations.

Article 1

The original Members of the League of Nations shall he those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-third; of the Assembly, provided that it shall give effective guarantees of its sincere intension to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

Article 2

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council with a permanent Secretariat.

Article 3

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

Article 4

The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain and Greece shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

Article 5

Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council, and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

Article 6

[The permanent Secretariat to be established at Geneva.]

Article 7

[Representatives and officials to enjoy diplomatic status.]

Article 8

The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the *League* undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to war-like purposes.

Article 9

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

Article 10

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

Article 11

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary General shall, on the request of any Member of the League, forthwith summon a meeting of the Council.

It *is* also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Article 12

The Members, of the League agree that if there should arise between them any dispute likely to lead to a rupture, (hey will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

Article 13

[Disputes which cannot be settled by diplomacy to be submitted to arbitration.]

Article 14

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

Article 15

[Disputes that are not submitted to arbitration to be submitted to the Council, who shall endeavour to effect a peaceful settlement.]

Article 16

Should any Member of the League resort to war in disregard of its covenants under Articles 12. 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and (he nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a

vote of the Council, concurred in by the Representatives of all the other Members of the League represented thereon.

Article 17

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of Membership of the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

Article 18

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat, and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

Article 19

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world.

Article 20

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that

they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

Article 21

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

Article 22

To those colonies and territories which, as *a* consequence of the late war, have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation, and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience, or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should he exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

Certain Communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of

conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

Article 23

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

(a) Will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to Which -their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;

(b) Undertake to secure just treatment of the native inhabitants of territories under their control;

(c) Will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;

(d) Will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

(e) Will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;

(f) Will endeavour to take steps in matters of international concern for the prevention and control of disease.

Article 24

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions, but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

Article 25

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease, and the mitigation of suffering throughout the world.

Article 26

Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

ANNEX

Original Members of the League, of Nations: Signatories of the Treaty of Peace

United States of America
Belgium
Bolivia
Brazil
British Empire
Canada
Australia
South Africa
New Zealand
India
Liberia
Nicaragua
Panama
Peru
Poland
Portugal
China
Cuba
Ecuador
France
Greece
Guatemala
Haiti
Hedjaz
Honduras
Italy
Japan
Roumania
Serb-Croat-Slovene
State
Siam
Czecho-Slovakia
Uruguay

States Invited to Accede to the Covenant

Argentine Republic
Chili
Colombia
Denmark
Netherlands
Norway
Paraguay
Persia
Salvador
Spain
Sweden
Switzerland
Venezuela

PART II
BOUNDARIES OF GERMANY

Article 27

[The boundaries of Germany are determined in this article.]

Article 28

(The boundaries of East Prussia are determined in this article.]

Article 29

[This Article specifies that the boundaries detailed in Articles 27-28 are drawn in red on a one-in-a-million map. The map was annexed to the original Treaty but is not included here.]

In the case of any discrepancies between the text of the Treaty and this map or any other map which may be annexed, the text will be final.

PART III
POLITICAL CLAUSES FOR EUROPE

Section I: Belgium

Article 31

Germany, recognising that the Treaties of April *19,* 1839, which established the status of Belgium before the war, no longer conform to the requirements of the situation, consents to the abrogation of the said treaties and undertakes immediately to recognise and to observe whatever conventions may be entered into by the Principal Allied and Associated Powers, or by any of them, in concert with the Governments of Belgium and of the Netherlands, to replace the said Treaties of 1839. If her formal adhesion should be required to such conventions or to any of their stipulations, Germany undertakes immediately to give it.

Article 32

Germany recognises the full sovereignty of Belgium over the whole of the contested territory of Moresnet (called *Moresnet neutre).*

Article 35

A Commission of seven persons, five of whom will be appointed by the Principal Allied and Associated Powers, one by Germany and one by Belgium, will be set up fifteen days after the coming into force of the present Treaty to settle on the spot the new frontier line between Belgium and Germany, taking into account the economic factors and the means of communication.

Decisions will be taken by a majority and will be binding on the parties concerned.

Section III: Left Bank of the Rhine

Article 42

Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometres to the East of the Rhine.

Article 43

In the area defined above the maintenance and the assembly of armed forces, either permanently or temporarily, and military manoeuvres of any kind, as well as the upkeep of all permanent works for mobilisation, are in the same way forbidden.

Article 44

In case Germany violates in any manner whatever the provisions of Articles 42 and 43, she shall be regarded as committing a hostile act against the Powers signatory of the present Treaty and as calculated to disturb the peace of the world.

Section IV: Saar Basin

Article 45

As compensation for the destruction of the coal mines in the north of France and as part payment towards the total reparation due from Germany for the damage resulting from the war, Germany cedes to France in full and absolute possession, with exclusive rights of exploitation, unencumbered and free from all debts and charges of any kind, the coal mines situated in the Saar Basin as defined in Article 48.

Article 48

The boundaries of the territory of the Saar Basin, as dealt with in the present stipulations, [are fixed in this article].

Article 49

Germany renounces in favour of the League of Nations, in the capacity of trustee, the government of the territory defined above.

At the end of fifteen years from the coming into force of the present Treaty the inhabitants of the said territory shall be called upon to indicate the sovereignty under which they desire to be placed.

Section V: Alsace-Lorraine

The High Contracting Parties, recognising the moral obligation to redress the wrong done by Germany in 1871 both to the rights of France and to the wishes of the population of Alsace and Lorraine, which were separated from their country in spite of the solemn protest of their representatives at the Assembly of Bordeaux, Agree upon the following Articles:

Article 51

The territories which were ceded to Germany in accordance with the Preliminaries of Peace signed at Versailles on February 26, 1871, and the Treaty of Frankfort of May 10, 1871, are restored to French sovereignty as from the date of the Armistice of November 11, 1918.

The provisions of the Treaties establishing the delimination of the frontiers before 1871 shall be restored.

Article 52

The German Government shall hand over without delay to the French Government all archives, registers, plans, titles and documents of every kind concerning the civil, military, financial, judicial or other administrations of the territories restored to French sovereignty. If any of these documents, archives, registers, titles, or plans have been misplaced, they will be restored by the German Government on the demand of the French Government.

Article 60

The German Government shall without delay restore to Alsace-Lorrainers (individuals, juridical persons, and public institutions) all property, rights and interests belonging to them on November 11, 1918, in so far as these are situated in German territory.

Article 66

The railway and other bridges across the Rhine now existing within the limits of Alsace-Lorraine shall, as to all their parts and their whole length, be the property of the French State, which shall ensure their upkeep.

Section VI: Austria

Article 80

Germany acknowledges and will respect strictly the independence of Austria, within the frontiers which may be fixed in a Treaty between that State and the Principal Allied and Associated Powers; she agrees that this independence shall be inalienable, except with the consent of the Council of the League of Nations.

Section VII: Czecho-Slovak State

Article 81

Germany, in conformity with the action already taken by the Allied and Associated Powers, recognises the complete independence of the

Czechoslovak State, which will include the autonomous territory of the Ruthenians to the south of the Carpathians. Germany hereby recognises the frontiers of this State as determined by the Principal Allied and Associated Powers and the other interested States.

Article 82

The old frontier as it existed on August 3, 1914, between Austria-Hungary and the German Empire will constitute the frontier between Germany and the Czecho-Slovak State.

Article 83

Germany renounces in favour of the Czechoslovak State all rights and title over the portion of Silesian territory defined [in this article].

Article 84

German nationals habitually resident in any of the territories recognised as forming part of the Czechoslovak State will obtain Czecho-Slovak nationality *ipso facto* and lose their German nationality.

Section VIII: Poland

Article 87

Germany, in conformity with the action already taken by the Allied and Associated Powers, recognises the complete independence of Poland, and renounces in her favour all rights and title over the territory bounded by the Baltic Sea, the eastern frontier of Germany as laid down in Article 27 of Part II (Boundaries of Germany) of the present Treaty up to a point situated about 2 kilometres to the east of Lorzendorf, then a line to the acute angle which the northern boundary of Upper Silesia makes about 3 kilometres north-west of Simmenau, then the boundary of Upper Silesia to its meeting point with the old frontier between Germany and Russia, then this frontier to the point where it crosses the course of the Niemen, and then the northern frontier of East Prussia as laid down in Article 28 of Part II aforesaid.

The provisions of this Article do not, however, apply to the territories of East Prussia and the Free City of Danzig, as defined in Article 28 of Part II (Boundaries of Germany) and in Article 100 of Section XI (Danzig) of this Part.

The boundaries of Poland not laid down in the present Treaty will be subsequently determined by the Principal Allied and Associated Powers.

A Commission consisting of seven members, five of whom shall be nominated by the Principal Allied and Associated Powers, one by

Germany and one by Poland, shall be constituted fifteen days after the coming into force of the present Treaty to delimit on the spot the frontier line between Poland and Germany.

The decisions of the Commission will be taken by a majority of votes and shall be binding upon the parties concerned.

Article 91

German nationals habitually resident in territories recognised as forming part of Poland will acquire Polish nationality *ipso facto* and will lose their German nationality.

German nationals, however, or their descendants who became resident in these territories after January I, 1908, will not acquire Polish nationality without a special authorisation from the Polish State.

Within a period of two years after the coming into force of the present Treaty, German nationals over 18 years of age habitually resident in any of the territories recognised as forming part of Poland will be entitled to opt for German nationality.

Article 93

Poland accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect the interests of inhabitants of Poland who differ from the majority of the population in race, language, or religion.

Poland further accepts and agrees to embody in a Treaty with the said Powers such provisions as they may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations.

Section IX: East Prussia

Article 94

In the area between the southern frontier of East Prussia, as described in Article 28 of Part II (Boundaries of Germany) of the present Treaty, and the line described below, the inhabitants will be called upon to indicate by a vote the State to which they wish to belong:

> the western and northern boundary of *Regierungsbezirk* Allenstein to its junction with the boundary between the *Kreise* of Oletsko and Angerburg; thence, the northern boundary of the *Kreis* of Oletsko to its junction with the old frontier of East Prussia.

Article 95

The German troops and authorities will be withdrawn from the area defined above within a period not exceeding fifteen days after the coming into force of the present Treaty. Until the evacuation is completed they will abstain from all requisitions in money or in kind and from all measures injurious to the economic interests of the country.

Article 98

Germany and Poland undertake, within one year of the coming into force of this Treaty, to enter into Conventions of which the terms, in case of difference, shall be settled by the Council of the League of Nations, with the object of securing, on the one hand, to Germany full and adequate railroad, telegraphic and telephonic facilities for communication between the rest of Germany and East Prussia over the intervening Polish territory, and on the other hand, to Poland full and adequate railroad, telegraphic and telephonic facilities for communication between Poland and the Free City of Danzig over any German territory that may, on the right bank of the Vistula, intervene between Poland and the Free City of Danzig.

Section XI: Free City of Danzig

Article 101

A Commission composed of three members appointed by the Principal Allied and Associated Powers, including a High Commissioner as President, one member appointed by Germany, and one member appointed by Poland, shall be constituted within fifteen days of the coming into force of the present Treaty for the purpose of delimiting on the spot the frontier of the territory as described above, taking into account as far as possible the existing communal boundaries.

Article 102

The Principal Allied and Associated Powers undertake to establish the town of Danzig... as a Free City. It will be placed under the protection of the League of Nations.

Article 103

A constitution for the Free City of Danzig shall be drawn up by the duly appointed representatives of the Free City in agreement with a High Commissioner to be appointed by the League of Nations. This constitution shall be placed under the guarantee of the League of Nations.

The High Commissioner will also be entrusted with the duty of dealing in the first instance with all differences arising between Poland and the Free City of Danzig in regard to this Treaty or any arrangements or agreements made thereunder.

The High Commissioner shall reside at Danzig.

Section XII: Schleswig

Article 109

The frontier between Germany and Denmark shall be fixed in conformity with the wishes of the population; (..)

Section XIII: Heligoland

Article 115

The fortifications, military establishments, and harbours of the Islands of Heligoland and Dune shall be destroyed under the supervision of the Principal Allied Governments by German labour and at the expense of Germany within a period to be determined by the said Governments.

The term “harbours” shall include the north-east mole, the west wall, the outer and inner breakwaters and reclaimed land within them, and all naval and military works, fortifications and buildings, constructed or under construction, between lines connecting the following positions taken from the British Admiralty chart No. 126 of April 19,1918:

(a) lat. 54° 10’49" N.; long. 7° 53' 39" E.;
(b) lat. 54° 10’35" N.; long. 7" 54' 18" E.;
(c) lat. 54° 10' 14" N.; long. 7° 54’00" E.;
(d) lat. 54° 10' 17" N.; long. 7° 53’37" E.;
(e) lat. 54° 10’44" N.; long. 7° 53’26" *E.*

These fortifications, military establishments and harbours shall not be reconstructed; nor shall any similar works be constructed in future.

Section XIV: Russia and Russian States

Article 116

Germany acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were part of the former Russian Empire on August 1, 1914.

... Germany accepts definitely the abrogation of the Brest-Litovsk Treaties and of all other treaties, conventions and agreements entered into by her with the Maximalist Government in Russia.

The Allied and Associated Powers formally reserve the rights of Russia to obtain from Germany restitution and reparation based on the principles of the present Treaty.

PART IV

GERMAN RIGHTS AND INTERESTS OUTSIDE GERMANY

Article 118

In territory outside her European frontiers as fixed by the present Treaty, Germany renounces all rights, titles and privileges whatever in or over territory which belonged to her or to her allies, and all rights, titles and privileges whatever their origin which she held as against the Allied and Associated Powers.

Germany hereby undertakes to recognise and to conform to the measures which may be taken now or in the future by the Principal Allied and Associated Powers, in agreement where necessary with third

Powers, in order to carry the above stipulation into effect.

In particular Germany declares her acceptance of the following Articles relating to certain special Subjects.

Section I: German Colonies

Article 119

Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions.

Article 120

All movable and immovable property in such territories belonging to the German Empire or to any German State shall pass to the Government exercising authority over such territories .... The decision of the local courts in any dispute as to the nature of such property shall be final.

Section II: China

Article 128

Germany renounces in favour of China all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901, and from all annexes, notes and documents supplementary thereto. She likewise renounces in favour of China any claim to indemnities accruing thereunder subsequent to March 14, 1917.

Section V: Morocco

Article 141

Germany renounces all rights, titles and privileges conferred on her by the General Act of Algeciras of April 7, 1906, and by the Franco-German Agreements of February 9, 1909, and November 4, 1911. All treaties, agreements, arrangements and contracts concluded by her with the Sherifian Empire are regarded as abrogated as from August 3, 1914.

In no case can Germany take advantage of these instruments and she undertakes not to intervene in any way in negotiations relating to Morocco which may take place between France and the other Powers.

Article 142

Germany having recognised the French Protectorate in Morocco, hereby accepts all the consequences

of its establishment, and she renounces the regime of the capitulations therein." This renunciation shall take effect as from August 3. 1914.

Section VI: Egypt

Article 147

Germany declares that she recognises the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces the regime of the Capitulations in Egypt.

This renunciation shall take effect as from August 4. 1914.

Section VIII: Shantung

Article 156

Germany renounces, in favour of Japan, all her rights, title and privileges—particularly those concerning the territory of Kiaochow, mines and submarine cables—which she acquired in virtue of the Treaty concluded, by her with China on March 6, 1898, and of all other arrangements relative to the Province of Shantung.

All German rights in the Tsingtao-Tsinanfu Railway, including its branch lines, together with its subsidiary property of all kinds, stations, shops, fixed and rolling stock, mines, plant and material for the exploitation of the mines, are and remain acquired by Japan, together with all rights and privileges attaching thereto.

The German State submarine cables from Tsingtao to Shanghai and from Tsingtao to Chefoo, with all the rights, privileges and

properties attaching thereto, are similarly acquired by Japan, free and clear of all charges and encumbrances.

PART V

MILITARY, NAVAL AND AIR CLAUSES

In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow.

Section I: Military Clauses

CHAPTER I

EFFECTIVES AND CADRES OF THE GERMAN ARMY

Article 159

The German military forces shall be demobilised and reduced as prescribed hereinafter.

Article 160

1. By a date which must not be later than March 31, 1920, the German Army must not comprise more than seven divisions of infantry and three divisions of cavalry.

After that date the total number of effectives in the Army of the States constituting Germany must not exceed one hundred thousand men, including officers and establishments of depots. The Army shall be devoted exclusively to the maintenance of order within the territory and to the control of the frontiers.

The total effective strength of officers, including the personnel of staffs, whatever their composition, must not exceed four thousand.

2. Divisions and Army Corps headquarters staffs shall be organised in accordance with Table No. 1 .... [The table was annexed to this Section of the original Treaty but is not included here.]

The number and strengths of the units of infantry, artillery, engineers, technical services and troops laid down in the aforesaid Table constitute maxima which must not be exceeded.

The following units may each have their own depot:

An Infantry regiment;

A Cavalry regiment;

A regiment of Field Artillery;

A battalion of Pioneers.

3. The divisions must not be grouped under more than two army corps headquarters staffs.

The maintenance or formation of forces differently grouped or of other organisations for the command of troops or for preparation for war is forbidden.

The Great German General Staff and all similar organisations shall be dissolved and may not be reconstituted in any form.

The officers, or persons in the position of officers, in the Ministries of War in the different States in Germany and in the Administrations attached to them, must not exceed three hundred in number, and are included in the maximum strength of four thousand laid down in the third sub-paragraph of paragraph (1) of this Article.

Article 163

[How the reduction in strength of the German military forces provided for in Article 160 is to be effected.]

CHAPTER II

ARMAMENT, MUNITIONS AND MATERIAL

Article 164

Up till the time at which Germany is admitted as a member of the League of Nations, the German Army must not possess an armament greater than the amounts fixed in Table No. II [the table was annexed to this Section of the original Treaty but is not included here]... with the exception of an optional increase not exceeding one-twenty-fifth part for small arms and one-fiftieth part for guns, which shall be exclusively used to provide for such eventual replacements as may be necessary.

Germany agrees that after she has become a member of the League of Nations the armaments fixed in the said Table shall remain in force until they are modified by the Council of the League. Furthermore, she hereby agrees strictly to observe the decisions of the Council of the League on this subject.

[Articles 165-167 specify the number of armaments and stock of munitions that Germany is allowed to maintain.]

Article 168

The manufacture of arms, munitions, or any war material, shall only be carried out in factories or works the location of which shall be

communicated to and approved by the Governments of the Principal Allied and Associated Powers, and the number of which they retain the right to restrict.

Within three months from the coming into force of the present Treaty, all other establishments for the manufacture, preparation, storage or design of arms, munitions, or any war material whatever shall be closed down. The same applies to all arsenals except those used as depots for the authorised stocks of munitions. Within the same period the personnel of these arsenals will be dismissed.

Article 170

Importation into Germany of arms, munitions and war material of every kind shall be strictly prohibited.

The same applies to the manufacture for, and export to, foreign countries of arms, munitions and war material of every kind.

CHAPTER III

RECRUITING AND MILITARY TRAINING

Article 173

Universal compulsory military service shall be abolished in Germany.

The German Army may only be constituted and recruited by means of voluntary enlistment.

Article 177

Educational establishments, the universities, societies of discharged soldiers, shooting or touring clubs, and, generally speaking associations of every' description, whatever be the age of their members, must not occupy themselves with any military matters.

In particular they will be forbidden to instruct or exercise their members, or to allow them to be instructed or exercised, in the profession or use of arms.

These societies, associations, educational establishments and universities must have no connection with the Ministries of War or any other military authority.

Article 179

Germany agrees, from the coming into force of the present Treaty, not to accredit nor to send to any foreign country any military, naval or air mission, nor to allow any such mission to leave her territory,

and Germany further agrees to take appropriate measures to prevent German nationals from leaving her territory to become enrolled in the Army, Navy or Air Service of any foreign Power, or to be attached to such Army, Navy or Air service for the purpose of assisting in the military, naval or air training thereof, or otherwise for the purpose of giving military, naval or air instruction in any foreign country.

The Allied and Associated Powers agree, so far as they are concerned, from the coming into force of the present Treaty not to enrol in nor to attach to their armies or naval or air forces any Gentian national for the purpose of assisting in the military training of such armies, or naval or air forces, or otherwise to employ any such German national as military, naval or aeronautic instructor.

The present provision does not, however, affect the right of France to recruit for the Foreign Legion in accordance with French military laws and regulations.

CHAPTER IV

FORTIFICATIONS

Article 180

All fortified works, fortresses and field works situated in German territory to the west of a line drawn fifty kilometres to the east of the Rhine shall be disarmed and dismantled.

Within a period of two months from the coming into force of the present Treaty such of the above fortified works fortresses; and field works as are situated in territory not occupied by Allied and Associated troops shall be disarmed, and within a further period of four months they shall be dismantled. Those which are situated in territory occupied by Allied and Associated troops shall by disarmed and dismantled within such periods as may be fixed by the Allied High Command.

The construction of any new fortification, whatever its nature and importance, is forbidden in the zone referred to in the first paragraph above.

The system of fortified works of the southern and eastern frontiers of Germany shall be maintained in its existing state.

Section II: Naval Clauses

Article 181

After the expiration of a period of two months from the coming into force of the present Treaty the German naval forces in commission must not exceed:

6 battleships of the *Deutschland* or *Lothringen*

6 light cruisers,

12 destroyers,

12 torpedo boats,

or an equal number of ships constructed to replace them as provided in Article 190.

No submarines are to be included. All other warships, except where there is provision to the contrary in the present Treaty, must be placed in reserve or devoted to commercial purposes.

Article 183

After the expiration of a period of two months

from the coming into force of the present Treaty the total personnel of the German Navy, including the manning of the fleet, coast defences, signal stations, administration and other land services, must not exceed fifteen thousand, including officers and men of all grades and corps.

The total strength of officers and warrant officers must not exceed fifteen hundred.

Within two months from the coming into force of the present Treaty the personnel in excess of the above strength shall be demobilised.

No naval or military corps or reserve force in connection with the Navy may be organised in Germany without being included in the above strength.

Article 184

From the date of the coming into force of the present Treaty all the German surface warships which are not in German ports cease to belong to Germany, who renounces all rights over them.

Vessels which, in compliance with the Armistice of November 11, 1918, are now interned in the ports of the Allied and Associated Powers, are declared to be finally surrendered.

Vessels which are now interned in neutral ports will be there surrendered to the Governments of the Principal Allied and Associated Powers. The German Government must address a notification to that effect to the neutral Powers on the coming into force of the present Treaty.

Article 188

On the expiration of one month from the coming into force of the present Treaty all German submarines, submarine salvage vessels,

and docks for submarines, including the tubular dock, must have been handed over to the Governments of the Principal Allied and Associated Powers.

Such of these submarines, vessels and docks as are considered by the said Governments to be fit to proceed under their own power or to be towed shall be taken by the German Government into such Allied ports as have been indicated.

The remainder, and also those in course of construction, shall be broken up entirely by the German Government under the supervision of the said Governments. The breaking-up must be completed within three months at the most after the coming into force of the present Treaty.

Article 190

Germany is forbidden to construct or acquire any warships other than those intended to replace the units in commission provided for in Article 181 of the present Treaty.

The warships intended for replacement purposes as above shall not exceed the following displacement:

Armoured ships	10,000 tons,
Light cruisers	6,000 tons,
Destroyers	800 tons,
Torpedo; boats	200 tons

Article 191

The construction or acquisition of any submarine, even for commercial purposes, shall be forbidden in Germany..

Article 195

In order to ensure free passage into the Baltic to all nations, Germany shall not erect any fortifications in the area comprised between latitudes 55° 27' N. and 54° 00'N. and longitudes 9° 00' E. and 16 00' E. of the meridian of Greenwich, nor instal any guns commanding the maritime routes between the North Sea and the Baltic. The fortifications now existing in this area shall be demolished and the guns removed under the supervision of the Allied Governments and in periods to be fixed by them. [...]

Section III: Air Clauses

Article 198

The armed forces of Germany must not include any military or naval air forces.

Germany may, during a period not extending beyond October 1, 1919, maintain a maximum number of one hundred seaplanes or flying boats, which shall be exclusively employed in searching for submarine mines, shall be furnished with the necessary equipment for this purpose, and shall in no case carry arms, munitions or bombs of any nature whatever.

In addition to the engines installed in the seaplanes or flying boats above mentioned, one spare engine may be provided for each engine of each of these craft.

No dirigible shall be kept.

Article 199

Within two months from the coming into force of the present Treaty the personnel of the air forces on the rolls of the German land and sea forces shall be demolished. Up to October 1, 1919, however, Germany may keep and maintain a total number of one thousand men, including officers, for the whole of the cadres and personnel, flying and non-flying, of all formations and establishments.

Article 200

Until the complete evacuation of German territory by the Allied and Associated troops, the aircraft of the Allied and Associated Powers shall enjoy in Germany freedom of passage through the air, freedom of transit and of landing.

Article 201

During the six months following the coming into force of the present Treaty, the manufacture and importation of aircraft, parts of aircraft, engines for aircraft, and parts of engines for aircraft, shall be forbidden in all German territory.

Section IV: Inter-Allied Commissions of Control

Article 203

All the military, naval and air clauses contained in the present Treaty, for the execution of which a time-limit is prescribed, shall be executed by Germany under the control of Inter-Allied Commissions specially appointed for this purpose by the Principal Allied and Associated Powers.

Article 204

The Inter-Allied Commissions of Control will be specially charged with the duty of seeing to the complete execution of the delivery,

destruction, demolition and rendering things useless to be carried out at the expense of the German Government in accordance with the present Treaty.

They will communicate to the German authorities the decisions which the Principal Allied and Associated Powers have reserved the right to take, or which the execution of the military, naval and air clauses may necessitate.

Article 207

The upkeep and cost of the Commissions of Control and the expenses involved by their work shall be borne by Germany.

PART VI
PRISONERS OF WAR AND GRAVES

Section I: Prisoners of War

Article 214

The repatriation of prisoners of war and interned civilians shall take place as soon as possible after the coming into force of the present Treaty, and shall be carried out with the greatest rapidity.

Article 215

The repatriation of German prisoners of war and interned civilians shall, in accordance with Article 214, be carried out by a Commission composed of representatives of the Allied and Associated Powers on the one part and of the German Government on the other pan.

For each of the Allied and Associated Powers a Sub-Commission, composed exclusively of Representatives of the interested Power and of Delegates of the German Government, shall regulate the details of carrying into effect the repatriation of the prisoners of war.

Article 217

The whole cost of repatriation from the moment of starting shall be borne by the German Government, who shall also provide the land and sea transport and staff considered necessary by the Commission referred to in Article 215.

Section II: Graves

Article 225

The Allied and Associated Governments and the German Government will cause to be respected and maintained the graves of the soldiers and sailors buried in their respective territories. [...]

Article 226

The graves of prisoners of war and interned civilians who are nationals of the different belligerent States and have died in captivity shall be properly maintained in accordance with Article 225 of the present Treaty.

The Allied and Associated Governments on the one part and the German Government on the other part reciprocally undertake also to furnish to each other:

(1) A complete list of those who have died, together with all information useful for identification;

(2) All information as to the number and position of the graves of all those who have been buried without identification.

PART VII

PENALTIES

Article 227

The Allied and Associated Powers publicly arraign William II of Hohenzollern, formerly German Emperor, for a supreme offence against international morality and the sanctity of treaties.

A special tribunal will be constituted to try the accused, thereby assuring him the guarantees essential to the right of defence. It will be composed of five judges, one appointed by each of the following Powers: namely, the United States of America, Great Britain, France, Italy and Japan.

In its decision the tribunal will be guided by the highest motives of international policy, with a view to vindicating the solemn obligations of international undertakings and the validity of international morality. It will be its duty to fix the punishment which it considers should be imposed.

The Allied and Associated Powers will address a request to the Government of the Netherlands for the surrender to them of the ex-Emperor in order that he may be put on trial.

Article 228

The German Government recognises the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war. Such persons shall, if found guilty, be sentenced to punishments laid down by law. This provision will apply notwithstanding any proceedings

or prosecution before a tribunal in Germany or in the territory of her allies.

The German Government shall hand over to the Allied and Associated Powers, or to such one of them as shall so request, all persons accused of having committed an act in violation of the laws and customs of war, who are specified either by name or by the rank, office or employment which they held under the German authorities.

Article 229

Persons guilty of criminal acts against the nationals of one of the Allied and Associated Powers will be brought before the military tribunals of that Power.

Persons guilty of criminal acts against the nationals of more than one of the Allied and Associated Powers will be brought before military tribunals composed of members of the military tribunals of the Powers concerned.

In every case the accused will be entitled to name his own counsel.

PART VIII

REPARATION

Section I: General Provisions

Article 231

The Allied and Associated Governments affirm and Germany accepts the responsibility of Germany and her allies for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies.'

Article 232

The Allied and Associated Governments recognise that the resources of Germany are not adequate, after taking into account permanent diminutions of such resources which will result from other provisions of the present Treaty, to make complete reparation for all such loss and damage.

The Allied and Associated Governments, however, require, and Germany undertakes, that she will make compensation for all damage done to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied or Associated Power against Germany by such aggression by

land, by sea, and from the air, and in general all damage as defined in Annex 1 hereto [not included here]....

Article 233

The amount of the above damage for which compensation is to be made by Germany shall be determined by an Inter-Allied Commissioned, to be called the *Reparation Commission* and constituted in the form and with the powers set forth hereunder and in Annexes II to VII inclusive hereto [not included here]....

Article 235

In order to enable the Allied and Associated Powers to proceed at once to the restoration of their industrial and economic life, pending the full determination of their claims, Germany shall pay in such instalments and in such manner (whether in gold, commodities, ships, securities or otherwise) as the Reparation Commission may *fix,* during 1919, 1920, and the first four months of 1921, the equivalent of 20,000,000,000 gold marks. Out of this sum the expenses of the armies of occupation subsequent to the Armistice of November 11, 1918, shall first be met, and such supplies of food and raw materials as may be judged by the Governments of the Principal Allied and Associated Powers to be essential to enable Germany to meet her obligations for reparation may also, with the approval of the said Governments, be paid for out of the above sum. The balance shall be reckoned towards liquidation of the amounts due for reparation. Germany shall further deposit bonds as prescribed in paragraph 12 (c) of Annex II hereto.

Article 238

In addition to the payments mentioned above, Germany shall effect, in accordance with the procedure laid down by the Reparation Commission, restitution in cash of cash taken away, seized or sequestrated, and also restitution of animals, objects of every nature and securities taken away, seized or sequestrated, in the cases in which it proves possible to identify them in territory belonging to Germany or her allies. [...]

PART IX
FINANCIAL CLAUSES

Article 248

Subject to such exceptions as the Reparation Commission may approve, a first charge upon all the assets and revenues of the German Empire and its constituent States shall be the cost of reparation and

all other costs arising under the present Treaty or any treaties or agreements supplementary thereto or under arrangements concluded between Germany and the Allied and Associated Powers during the Armistice or its extensions.

Up to May 1, 1921, the German Government shall not export or dispose of, and shall forbid the export or disposal of, gold without the previous approval of the Allied and Associated Powers acting through the Reparation Commission.

Article 249

There shall be paid by the German Government the total cost of all armies of the Allied and Associated Governments in occupied German territory from the date of the signature of the Armistice of November 11, 1918, including the keep of men and beasts, lodging and billeting, pay and allowances, salaries and wages, bedding, heating, lighting, clothing, equipment, harness and saddlery, armament and rolling-stock, air services, treatment of sick and wounded, veterinary and remount services, transport service of all sorts (such as by rail, sea or river, motor lorries), communications and correspondence, and in general the cost of all administrative or technical services the working of which is necessary for the training of troops and for keeping their numbers up to strength and preserving their military efficiency. [...]

PART X

ECONOMIC CLAUSES

Section I: Commercial Relations

CHAPTER I

CUSTOMS, REGULATIONS, DUTIES AND RESTRICTIONS

Article 264

Germany undertakes that goods the produce or manufacture of any one of the Allied or Associated States imported into German territory, from whatsoever place arriving, shall not be subject to other or higher duties or charges (including internal charges) than those to which the like goods the produce or manufacture of any other such State or of any other foreign country are subject.

Germany will not maintain or impose any prohibition or restriction on the importation into German territory of any goods the produce of manufacture of the territories of any one of the Allied or Associated

States, from whatsoever place arriving which shall not equally extend to the importation of the like goods the produce or manufacture of any other such State or of any other foreign country.

PART XI

AERIAL NAVIGATION

Article 313

The aircraft of the Allied and Associated Powers shall have full liberty of passage and landing over and in the territory and territorial waters of Germany, and shall enjoy the same privileges as German aircraft, particularly in case of distress by land or sea.

Article 314

The aircraft of the Allied and Associated Powers shall, while in transit to any foreign country whatever, enjoy the right of flying over the territory and territorial waters of Germany without landing, subject always to any regulations which may be made by Germany, and which shall be applicable equally to the aircraft of Germany and to those of the Allied and Associated countries.

Article 315

All aerodromes in Germany open to national public traffic shall be open for the aircraft of the Allied and Associated Powers, and in any such aerodrome such aircraft shall be treated on a footing of equality with, German aircraft as regards charges of every description, including charges for landing and accommodation.

PART XII

PORTS, WATERWAYS AND RAILWAYS

Section I: General Provisions

Article 321

Germany undertakes to grant freedom of transit through her territories on the routes most convenient for international transit, either by rail, navigable waterway, or canal, to persons, goods, vessels, carriages, wagons and mails coming from or going to the territories of any of the Allied and Associated Powers (whether contiguous or not); for this purpose the crossing of territorial waters shall be allowed. Such persons, goods, vessels, carriages, wagons and mails shall not be subjected to any transit duty or to any undue delays or restrictions, and shall be entitled in Germany to national treatment as regards charges, facilities, and all other matters.

Goods in transit shall be exempt from all Customs or other similar duties.

Section II: Navigation

CHAPTER I

FREEDOM OF NAVIGATION

Article 327

The nationals of any of the Allied and Associated Powers as well as their vessels and property shall enjoy in all German ports and on the inland navigation routes of Germany the same treatment in all respects as German nationals, vessels and property, [...]

CHAPTER III

CLAUSES RELATING TO THE ELBE, THE ODER, THE NIEMEN (RUSSSTROM-MEMEL-NIEMEN) AND THE DANUBE

Article 331

The following rivers are declared international:

the Elbe *(Lobe)* from its confluence with the Vltava *(Moldau)* and the Vltava *(Moldau)* from Prague;

the Oder *(Odra)* from its confluence with the Oppa;

the Niemen *{Russstrom-Memel-Niemen)* from Grodno;

the Danube from Ulm;

and all navigable parts of these river systems which naturally provide more than one State with access to the sea, with or without transhipment from one vessel to another; together with lateral canals and channels constructed either to duplicate or to improve naturally navigable sections of the specified river systems, or to connect two naturally navigable sections of the same river.

Section III: Railways

CHAPTER I

CLAUSES RELATING TO INTERNATIONAL TRANSPORT

Article 365

Goods coming from the territories of the Allied and Associated Powers, and going to Germany, or in transit through Germany from or to the territories of the Allied and Associated Powers, shall enjoy on

the German railways as regards charges to be collected (rebates and drawbacks being taken into account), facilities and all other matters, the most favourable treatment applied to goods of the same kind carried on any German lines, either in internal traffic, or for export, import or in transit, under similar conditions of transport, for example as regards length of route. The same rule shall be applied, on the request of one or more of the Allied and Associated Powers, to goods specially designated by such Power or Powers coming from Germany and going to their territories.

CHAPTER IV

PROVISIONS RELATING TO CERTAIN RAILWAY LINES

Article 372

When as a result of the fixing of new frontiers a railway connection between two parts of the same country crosses another country, or a branch line from one country has its terminus in another, the conditions of working, if not specifically provided for in the present Treaty, shall be laid down in a convention between the railway administrations concerned. If the administrations cannot come to an agreement as to the terms of such convention the points of difference shall be decided by commissions of experts composed as provided in the preceding article.

Section IV: Disputes and Revision of Permanent Clauses

Article 376

Disputes which may arise between interested Powers, with regard to the interpretation and application of the preceding Articles shall be settled as provided by the League of Nations.

Article 377

At any time the League of Nations may recommend the revision of such of these Articles as relate to a permanent administrative regime.

Section VI: Clauses Relating to the Kiel Canal

Article 380

The Kiel Canal and its approaches shall be maintained free and open to the vessels of commerce and of war of all nations at peace with Germany on terms of entire equality.

PART XIII
LABOUR

Section I: Organisation of Labour

Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures.

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity, as well as by the desire to secure the permanent peace of the world, agree to the following:

CHAPTER I
ORGANISATION

Article 387

A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble.

The original Members of the League of Nations shall be the original Members of this organisation, and hereafter membership of the League of Nations shall carry with it membership of the said organisation.

Article 388

The permanent organisation shall consist of:

(1) a General Conference of Representatives of the Members and,

(2) an International Labour Office controlled by the Governing Body described in Article 393.

Article 392

The International Labour Office shall be established at the seat of the League of Nations as part of the organisation of the League.

[Articles 393-397 specify the direction, organisation, and functions of the International Labour Office.]

[Articles 400-420 specify the procedures for the functioning of the International Labour Office.]

Section II: General Principles

Article 427

The High Contracting Parties, recognising that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the League of Nations.

They recognise that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do, that labour should not be regarded merely as an Article of commerce they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance:

First—The guiding principle above enunciated that labour should not be regarded merely as a commodity or Article of commerce.

Second—The right of association for all lawful purposes by the employed as well as by the employers.

Third—-The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

Fourth— The adoption of an eight hours day or a forty-eight hours week as the standard to be aimed at where it has not already been attained.

Fifth—The adoption of weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

Sixth—The abolition of child labour and the imposition of such limitations on the labour of young persons' as shall permit the continuation of their education and assure their proper physical development.

Seventh—The principle that men and women should receive equal remuneration for work of equal value.

Eighth—The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

Ninth—Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

PART XIV

GUARANTEES

Section I: Western Europe

Article 428

As a guarantee for the execution of the present Treaty by Germany, the German territory situated to the west of the Rhine together with the bridgeheads, will be occupied by Allied and Associated troops for a period of fifteen years from the coming into force of the present Treaty.

Section II: Eastern Europe

Article 433

As a guarantee for the execution of the provisions of the present Treaty, by which Germany accepts definitely the abrogation of the Brest-Litovsk Treaty, and of all treaties, conventions and agreements entered into by her with the Maximalist Government in Russia, and in order to ensure the restoration of peace and good government in the Baltic Provinces and Lithuania, all German troops at present in the said territories shall return to within the frontiers of Germany as soon as the Governments of the Principal Allied and Associated Powers shall think the moment suitable, having regard to the internal situation

of these territories. These troops shall abstain from all requisitions and seizures and form any other coercive measures, with a view to obtaining supplies intended for Germany, and shall in no way interfere with such measures for national defence as may be adopted by the Provisional Governments of Esthonia, Latvia and Lithuania.

No other German troops shall, pending the evacuation or after the evacuation is complete, be admitted to the said territories.

PART XV

MISCELLANEOUS PROVISIONS

Article 434

Germany undertakes to recognise the full force of the Treaties of Peace and Additional Conventions which may be concluded by the Allied and Associated Powers with the Powers who fought on the side of Germany and to recognise whatever dispositions may be made concerning the territories of the former Austro-Hungarian Monarchy, of the Kingdom of Bulgaria and of the Ottoman Empire, and to recognise the new States within the frontiers as there laid down.

The Present Treaty, of which the French and English texts are both authentic, shall be ratified.

The deposit of ratifications shall be made at Pan's as soon as possible.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A first proces-verbal of the deposit of ratifications will be drawn up as soon as the Treaty has been ratified by Germany on the one hand, and by three of the Principal Allied and Associated Powers on the other hand.

From the date of this first proces-verbal the Treaty will come into force between the High Contracting Parties who have ratified it. For the determination of all periods of time provided for in the present Treaty this date will be the date of the coming into force of the Treaty.

In all other respects the Treaty will enter into force for each Power at the date of the deposit of its ratification.

The French Government will transmit to all the signatory Powers a certified copy verbaux of the deposit of ratification.

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