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Report on a National Trial Inspection

I General remarks

1. On the basis of the working paper on trial inspections (CD/CW/WP.213 of 19 September 1988), a national trial inspection (CW non-production inspection) was carried out in the Federal Republic of Germany on 9 February 1989 in a multi-purpose facility producing a substance listed in schedule [2] of Article VI.
2. This inspection was in keeping with the objective of the working paper, namely to examine the concept and the individual provisions of the rolling text (in its version of 12 September 1988, CD/874) by means of a national trial inspection in order to find out if they provide the envisaged International Inspectorate with appropriate and practicable criteria for the verification of non-production and if such criteria enable the inspectors to establish with sufficient certainty whether civilian chemical facilities in any State Party are in fact only used for purposes not prohibited by the Convention.

The inspection was carried out to clarify to what extent an effective control of the quantity and use of certain substances for civilian purposes and an on-site inspection of the facilities which produce and process them are compatible with a feasible control system which takes account of the legitimate economic interests of the industry with regard to the protection of confidential information and data.

3. In preparation of the inspection a group of governmental experts set up for the purpose of the trial inspection and acting as a fictitious international control authority, transmitted to the industrial facility to be inspected a catalogue of questions on the basis of the annex to article VI [2] and of the model for an agreement relating to facilities producing, processing, or consuming chemicals listed in schedule 2 contained in Appendix II of CD/874.

4. The inspection was carried out in a multi-purpose facility which produces, among other things, a simple organic intermediate product listed in schedule 2.

The facility to be inspected and thus the physical scope of the inspection were defined as follows: "a specific operating process unit (battery limits) and associated feed, product handling, waste treatment and storage tanks".

5. This facility produces, among other chemical substances, the simple organic intermediate product listed in schedule 2, whose production and use for civilian purposes is to be subject to international monitoring, including on-site inspections at regular intervals, after the entry into force of a convention.

The inspection was limited to the verification of the declaration and other information provided by the firm on the production of this substance as well as the non-production of substances listed in schedule 1.

6. It should be noted that the trial inspection posed a particular challenge for the inspectors for the following reasons:

First, the production facility is located within a large integrated plant of the chemical industry.

Secondly, the inspected product is a common commercial intermediate product which cannot be distinguished from other products manufactured in the facility by identifiable technical characteristics. This product, which is subject to international competition, is produced, depending on market demands, in short and separate production series by a plant which produces approx. 30 other products. For such cases, useful experiences were gained as to specific verification problems and ways to solve them.

- 11 Information on the facility as well as on the use and production of the substance, provided by the enterprise in response to the "inspectorate's" questionnaire and as a declaration on the production of schedule 2 substances on the basis of CD/874, appendix 1, page 79 et seq.
1. The inspected facility is part of a typical intermediate product plant, where many substances are produced by varying methods and in multi-purpose facilities which usually consist of the reactor for a chemical transformation and the facility for reprocessing. It is in this facility that the schedule 2 intermediate product in question is produced. The inspectorate was provided with a basic set of rules from the specialized literature (Ullman's Encyclopedia of Industrial Chemistry).
 2. The substance in question is exclusively employed for civilian purposes and can be used as follows:
 - It is a precursor for many pharmaceutical products and serves, among other things, as peptization agent for medical products, as solubility agent and as isolation and cleansing material for a number of antibiotics.
 - It serves as intermediate product in the chemical industry, for instance for the production of corrosion inhibitors, ion exchangers, pigments and photochemicals.
 - It is used as a catalyst in the production of phenolic resins, polyurethanes and epoxy resins and as the basic component of synthetic resins.
 3. The production of the substance in batches is effected by allowing two liquid components to react in a reaction vessel with little specialized equipment.

One feedstock is supplied by the plant via a pipeline. The second feedstock is supplied by another manufacturer in tank wagons and pumped into the reaction vessel from storage tanks.

After synthesis has been completed, the substance is stored as a crude product and purified by multi-stage rectification at reduced pressure. Several discontinuous distilling columns and one continuous column are available for this process. The choice of the column depends on the requirements of the facility in every case.

The distillation product consists of various fractions. The first runnings and the residue of the distillation process are burned in the plant's combustion facility.

The intermediate runnings and the last runnings are again filled into the distilling column; only the major runnings meet the purity requirements for the substance. The fractions are transferred from the distilling columns to special receptacles. The major runnings, i.e. the refined product, are now filled into barrels. These are passed on to the storage and packing section of the factory, which organizes the shipping of the product.

The exhaust air from gaseous by-products is cleaned. This waste water as well as the water used to rinse the tanks is purified in the factory's own sewage treatment plant.

The facility for synthesizing and processing the substance is operated manually. There are no specialized measuring and steering instruments to direct this process.

Safety regulations must be complied with when handling feedstocks.

No specific technical safety arrangements are required for the synthesis apart from the general safety regulations applicable to the handling of chemical substances.

Owing to the danger of injuries through acids, face masks and rubber gloves must be worn while taking samples.

The personnel producing the substance are not subject to a medical examination related to their work.

4. The quantity of the substance produced per calendar year is relatively small in comparison with the size of the facility; it amounts to approx. 100 metric tons. Consequently, the facility produces the substance only during a few weeks per year, distributed over a number of short production intervals; for the remainder of the year, it produces various other products.

Theoretically, the capacity of the facility for the production of the substance is 10 times that of the capacity needed for the quantity actually produced.

The substance is not processed in the factory, but rather sold on domestic or foreign markets.

Production planning depends on the demand for the substance on the market. As a rule, production planning begins two months in advance. If necessary, however, the facility can be converted to the production of another product within just a week.

III Implementation of the trial inspection

1. Initial visit

On 24 January 1989, the inspectors paid an initial visit to the firm as envisaged by CD/874 in preparation for the first on-site inspection. The inspectors were familiar with the declaration submitted by the firm in accordance with CD/874 (Appendix I, p. 79 et seq.). It contained only vague information concerning the quantity of the substance produced in the calendar year of 1988.

- 1.1 The inspectors noted the answers given by the management on the produced substance and the facility on the basis of the "inspectorate's" questionnaire.

There was agreement to the effect that information provided by the management in conformity with item 2 of the model for an agreement relating to facilities producing, processing, or

consuming chemicals listed in schedule 2 (CD/874, appendix II, p. 125) should partly remain with the inspectorate. Another part (Information in accordance with p. 125, item 2 d, f, g, h) was to be kept under lock and key by the inspectorate on the premises of the firm.

1.2 Although the inspectors had been provided with declarations containing information and data both on the substance and the facility, many issues needed to be clarified between them and the management, for instance technical and organizational details with regard to the scope and implementation of the trial inspection. The agreements subsequently reached are important in this connection.

- The tour of the production and storage facilities to be inspected as well as their limits should be based on the definition delimiting the facility (cf. I 4).

In a further step, the scope of the future trial inspection of the facility was laid down; the facility was toured during the initial visit.

- As far as the inclusion of confidential data in the trial inspection is concerned, a two-tiered approach was agreed.

It was specified

1. that one category of confidential data was to be taken under lock and key on the premises of the firm (cf. CD/874, p. 126, item 2.1) and must not appear in the inspectors' report and
2. that another category of data was to be considered strictly confidential even for the purposes of the inspectorate because they do not contribute to verification within the meaning of the convention (cf. CD/874, article VI, item 9 (c), p. 29). These data

encompass details about the specific conditions of reaction underlying the production of the substance (temperature, pressure, additives, duration of the reaction etc.) which determine the quantity of substance distilled. The trial inspection should be implemented without looking into those parts of the facility diary containing such particularly sensitive data.

- In order to verify the declarations concerning the substance produced, the trial inspection should, moreover, examine the whereabouts of the feedstock which is bought, not produced, by the enterprise.

All documents and data concerning the quantity should be treated as confidential information and be kept under lock and key on the premises of the firm.

- During the tour of the production and storage facilities, all possibilities of sampling and quantitative verification for the trial inspection were discussed.

It was agreed to define the sampling points to be used and the objects of quantitative verification.

The time-related and methodical possibilities for sample analysis were discussed; apart from the laboratory in the plant, other analytical laboratories of the firm should be included.

It was agreed that sample analysis during the trial inspection should serve a double purpose:

- The sample should be checked for the presence of the substance (positive/negative test) and the feedstock (positive/negative test) and

a mixed sample consisting of the above-mentioned separate samples should be checked for substances listed in schedule 1 by analytical measuring of its qualitative content of phosphorus, arsenic, sulphur, chlorine and aromatic substances. This procedure was possible because none of these elements was contained in the individual samples, according to the management. Moreover, a reaction of the individual samples among themselves was ruled out.

The number and storage of reserve samples was discussed and agreed upon.

- 1.3 A facility attachment was compiled for the trial inspection on the basis of the rolling text in CD/874, p. 125-128, Appendix 2.

The content of the facility attachments was elaborated on a "need-to-know" basis (CD/874, Article VI (9) (c), p. 29) and in accordance with the agreed definition given of the facility (cf. 1 4).

Those parts entrusted to the inspectorate contain primarily the information on the substance and the facility for its production provided under 1 of this report. Some of this information is unclassified, the rest is subject to the confidentiality regime under which the inspectorate operates. Those parts kept under lock and key list more detailed information about the localities for the production and storage of the substance (plans, sketches, diagrams).

- 1.4 The trial inspection was to be carried out in one day. Given the shortness of time, careful preparations were necessary. Thus, the following plan of operations was developed.

- familiarization with in-plant safety arrangements and agreement on the handling of confidential information,

- information on the operational status of the facility on the day of the inspection, given by the management,
- determination of the areas of the inspection of the facility to be inspected on the basis of the facility attachment,
- determination of the number of samples and of the sampling points,
- implementation of the inspection of the facility according to plan, including sample-taking and quantity measurement in order to determine the actual amount produced,
- implementation of the sample analysis in the envisaged laboratories under the surveillance of an inspector,
- reception of the declarations concerning production, use and storage of the substance during the previous and the current calendar year up to the day of the inspection,
- evaluation of the production and inventory records relating to declarations concerning the quantity of the substance and the feedstocks submitted by the management,
- examination as to the correspondence of the verified quantities with the declared quantities within the technical margin of error,
- information on the number and type of documents which were inspected and then kept under lock and key in the plant by the inspectorate,
- assessment of the results of the analyses as to whether they correspond with the information provided by the management and with a view to the presence of substances listed in schedule 1,

- registration of the inspection results in a short report form developed for the trial inspection, and final discussion.

2. Trial inspection

2.1 Implementation

2.1.1 The trial inspection was carried out on 9 February 1989 in accordance with the agreed plan of operations.

Five inspectors were needed who, apart from their other control duties, monitored the envisaged analyses in three laboratories.

2.1.2 The management informed the inspectors about the following conditions prevailing on the day of the inspection:

- the operational status of the facility for the production and cleaning of the substance,
- the storage of the feedstock,
- the storage of the crude substance and
- the storage of the pure substance.

2.1.3 The inspectors determined the number of samples and the sampling points by taking random samples (negative/positive samples) and chose one of the storage tanks for quantity verification. An equivalent mixed sample was created on the basis of all individual samples and checked for substances listed in schedule 1. Sample-taking and quantity verification took place during the inspection tour of the facility.

In the laboratories, the samples were analyzed for the presence of schedule 2 substances by gas chromatography and, where necessary, in mass spectrometers under the constant surveillance of the inspectors.

The mixed sample was checked for schedule 1 substances as follows:

- for phosphorus by atomic emission spectrometry including plasma excitation,
- for arsenic by flameless atomic absorption spectrometry,
- for chlorine and sulphur on the basis of elementary and trace analysis, using a Wickbold oxyhydrogen combustion apparatus and
- for aromatic substances by nuclear magnetic resonance spectroscopy.

All results were jointly taken under lock and key in the facility.

2.1.4 The success of an on-site inspection depends largely on exact and complete documentation of the quantities of the substance listed in the declarations. The management considers such data to be confidential information which is disclosed to the inspectors during the inspection with the provision that they maintain this confidentiality. The trial inspection, too, respected this principle.

The declarations contained the quantities of the substance produced and the feedstock for the previous and the current calendar year up to the day of the inspection.

The declared quantities were verified on the basis of numerous business papers and documents which the inspectors were allowed to read. Among them were:

- computer print-outs and receipts relating to the origin and use of the purchased feedstock (name of supplier covered),
- computer lists of the sold quantities of the substance and the receiving countries (names of customers covered),
- storage papers,
- weight cards and
- quantity figures contained in the facility diary (parameters of the procedure covered).

Verification also extended to the quantity and yield of the individual batches.

The declared stockpile of pure substance was verified by on-site inspection.

All documents and receipts concerning quantities were taken under lock and key in the facility; they are available to the "inspectorate".

2.2 Results

2.2.1 The results of the trial inspection were recorded in the agreed short report form.

2.2.2 The management's statements during sample-taking concerning the presence or absence of the substance at the various places of production and storage were confirmed by the results of the analyses.

The analysis of the mixed sample consisting of the individual samples showed no trace of schedule 1 substances.

2.2.3 The inspection confirmed the declared quantities of the substance and the feedstock for the previous and the current calendar year up to the day of the inspection within the technical margin of error.

To the inspectors, the quantity documentation seemed plausible at all times and for the entire production process.

2.2.4 The inspectors noticed no safety arrangements from which the potential production of supertoxic substances could be inferred.

IV Assessment and conclusions in connection with individual questions

1. The national trial inspection was designed to test the feasibility of the criteria for the verification of non-production laid down in the rolling text; furthermore, it served to gain experience and insights which can be applied to the work on the rolling text and to making the verification provisions as realistic and effective as possible.
2. In terms of its course and results, the trial inspection, carried out on the basis of these criteria, was successful.

The experience gained from this inspection shows that, as a rule, routine inspections, are a suitable method to find out whether production in a chemical facility (cf. I. 4) is for purposes not prohibited by the Convention.

It has been shown that the comprehensive and careful preparatory work done during the initial visit contributed considerably towards the success of the inspection.

This preparatory work later enabled the inspectors to carry out their task within the narrow time limit of one day and to perform all the necessary elements of the inspection.

The accelerated yet intrusive implementation of the inspection is attributable not least to the presence of a relatively large number of inspectors (five persons), who surveyed the envisaged analyses in the laboratories in addition to performing their other control functions.

Moreover, it became clear that the success of an on-site inspection will largely depend on exact and complete documentation concerning the declared quantities of the substance. Attention must be paid to the protection of legitimate business interests of the enterprise (confidentiality of commercial know-how).

It has been shown that a mass balance accompanied by original documents of the enterprise and based on the major feedstock as well as conversion factors supported by scientific literature is sufficient for plausible verification because any significant manipulation of the data can be virtually ruled out in the present case, given the manifold interdependence of documentation in any major business of the chemical industry. However, this insight cannot be applied to smaller firms and isolated production units.

3. The trial inspection gave rise to various questions:
 - 1) The problems connected with the inspection of a multi-purpose facility;
 - 2) the verification interest of the International Inspectorate versus the commercial interests of the firm concerned ("confidentiality");

3) the personnel requirements for an efficient inspection.

3.1 The inspection of a multi-purpose facility poses certain problems because the section to be inspected must be singled out in a convincing manner.

The inspectors need to know which parts of the facility are actually involved in the production of the substances in question. This means that, to a certain extent, those parts of the plant connected with the above mentioned section will have to be included, such as pipes to and from the facility's tanks and supply pipes up to the relevant bifurcations. In large enterprises consisting of several multi-purpose facilities, however, inspection activities must be limited for practical reasons. The inspected part of the facility in question represents in most cases only a relatively small section of the entire production.

The manifold possibilities for technical variation inherent in a multi-purpose facility are another factor of uncertainty. Such a facility may well have a considerable degree of technical flexibility, e.g. it can shift production to a variety of other storage tanks and pipelines. It is therefore difficult to follow the product's path through the facility.

An additional verification problem lies in the fact that in large firms consisting of several multi-purpose facilities (with the firm in turn being part of an even bigger complex), substances subject to the convention can also be produced in other facilities which form part of the overall complex.

In such a case, comprehensive quantity control extending beyond the controlled production unit can provide better evidence than a mere technical inspection of the facility.

3.2. A key problem in formulating the convention text lies in the requirement of reconciling the interest of the International Inspectorate in effective control of the quantity and use of certain substances for civilian purposes as well as in on-site inspection of the facility in

question with the legally protected sphere of the firm (problem of "confidentiality").

The inspected firm's interest in confidentiality extends both to the physical and the factual scope of the verification measures.

For understandable reasons, private companies hesitate to provide information about their customers, although this could well facilitate quantity control; the identity of the customers is thus considered to be a business secret.

Together with technological know-how, confidentiality in connection with these data is a highly sensitive issue for business firms and deserves protection.

One conceivable alternative is the disclosure of shipment data broken down by countries of destination; this was done during the trial inspection.

- 3.3. Five inspectors were necessary for the careful, rapid and proper implementation of the inspection. It proved to be useful that the inspection took place shortly after the initial visit. Under these circumstances, it was possible to complete the inspection within a single day.

Should such a rapid succession of initial visit and inspection prove impossible, an international team of inspectors arriving at short notice and without prior knowledge of the facility would require more time for an inspection. Furthermore, this could have consequences for the staffing of the Technical Secretariat.

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NATIONAL TRIAL INSPECTION

INTRODUCTION

At the summer session in 1988, the Ad hoc Committee on Chemical Weapons proposed that national trial inspections should be carried out by interested countries for the purpose of determining, inter alia, whether the verification provisions contained in the "rolling text" realistically made it possible to ascertain that declared chemical industry facilities were not being used for prohibited purposes.

This document contains a report on the national trial inspection organized in March 1989. The results will for the most part be set out in accordance with the Swedish paper (CD/CW/WP.213).

This exercise brought out in particular the importance of the initial visit, the value of checking facility documents prepared over a long period, the difficulties involved in analysis of samples and the need to pay constant attention to respect for confidentiality. In addition, it enabled representatives of various ministries and public bodies, as well as chemical manufacturers as grouped together in the Union des Industries Chimiques, to become acquainted with the real nature, the constraints and the implications of the future convention.

I. GENERAL APPROACH

1. Objective

A national trial inspection was organized at a multi-purpose chemical facility to test a routine inspection procedure designed to check that a prior declaration concerning a chemical to be placed in schedule [2] was borne out by the existence of a shop for the manufacture of the product, and that there was consequently no possibility of the output being diverted.

Two technical matters were given special attention: checking of the materials balance on the basis of information supplied by the company, and the value of taking samples both of products and of effluents so as to confirm that the production process is in keeping with the descriptions supplied and that there are no unauthorized products.

Given the importance France attaches to respect for confidentiality under the various verification régimes, it was also necessary to determine the maximum level of information to be furnished by the manufacturer to ensure an effective inspection: the "need to know" emerges as the essential element of respect for confidentiality when information is made available, as well as the skill and dependability of the inspectors (see document CD/901).

2. Framework of the inspection

The inspection took place in a specific unit of a multi-purpose shop at a time when production was under way. Although this facility does not produce any of the chemicals covered by annex VI [2], it was considered to offer sufficient similarities for simulation of the conditions required for the planned inspection.

The multi-purpose shop itself forms part of an industrial complex manufacturing a large number of products by continuous or batch methods, some of them chemically very similar to the product in question.

3. Type of on-site inspection

In accordance with the provisions mentioned in annex [2] to article VI, the routine inspection was preceded by an initial visit (in fact consisting of a visit lasting several days, with an intermediate evaluation) and several preparatory meetings, in particular to draw up an inspection scenario and later a specific agreement for the facility.

4. Advance information

4. (a) - Declarations: the initial declaration indicated:
- The production capacity for the product in question, specifying actual production in 1988 and planned production for 1989;
 - Maximum and mean storage capacity for 1988;
 - The fact that it was impossible to produce schedule [1] products.
4. (b) - Inspection procedure:

The specific agreement for the facility, which was derived from the "model for an agreement" negotiated with the industrial company, and regarded as a contractual document binding on all the parties (Technical Secretariat,

national authority and plant management) provided that the following documents, which were considered to be confidential, were to be made available at the time of the inspection:

- A site plan specifying only those places to which the inspectors would have access, namely: the building in which the product in question is produced, the storage areas for the product and for intermediates for its synthesis and their raw materials, the plant's sales and accounting departments in case documents have to be consulted, and the relevant laboratories where certain analytical operations could if necessary be monitored;
- An indication of equipment used in the facility, with the schematic plan showing possible sampling points, and daily storage sites close to the facility;
- Details concerning treatment of effluents and analytical methods available at the plant relating to the purity of finished or intermediate products;
- Details of safety arrangements for the site and the facility, to enable the inspectors to comply with general safety measures applicable to all visitors.

The specific agreement for the facility stipulated that none of these documents should leave the facility and that at the end of the inspection they should be placed in a special box in a room made available to the inspectors, for use, if need be, in a subsequent inspection.

5. Type of facility to be inspected

(cf. 2.)

6. Type of declared activity at the facility

Manufacture, during the year 1988 (and the beginning of 1989), of a product listed in schedule [2] (solely for the purposes of a trial inspection).

7. Actual activity at the facility

Activity in conformity with the declaration in qualitative terms, but in quantitative terms at a higher level for an intermediate used in the synthesis of the product in question.

II. DETAILED DESCRIPTION

1. Inspection mandate

The specific agreement mentioned above served as the inspection mandate.

2. Composition of the inspection team

The inspection team was composed of three chemistry specialists:

- An inspector of facilities classified for environmental protection purposes, and university professor;
- A doctor of chemistry and specialist in synthesis of chemicals of the same type as the product in question, belonging to a research centre;
- An engineer from the chemical industry with experience in research and development and production, and specialist in effluent treatment.

This team participated in the initial visit and in some of the preparatory meetings.

3. Inspection equipment

The team of inspectors brought with them an air sampling system with absorbent resin tubes. A portable, self-contained apparatus for pollution monitoring which detected organophosphorus and sulphur compounds (APCC/M2), recently developed by the technical department of the Ministry of Defence, was also available. The rest of the equipment was provided by the plant.

4. Activities prior to the inspection

The dates of the initial visit, the preparatory meetings and the inspection had been agreed in advance with the company, enabling it to prepare in good time the documents which were handed personally to the inspectors.

5. Advance preparations on-site

An office was made available to the inspection team, which found in it all the confidential documentation required for the inspection. The same room was used for the preparatory meetings and for the evaluation of the inspection. No accompanying personnel were admitted.

6. Escort and points of contact arrangements

Throughout the inspection, as for the initial visit, the inspectors had a single contact in the facility who served as an intermediary for conversations with the staff.

Three representatives of the management played the role of the national authority, under the guidance of a co-ordinator, in order to eliminate any difficulties encountered during the initial visit and the inspection.

Arrangements concerning transport and points of contact were not covered.

7. Other participants

A team of four monitors was set up to prepare the inspection scenario, and then assist the inspectors in requesting information and in processing the

results of the inspection. This team also had the task of looking out for any interference by the inspectors, so as to ensure respect for confidentiality.

This team was made up as follows:

- A consulting engineer from the Union des Industries Chimiques (doctor of chemistry);
- Two representatives of the Ministry of Defence;
- One representative of the Ministry of the Environment.

The company owning the plant was represented by an official from its head office throughout the trial inspection.

8. Duration of inspection and initial visit

The initial declaration was drawn up in advance by a representative of the manufacturer and a representative of the national authority (one half-day).

The initial visit was composed of a one-day visit to the site for all the participants, followed by:

- One day for the inspectors and the plant representatives to familiarize themselves further with the site and the facility;
- One half-day for finalization of the specific agreement between the monitors, the national authority and a representative of the plant.

The monitors and plant representatives devoted a further day to negotiating the terms of the inspection scenario, in the presence of the national authority.

The routine inspection that followed lasted two days, including the opening conference, the inspectors' work and discussion of the inspectors' report.

The exercise was rounded off by a day devoted to overall evaluation of the inspection by all the participants, bringing the total length to seven days.

9. Measures to protect confidential information

All the information provided to each inspector was assembled in an individual and personally addressed confidential dossier which was left at the facility at the end of the inspection.

The members of the inspection and monitoring teams were public servants and bound by an oath of secrecy, with the exception of a consulting engineer from the chemical industry, who was on oath as a legal expert, and an engineer from the company which owned the inspected plant. All of them signed on arrival a personal promise of secrecy regarding the plant visited.

During the inspection, no communication with the outside world was possible without prior checking by a representative of the plant. Moreover, for note-taking purposes the inspectors had only notebooks with numbered pages, which were supplied by the facility and recovered at the end of each day.

It should also be emphasized that the inspection team had access to only a limited number of areas in the plant.

10. Opening conference

At the opening conference:

- The national authority recapitulated the terms of the initial declaration, a number of provisions of the specific agreement for the facility and the confidentiality rules to be observed;
- The plant representative introduced the items in the dossier handed to the inspectors, together with the various documents provided for in the specific agreement, and reminded them of the safety regulations;
- The inspectors outlined their inspection programme, together with their sampling and analytical equipment.

The conference lasted about an hour.

11. Types of records audited

The inspectors studied quantitative statements of movements and stocks of raw materials and finished products (the accounting documents of the plant, which had been authorized by the national authority to conceal the prices and the names of suppliers or recipients), covering the whole of 1988 and the first two months of 1989. The inspectors were also in possession of standard consumption figures corresponding to each stage in the process.

Provision of the plant's monthly returns, over a period of several years, proved necessary to check averages and possible discrepancies in output. At their request, the inspectors were also able to consult:

- Certain monthly returns, in order to check such output;
- Dispatch notes for finished products, in order to verify quantities actually sold, but with only the country of destination indicated.

12. Plant orientation tour

The initial visit provided the inspectors with a general view of the plant as a whole and enabled them to visit the building used for production, the storage areas for the raw materials and final products relevant to the inspection, and the analytical laboratories. A detailed plan of the facility was provided in the inspectors' dossier.

13. Inspection of areas and facility equipment

The following were inspected as part of the exercise:

- The entire production unit, including daily storage areas nearby;
- Certain air outlets and effluent pipes;
- The relevant warehouses.

A few members of the staff were questioned.

14. Inspection of operation procedures

The inspectors verified that the capacity of the equipment was appropriate for the various stages of production. They confirmed the absence of special safety measures or arrangements other than those necessary for the protection of the staff in respect of a toxic raw material.

15. Sampling and sample-taking procedures

It had been planned that the plant personnel would stand ready to take the samples requested by the inspectors at certain points in the facility agreed upon at the opening conference, but in the event the period of time required for the necessary analyses to be carried out by a laboratory whose work schedule did not allow for them was too long to enable the inspection team to receive the results in good time. Accordingly, the inspectors contented themselves with air sampling using absorbent resin (Tenax GC)

16. and 17. Handling of samples and analysis

One of the inspectors had these samples analysed in a laboratory outside the plant. The results of the analysis became known only after the inspection, and confirmed the initial conclusions drawn.

18. Types of analyses

Analysis of these samples was carried out by means of gas chromatography together with mass spectrometry.

Analytical facilities which would make it possible to conduct identification tests within the monitoring process were available in the plant's laboratory, but could not be used for the reason already indicated (§ II.15).

19. Documentation

No documentation was removed from the plant. The inspectors had an opportunity beforehand to document scientifically the possible chemical reactions in the area covered by the inspection. All the documents supplied, used or drawn up during the initial visit and the inspection were treated as confidential.

20. Evaluation by inspectors

The evaluation of the inspection activities and of the information collected during the inspection covered such subjects as:

- The possibility of undeclared production between inspections;
- The range and accuracy of the data supplied by the plants;
- Co-operation on the part of the plant representatives;
- Various difficulties encountered during the initial visit and the inspection.

21. Closing conference

Consisted of the presentation of the inspectors' report and a discussion of anomalies (see § 22 and 23 below).

The conference also decided whether the various documents should be destroyed, placed in the box in the plant or sent to the Technical Secretariat.

22. Anomalies, disputes and complications

An anomaly deliberately introduced by the plant, in the form of a small diversion of an intermediate, was detected by the inspectors.

The plant representative explained that what was involved was an undeclared parallel sale for market requirements.

23. Report of the inspection team

As a result of time constraints, only an oral report was presented at the closing meeting by the inspectors, who also replied to questions from the monitors.

A written report would have mentioned the anomaly which was detected, in accordance with the provisions of document CD/901.

24. Impact of the inspection on the facility

Because of the small number of inspectors, it was possible to avoid disrupting facility operations. No production losses were recorded. On the other hand, the supervisory personnel in the workshop are estimated to have spent time equivalent to three months' work by a plant manager on the preparations for and conduct of the inspection.

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III. SPECIFIC ELEMENTS TO BE TAKEN INTO CONSIDERATION

0. Initial visit

The initial visit constitutes the first contact between the industrial plant and the representatives of the Technical Secretariat, and is thus a means of establishing relations of trust, or at the very least relations which are non-antagonistic.

It is desirable that, on the basis of a more detailed initial declaration, prepared jointly, if appropriate, by the industrial plant and the national authority, the Technical Secretariat should be able to draw up a "recommendation specific to the facility" to serve as a framework for the initial visit, which is vital in order to protect confidential information.

In addition, a special section in the general guidelines for inspectors should be devoted to the initial visit.

A thorough initial visit should enable the inspectors to become well acquainted with the production facility for the purpose of drawing up the specific agreement for the facility and making subsequent checks easier.

At the time of the initial visit, the representative of the plant should take photographs of the areas and equipment relevant to the inspection, under the supervision of the inspectors; these photographs would be kept in the sealed container in the plant.

1. Inspection mandate

For each inspection the mandate should constitute the basic reference for the Technical Secretariat, the inspectors, the national authority and the plant to be inspected.

It should contain a section on general guidelines and a specific section, drawing on the specific agreement for the facility (which would be negotiated at the outset and part of which would be available to the Technical Secretariat) and affording the inspectors a means of avoiding any conflict with those with whom they have to deal, in particular a manufacturer concerned at the risk of leaks of confidential information. In fact, the best way to minimize the disruption of production activity is to facilitate the work of the inspectors in this manner.

Nevertheless, the inspectors should retain a degree of flexibility during the inspection (see § III 15 to 18 below: sampling).

Each inspector should also have an individual mandate certifying his identity and function.

2. Composition of the inspection team

The team should be large enough to cope with the various tasks, but small enough not to disrupt production activity, or violate the plant's safety rules and arrangements.

The ideal size seems to be four inspectors, who, in addition to the essential basic training provided for the whole body of inspectors,

particularly concerning the content of the convention, might, from the initial visit onwards, each be specialists in one of the following fields:

- The chemistry of the field in question (preferably a research chemist);
- Industrial processes of the same type (process engineer);
- Analyses in the field in question (preferably a physical chemist);
- Organization and methods, and accounting methods (whether or not computerized).

In particular, the number proposed should allow the inspectors to divide up the various inspection tasks between them, by group. Provision should also be made for a team co-ordinator.

The initial visit should enable the composition of the team of inspectors to be specified in qualitative terms, on the basis of the complexity of the site and the type of facility (automated or non-automated).

3. Inspection equipment

It should be possible for the analyses to be performed with maximum speed, especially for trace detection in the air or in effluents, but also for identification of certain finished products, or in some cases intermediate products.

In addition to a contamination detector, the Technical Secretariat should have mobile laboratories equipped with very sensitive trace determination and rapid identification facilities, with a computerized data bank, which are appropriate for analysis of the products in question.

Any analytical equipment brought from outside must conform to the safety standards in force in the facility.

4. Activities prior to the arrival of the inspection team

Any modification of the infrastructure of the plant and the facility to be inspected that might have an impact on the course of the inspection must be mentioned in the annual declaration and, where appropriate, lead to a change in the drafting of the specific agreement for the facility.

As far as advance notification is concerned, the arrival of the team of inspectors should be notified simultaneously to the national authority and the plant to be inspected 48 hours in advance.

5. Advance preparations on-site

It is recommended that the plant should prepare a dossier which should remain on-site at the end of the inspection (cf. § II 4b and § III 19).

6. Escort and points of contact

One or several sufficiently senior representatives of the company, if possible with knowledge of the measures provided for in the convention for the inspection in question, should accompany the inspectors when moving around inside the facility. They alone will be authorized to reply to the inspectors' questions. Communications between the inspectors and the outside world should be monitored.

7. Other participants

Participation by at least one representative of the national authority is essential to ensure that the inspection runs smoothly and enable any disputes to be settled.

8. Duration of initial visit and inspection

The initial visit is a process of making contact, familiarization and negotiation simultaneously, even if a specific recommendation for the facility and special guidelines for the inspectors already exist (cf. § III.0). The inspectors and company representatives need sufficient time to conclude the specific agreement and prepare a reference dossier to be kept in the sealed container. It would seem that a period of four to five days is the maximum that may be contemplated.

The time required for the inspection will depend on a number of factors, such as the composition and experience of the team of inspectors, the size of the plant, and so on. A duration of two days seems reasonable.

9. Confidentiality of information (cf. CD/901 of 16 March 1989)

Aside from the guarantees which should go hand in hand with the creation of the corps of inspectors, two measures are essential in order to provide the industrial plant with adequate security:

- Retention of the information in the facility;
- Restriction of such information in strict accordance with the "need to know".

10. Opening conference

The opening conference is indispensable to review the inspection mandate, recapitulate the objectives and details of the inspection, and take cognizance of the documents kept in the sealed container, which constitute the "memory" of the two parties.

11. Types of records needed and/or checked

The checks must be based on quantitative statements of movements and stocks of raw materials, intermediate products and finished products, but the plant must be permitted to conceal the prices and the references to suppliers and customers.

However, the inspectors must also be able, as required, to consult certain monthly returns over lengthy periods of production in order to confirm the output data provided, as well as dispatch notes for finished or intermediate products. These notes should show only the countries of destination, in order to allow for checking by the national authorities concerned where appropriate.

There is a need for more careful consideration of the question of information relating to the average duration of a change of production run, the average duration of equipment cleaning and the annual average rate of equipment utilization.

12. Plant orientation tour

This does not appear necessary for a routine inspection, except in cases where the plant in question has undergone modifications reported in the annual declaration or at the opening conference.

13. Inspection of areas and equipment

It is necessary for the inspectors' attention to be drawn to the production capacities corresponding to each of the stages of manufacture, in order to detect any diversions.

Photographs could also be authorized during inspections in order to confirm any equipment modifications, and could be kept in the sealed container.

14. Inspection of operation procedures

The safety measures adopted are pointers to the manufacture of hazardous products, particularly in the case of ventilation and air filtering and water treatment.

Safety information compiled from national legislation can constitute a source of information for the inspectors. However, as regulations are stricter in certain countries, there is a risk of leaks of confidential information by this means.

15 to 18. Sampling and analysis

At the request and in the presence of the inspectors, samples may be taken by plant personnel, exclusively at points specified in the specific

agreement and/or the inspection mandate, for the identification of products present or for trace detection. The laboratory at the plant should be able to provide the results of the analysis within 24 hours, and consequently it is recommended that the plant's analytical capabilities should be indicated either in the specific agreement or in the annual declaration.

In addition, the inspectors may take air samples (for example using absorbent resin) in order to detect any residues of products manufactured illicitly in the facility.

Similar samples may be taken from the facility effluent and if appropriate from filter elements.

In the case of a multi-purpose plant, the inspectors should also be able to take air and if appropriate effluent samples in the areas surrounding other units and storage areas in the plant, for the purpose of verifying, following analysis on the spot if possible, the absence of substances whose manufacture is either undeclared or prohibited under the convention.

There is also a need for further study of the possibility of taking samples during the initial visit; the results of analysis of such samples, kept in the sealed container, could subsequently serve as reference data (infra-red spectra, for example).

Finally, if, exceptionally, the analyses cannot be conducted in the plant at the time of the inspection, the samples, one duplicate of which will be kept by the facility and another by the national authority, may be sent to a laboratory in the State party receiving the inspection which has been approved by the Technical Secretariat, where the analyses will be conducted, under the supervision of the inspectors, in accordance with an approved methodology (cf. CD/901).

In this laboratory, as in the plant's laboratory, the inspectors should be able to calibrate the analytical apparatus.

19. Documentation

The inspectors' documentation falls into two categories. First of all the inspector should have a handbook specific to each type of inspection or check, to assist him in his investigations (and remind him of his obligations as far as confidentiality is concerned).

He will also have the documentation provided by the plant, which should be considered confidential as a matter of principle, unless the representative

of the plant indicates otherwise. It is suggested that a dual-key sealed container should be installed in which to keep the documentation at the end of the initial visit and after each inspection.

20. Evaluation by inspectors

The handbook mentioned in the preceding paragraph might contain a check-list indicating, inter alia, specific items of equipment.

The complete dossier resulting from the initial visit, and subsequently from each inspection, will serve as a basis for later evaluation by the inspectors of whether the facility complies with the declaration.

21. Closing conference

The holding of a closing conference is recommended in that it allows for an exchange of views between the team of inspectors and the representatives of the plant and the national authority.

Furthermore, the conference provides an opportunity to specify the eventual use of the various pieces of documentation, and particularly the inspection report, depending on its type (cf. § III 23 below).

None of the parties should be authorized to make any statement relating to the inspection before the results have been notified officially by the Technical Secretariat.

22. Anomalies, disputes and complications

It is difficult to draw any conclusions from a single trial inspection, especially as there is no doubt that the atmosphere in which such inspections are carried out by no means corresponds to that of a real inspection.

The anomaly was relatively easy to detect, even though only small quantities were involved. In contrast, it is possible that systematic diversion with parallel accounting could not be detected.

23. Report by the inspectors

For reports concerning compliance with declarations, a standard report, for example with a system of yes/no answers, might be contemplated. In other cases, several options are possible (cf. CD/901, which also deals with matters relating to the confidentiality of reports).

24. Impact of the inspection on the facility

If the number of inspectors is limited, if they are well trained and have an adequate handbook, if they are provided with a sufficiently well-focused dossier, if they restrict their movements within the facility and deal only with the designated officials, this inspection will have only limited impact

on production. On the other hand, the need for the plant to earmark substantial resources in terms of men and equipment for the initial visit and the inspections imposes costs on it which it should not have to bear.

Frequency of inspections was not evaluated, but would naturally have a role to play in the evaluation of impact on the facility.

* * *

IV. CONCLUSIONS

1. It is essential to prepare a standard multilingual glossary, particularly for technical terms.
2. The specific agreement for the facility is vital for facilitating inspections. It is determined by the standard of the initial visit. It includes confidential elements to be kept within the plant.
3. Analytical accounting records of operations are an essential item of information in the inspection. Consequently, efforts should be made to ensure that all the facilities subject to inspection are in a position to provide such records.
4. In selecting and training the inspectors, account should be taken of the substantial differences which can exist in the structure of production systems from one country to another.
5. The very delicate question of parallel clandestine production on the same site, but in a separate location from the facility subject to monitoring, was not dealt with in this trial inspection, but should be given special in-depth consideration.

* * *

Finally, it seems clear that a single trial inspection is not sufficient to take stock of the many problems posed by the holding of a routine inspection, and a further national trial inspection is to be held.

CONFERENCE ON DISARMAMENT

CD/914
13 April 1989

Original: ENGLISH

LETTER DATED 13 APRIL 1989 ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT FROM THE PERMANENT REPRESENTATIVE OF THE GERMAN DEMOCRATIC REPUBLIC TRANSMITTING TEXTS OF THE COMMUNIQUE OF THE SESSION OF THE COMMITTEE OF FOREIGN MINISTERS OF THE STATES PARTIES TO THE WARSAW TREATY, THE DECLARATION OF THE STATES PARTIES TO THE WARSAW TREATY ON TACTICAL NUCLEAR WEAPONS IN EUROPE AND THE APPEAL "FOR A WORLD WITHOUT WARS"

I have the honour to transmit herewith the following texts:

- Communiqué of the Session of the Committee of Foreign Ministers of the States Parties to the Warsaw Treaty;
- Declaration of the States Parties to the Warsaw Treaty on Tactical Nuclear Weapons in Europe;
- Appeal "For a World without Wars"

issued at the Session of the Committee of Foreign Ministers of the States Parties to the Warsaw Treaty, held in Berlin on 11 and 12 April 1989.

I should be grateful if you would have the text of this letter and the enclosed documents circulated as an official document of the Conference on Disarmament.

(Signed) Peter Dietze
Ambassador

COMMUNIQUE

ISSUED BY THE SESSION OF THE COMMITTEE OF FOREIGN MINISTERS OF THE STATES PARTIES TO THE WARSAW TREATY:

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

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

With satisfaction, the Ministers pointed to the progress in consolidating peace and disarmament which creates favourable opportunities for expanding co-operation among States and peoples. At the same time they noted that the situation in the world continues to be complicated and contradictory. The States Parties to the Warsaw Treaty are determined to pursue, also in the future, a policy which is aimed at bringing about a fundamental improvement of the situation in Europe and the world at large. They expect also the other States to display the requisite constructiveness, as well as realism. The participants in the Session came out in favour of further pursuing the political dialogue on the key issues concerning the development of the world. This dialogue is based on a comprehensive approach to the strengthening of international peace and security pursuant to the United Nations Charter, with the role and effectiveness of this universal Organization constantly growing.

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

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

The Ministers welcomed the start of the negotiations on conventional armed forces and on confidence- and security-building measures in Europe and underlined the firm resolve of their countries to conduct these negotiations constructively and to seek concrete results in a short time. This resolve was convincingly proved by the allied States' unilateral moves towards the reduction of armed forces, armaments and military budgets.

The States Parties to the Warsaw Treaty call upon the NATO member States, indeed all the European States, to take concrete steps conducive to scaling down the level of military confrontation in Europe. They also call upon them to refrain from any move which could undermine the positive achievements made so far in improving the international situation and which could complicate the negotiations started in Vienna. Currently, the need for establishing relations between the Warsaw Treaty and NATO on a truly non-confrontational basis and for creating the proper conditions for the simultaneous dissolution of both alliances, starting with their military organizations, is becoming more and more obvious.

The Ministers expressed the hope that these considerations will meet with understanding and support.

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

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

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

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

The improvement of the political climate as well as the growing interdependence in the present-day world create favourable conditions for invigorating economic relations between States with different socio-economic systems, which is an essential factor for the development of the CSCE process on a balanced basis. At the Session the need was stressed for expanding trade and for co-operation in the spheres of production, science and technology, for guaranteeing access to modern technologies as well as for removing any kind of restrictions and discriminatory barriers.

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

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

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

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

The Session of the Committee of Foreign Ministers was marked by an atmosphere of friendship and fraternal accord.

The next session will be held in Warsaw.

DECLARATION
OF THE STATES PARTIES TO THE WARSAW TREATY ON
TACTICAL NUCLEAR ARMS IN EUROPE

I

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

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

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

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

II

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

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

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

III

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

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

IV

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

"FOR A WORLD WITHOUT WARS" - APPEAL

ISSUED BY THE COMMITTEE OF FOREIGN MINISTERS OF THE STATES PARTIES TO THE
WARSAW TREATY:

On the eve of the fiftieth anniversary of the outbreak of World War II the Foreign Ministers of the States Parties to the Warsaw Treaty, who have gathered in Berlin, capital of the German Democratic Republic, deem it necessary to declare the following:

Half a century ago Nazi Germany invaded Poland, thus unleashing what became the most tragic conflict in human history. The war was a result of the aggressive and revanchist policies of conquest, of dividing up and dominating the world practised by the most reactionary imperialist circles. It illustrated the dangerous consequences of the Munich policy of concessions. The war claimed the lives of tens of millions of people. The earth was soaked in the blood of the fallen and the tortured. Victory over fascism was won thanks to the tremendous efforts undertaken by the peoples and States united in the broad anti-Hitler coalition and by the anti-Fascist resistance movements.

People should remember the month of September 1939 and the other tragic events of World War II, but not in order to keep opening up old sores. Memories of that gravest tragedy in the history of mankind should encourage nations to tireless efforts to ensure the right to a life in peace for everyone on this planet.

The lessons of the war confirm that the safeguarding of peace is the foremost task facing humankind. Everything to which people aspire, everything they do must be secondary to that concern. The present and future of the European peoples and their security are inextricably bound up with the preservation of peace on our continent.

Strict respect for the existing territorial and political realities, for the purposes and principles of the United Nations Charter, for the provisions of the Final Act of Helsinki and other generally recognized norms of international relations by all States remains a basic prerequisite for the maintenance of a lasting and stable order of peace in Europe. Special importance attaches to the reduction and complete elimination of nuclear and chemical weapons, drastic cuts in conventional armed forces in Europe, comprehensive security and broader mutually advantageous co-operation between States with a view to resolving the pressing problems facing all peoples of our continent. What has been achieved on this road, including the start of negotiations on conventional armed forces and confidence- and security-building measures in Europe, prompts further action to ensure a lasting peace. It is a lesson of the anti-Hitler coalition that it should be possible also today to establish a broad front of co-operation to ensure the peaceful development of Europe.

The Ministers underlined the need for giving a resolute rebuff to all manifestations of revanchism, chauvinism and nationalism, all forms of hostility between peoples and attempts to challenge the territorial integrity of States. They note with special concern that neo-fascism is gaining ground in a number of European countries. Such phenomena, regardless of what form they take or where they appear, are a menace to peace and international

security. Meeting on German soil, the Foreign Ministers underline that both German States have a responsibility before history to make sure that never again will a war be unleashed from that soil.

Humankind should enter the twenty-first century with the certainty that it will be able to live in peace. To achieve this requires resolute action by all States and peoples, by each and everyone. Joint reflections on what happened in Europe 50 years ago must constantly inspire new, still more effective action towards the creation of a world without weapons and wars. In launching this appeal the Foreign Ministers of the States Parties to the Warsaw Treaty are urging that every effort should be made for the preservation of peace, for disarmament and mutual understanding, for more co-operation and for safeguarding the economic and social progress of every nation, so that Europe and our entire planet will not experience the horrors of a new world war.

CONFERENCE ON DISARMAMENT

CD/915
CD/OS/WP.32
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ENGLISH
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CHILE

Legal problems raised by the militarization of outer space

The most important principle in the Charter of the United Nations is undoubtedly the prohibition of the threat or use of force, which, in addition, has been given the status of jus cogens under legal doctrine. This means that it may not be derogated from under any other norm of international law which is not of a similar nature and that it applies universally to all countries, whether or not they are Members of the United Nations. This is stated explicitly in Article 2, paragraph 4 of the Charter, which reads: "All Members shall 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".

However, commentators are far from unanimous when it comes to deciding how "force" should be interpreted: whether it means only armed force or, on the contrary, it includes all forms of coercion.

A comprehensive reading of the Charter, and of its guiding principles, would suggest that force is to be construed in a broad sense, as including other forms inconsistent with the attainment of the fundamental objective of the United Nations: the maintenance of peace.

Thus, for example, Article 1, paragraph 1 of the Charter of the United Nations states that the Purposes and Principles of the Organization are:

"To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace".

Further, Article 41 of the Charter seems to suggest that there are other kinds of force besides "armed force", since it provides that: "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions ...".

Moreover, it should be borne in mind that peace is indivisible and that effective preservation of peace requires a general condemnation of all obstacles that stand in the way of its full attainment. In this context, any type of "force", armed or otherwise, would be at variance with the overriding objectives of international peace and security and co-operation among nations. The two objectives are closely interrelated, so much so that it is impossible to conceive of co-operation in a world affected, at various levels, by situations inconsistent with a state of peace. Nevertheless, it must be admitted that there are legal formulas that correspond more closely to the concept of "threat of force", which also has the status of jus cogens.

Further, aggression, which is a "species" within the broader "genus" of force, is indeed restricted solely to the use of armed force (General Assembly resolution 3314 (XXIX) of 14 December 1974, annex, article 1). In this connection, Article 39 of the Charter of the United Nations draws a clear distinction, stating that "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression ...".

No matter how an act that is inconsistent with peace is characterized - whether as force or as threat of force - it must be rejected as absolutely incompatible with the above-mentioned principles of the Charter.

The only possible use of force accepted by legislators is for purposes of individual or collective self-defence in response to the "unlawful" use of force (provided for in Chapter VII of the Charter).

It might thus be concluded that any act aimed directly at breaching the peace could be considered an act of force or a threat of the use of force, and that the prohibition of the use of force and the threat of force may not be derogated from in any way under any bilateral or multilateral treaty or convention. The fact that they are jus cogens rules means that they are peremptory norms in consonance with the need effectively to protect the overriding objective of world peace. Nevertheless, in the case of economic coercion, the question is not so clear-cut. According to one school of thought, economic coercion is more of a violation of the principle of non-intervention (Art. 2, para. 7 of the Charter).

The norm contained in Article 2, paragraph 4 of the Charter is, accordingly, universally binding and has given rise to an entire body of customary law. The many declarations of indefinite duration made by States provide manifest and irrefutable evidence that this norm is accepted as an internationally binding principle.

In the specific case of space law, any activity carried out in space which affects the security of a subjacent State would be unlawful in accordance with the provisions of article I, paragraph 1 of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (see General Assembly resolution 2222 (XXI) of 19 December 1966, annex), which provides as follows: "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".

It is thus quite clear that exploration and use of space can be lawful only if carried out in the manner prescribed in the above norm, from which we may conclude that there exists a new subject of international law: mankind.

Moreover, General Assembly resolutions 1721 (XVI), 1962 (XVIII) and 1963 (XVIII), inter alia, provide that the activities of States in the exploration and use of outer space should be carried on in accordance with international law, including the Charter of the United Nations. This means that outer space is not a "legal vacuum", since the Charter and General Assembly resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations", categorically prohibit the threat or use of force.

In accordance with the truly determinant clause of space law (that space activities should be carried on for the benefit of mankind), it is not valid to assert in this case that everything which is not expressly prohibited is permissible. States cannot ignore the mandate that outer space, the Moon and other celestial bodies must be used in the interests of all peoples of the world. This mandate, characterized for the first time in international law, must be the focal point of space activity. It represents an innovation established by space law, a lex specialis of a higher order than ever before. The criterion of the lawfulness of a given space activity must be centred on compliance with the rules set forth in article I, paragraph 1 of the outer space Treaty (see General Assembly resolution 2222 (XXI), annex), rather than on the absence of a prohibitive norm. Such absence, under space law, does not change unlawful acts into internationally lawful acts. It must also be added that the unlawfulness of an act should be judged in accordance with the relevant provisions of international law, and not in accordance with internal law. This principle applies even more decisively in space law because of the higher ethical considerations on which it is based.

What is true in theory, however, is not fully reflected in the outer space Treaty (General Assembly resolution 2222 (XXI), annex). In that regard, article IV of the Treaty provides as follows:

"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, install such weapons on celestial bodies, or station 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."

Some would argue that the placing of nuclear weapons or other weapons of mass destruction in space, in clear violation of the outer space Treaty, could imply the initiation of an armed attack, which would justify the adoption of

collective defence measures (Article 39 of the Charter). The hostile nature of a space object is a question which must be determined in each case by the Security Council, in addition to which it must decide what measures should be taken: capture or destruction of the object, or other appropriate steps, such as complete or partial interruption of economic relations.

In any case, the prohibition set forth in this article is clearly a partial one, since it states only that "the Moon and other celestial bodies shall be used ... exclusively for peaceful purposes". Outer space and celestial bodies would therefore not have the same legal status, and certain military uses of outer space would not be legally excluded.

Another weakness of the rule in question is the part relating to weapons, since it merely refers to "objects carrying nuclear weapons" or any other kinds of weapons of "mass destruction". What about other weapons which do not fit into the specified categories? For example, are "anti-satellite" weapons lawful?

It is clear that article IV is not consistent with the general theory of space law, since under the latter, as we know, activities of States in outer space must be carried on for the benefit of all mankind. This implies, as a corollary, a total and absolute rejection of the use or threat of force.

The above-mentioned provision is not consistent, for example, with the provisions of articles I and II of the outer space Treaty, which require States to carry on their space activities in accordance with international law, including the Charter of the United Nations. The latter, as was noted earlier, implies a broader concept of force than merely "armed force".

It is therefore urgently necessary to establish the necessary theoretical consistency, which can be done through the elaboration of a protocol additional to the outer space Treaty, which will clearly contribute, from the legal point of view, to preserving outer space as an area of co-operation and not of possible confrontation.

It is also important, for the purposes of this analysis, to keep in mind article 3 of the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (see General Assembly resolution 34/68, annex, of 5 December 1979), which reads as follows:

"1. The Moon shall be used by all States Parties exclusively for peaceful purposes.

"2. Any threat or use of force or any other hostile act or threat of hostile act on the Moon is prohibited. It is likewise prohibited to use the Moon in order to commit any such act or to engage in any such threat in relation to the Earth, the Moon, spacecraft, the personnel of spacecraft or man-made space objects.

"3. States Parties shall not place in orbit around or other trajectory to or around the Moon objects carrying nuclear weapons or any other kinds of weapons of mass destruction or place or use such weapons on or in the Moon.

"4. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on the Moon 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 and use of the Moon shall also not be prohibited."

Although the agreement concerning the Moon is more complete and comprehensive, it does not offer a satisfactory solution to the problem of militarization either. In the first place, there is no specific reference in it to outer space, but only to the Moon and other celestial bodies. Secondly - and here it contains the same paradox as article IV of the outer space Treaty - the provision is binding only on "States Parties", thereby denying the universalist and jus cogens character of the principle of the non-use of force. Moreover, in paragraph 3, it falls into the same error as the outer space Treaty, prohibiting "objects carrying nuclear weapons or any other kinds of weapons of mass destruction", without including other conventional weapons. Lastly, the wording of the last sentence of paragraph 4 seems inappropriate because of the ambiguity and imprecision of the terms "any equipment or facility necessary", and because it does not reaffirm that the Moon should be explored and used "exclusively for peaceful purposes".

However, article 3 of the agreement concerning the Moon also contains some positive elements - for instance, the prohibition of any other hostile act or threat of hostile act on the Moon. Thus it considerably broadens, although in a rather vague way, the notion of prohibited actions.

In any case, the key to the analysis of the problem of militarization lies in the correct interpretation of the term "peaceful uses", as used in the space agreements. There are two views of this problem. One is that the term "peaceful uses" excludes only "aggressive uses" (those which would be equivalent to the use of armed force), and the other is that any non-peaceful use of outer space - except certain "non-aggressive" uses - would be prohibited.

The concept of "peaceful uses" should be examined in the context of the evolution of contemporary international law and the principles which serve as a context for space law. Accordingly, only those activities which are not generally of a "non-peaceful" nature would be permissible in outer space and on the Moon and other celestial bodies. Those who support the theory that it is difficult or impossible, legally speaking, to separate the categories of "military" and "non-military" feel that only clearly discernible armed force should be prohibited.

It is worth asking in that connection how the "thesis of aggression" can be reconciled with the provisions of the eighth preambular paragraph of the outer space Treaty, which reads: "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".

The conceptual scope of that paragraph should dispel any uncertainty. In condemning propaganda as contrary to peace, it also explicitly includes "non-aggressive" elements, whether or not they are the product or consequence of a specific space activity.

Propaganda, as well as, for example, fraudulent use of remote-sensed data which might jeopardize the security of the country sensed, could constitute an unfriendly act without going so far as to constitute a direct breach of the peace. Such acts should give rise to international liability.

Furthermore, it is important to point out that the official attribution of civil or military status to an individual civil or military, does not per se allow a juridical decision on the matter. It is the underlying intent which determines whether a human act is civil or military in nature. For example, a civilian official, using non-peaceful means, may commit a "non-aggressive" military act; likewise a military person may devote himself to scientific research for purely peaceful purposes.

Accordingly, the fact that an activity is not strictly aggressive does not alter its intrinsically unlawful nature. As was pointed out earlier, the criterion of lawfulness has more to do with whether an act is consistent with the provisions of the first two paragraphs of article I of the outer space Treaty, than with the absence of a prohibition.

It should also be pointed out that, although the extension of territorial sovereignty to outer space, including the Moon and other celestial bodies, is prohibited, space law is nevertheless based on the principle of respect for the sovereignty of the subjacent nations. This is bound up with the right of States to safeguard their national security, to have priority access to their natural resources and to give their consent for the divulging of certain data regarding their territory to third nations. Accordingly, States must carry out their exploration and exploitation of outer space in accordance with international law, particularly the Charter of the United Nations, bearing in mind, in particular, the principles of sovereign equality and non-interference in internal affairs.

It being established that outer space can be used only for exclusively peaceful purposes, there are none the less circumstances in which the use of force by a country can be justified in accordance with the rules of general law. This is true in the case of self-defence, provided that the force is not disproportionate to the aggression suffered. In the case of outer space, in accordance with the rule which grants the State of registry exclusive jurisdiction over its space objects (article I of the registration Convention), space law does not permit foreign intervention, still less does it permit armed attack on a spacecraft or space station. Only the State of registry is permitted to exercise jurisdiction over its spacecraft in outer space or on celestial bodies, and even to destroy them, provided it does not damage third parties or the environment.

If attacked, the State of registry could resort to self-defence, not only because it is permitted to do so by the very principles of that legal concept, but also because its ability to carry out an activity for the benefit of the

world would be adversely affected. On this point doctrine is very clear, as is the proposition that peace is indivisible and that any action which contravenes peace would have deleterious consequences for all peoples of the universe.

It is well known that two factors are of importance where self-defence is concerned: being the object of an attack or aggression and ensuring proportionality of response. Direct attention must be focused on what is called "advance self-defence", which is purely preventive in nature. It is incompatible with the provisions of Article 51 of the Charter of the United Nations, and its use can involve all kinds of arbitrary actions. Moreover, who is to determine the urgency of resorting to pre-emptive attack, which in itself may constitute a serious breach of world peace? Given the lack of effective mechanisms for resolving international conflicts, how can one prevent a nation which is allegedly about to be attacked from acting as both judge and interested party?

As was stated earlier, in the case of outer space, both aggressive and non-aggressive activities may be judged to be "non-peaceful", and those which involve attack or aggression (use of force in general) imply the immediate invoking of self-defence. And yet, in certain cases it may be very tricky to determine whether an aggression was committed, particularly when dealing with actions whose effects are not instantaneous, bearing in mind, further, that most nations do not have the proper technological means for detecting and preventing non-peaceful use of outer space. These nations can only resort to the United Nations system, invoking the provisions of Chapter VII so that the Security Council may take whatever measures are most effective. For reasons which are easy to understand, this is not a satisfactory and efficient answer to the problem under consideration. Indiscriminate use of the veto in the Council would leave a country which is merely a passive beneficiary of space technology completely defenceless.

Systems for verification of compliance with disarmament treaties constitute another aspect on which there is a need for legislation so that such systems can be granted legitimacy. Some of the most important tasks would be those outlined in the document of the Preparatory Committee for the second special session of the General Assembly devoted to disarmament, concerning a proposed international satellite monitoring agency. They include:

1. Monitoring compliance with arms limitation and disarmament agreements;
2. Monitoring of crisis situations, with applications in the following circumstances:
 - (a) Early warning of attacks through observation of the build-up of military and paramilitary forces;
 - (b) Evidence of border violations;
 - (c) Cease-fire monitoring;

(d) Assistance to United Nations observers for peace-keeping purposes;

(e) Strengthening of international confidence-building measures and observance of the ban on the threat or use of force.

It is important to establish certain clarifications concerning early-warning satellites. Acts involving "advance self-defence" cannot be deemed lawful. Such a possibility is not envisaged in the Charter of the United Nations, and it could constitute a dangerous invitation to pre-emptive attack. None the less, there are certain events in which missions of early-warning satellites would be permissible: while each State is entitled to its privacy and territorial integrity, this must not conflict with the higher right of the international community to see to its own security. If reconnaissance satellites can act as a deterrent to nuclear war, then their function would be legally justified. This does not mean prejudging the lawfulness of "espionage", which, although there is no international legislation on the matter, would be prohibited as constituting unacceptable interference in the affairs of a State. The characterization of "unacceptable interference" would be based, inter alia, on its clandestine nature.

CONFERENCE ON DISARMAMENT

CD/916
CD/CW/WP.242

17 April 1989

ENGLISH
Original: FRENCH

CHEMICAL WEAPONS CONVENTION

FRANCE

THE SCIENTIFIC ADVISORY COUNCIL

While the aims, principles and basic provisions of the convention on the prohibition of chemical weapons must be sacrosanct, it must be a living, evolutionary institution as far as its application is concerned.

In particular, it will have to be adapted in the light of progress in science and technology that will inevitably occur, in order to minimize and if possible forestall the risks inherent in the emergence of new chemicals and new technologies which, if not controlled, may jeopardize or circumvent the convention, as well as to provide the best possible instrument for verification.

There is every evidence that the representatives of the scientific community are best qualified to perform this task of monitoring, advising and preparing the ground for decision-making. The scientific community has a universal calling, and, without moving away from its own role, must be in a position to transcend divergences in culture and in interests between States in order to provide an objective assessment of scientific and technological developments as they affect the convention.

For this reason, France proposed two years ago (cf. CD/747 of 23 March 1987) that an advisory scientific authority should be set up among the organs of the convention. Since that time this idea has gained ground and has been progressively taken up by the negotiators.

This authority, which would be known as the "Scientific Advisory Council", might act as a high-level advisory body for the organs of the convention, in particular the Executive Council and the Technical Secretariat, in preparing the ground for decisions to be taken to put the provisions of the convention into effect.

The present working paper sets forth a number of considerations concerning the establishment of the Scientific Advisory Council and the organization of its work.

1. GENERAL CHARACTERISTICS OF THE SCIENTIFIC ADVISORY COUNCIL (S.A.C.)

As an advisory body to [the Conference of the States Parties] [the Executive Council] [the Director-General of the Technical Secretariat], the S.A.C. will have the following tasks:

- To advise [the Conference of the States Parties] [the Executive Council] [the Director-General of the Technical Secretariat] concerning any scientific or technological innovation which may be of relevance to the objectives of the convention;
- To propose to [the Executive Council] [the Technical Secretariat] scientific or technical improvements which might enhance compliance with the provisions of the convention;
- To respond to requests from the various organs of the convention in its fields of competence;
- To provide advice in the same fields to States Parties at their request.

2. STRUCTURE

2.1. Composition

It must be based on scientific criteria and on criteria of professional competence. Sections corresponding to the scientific and technological disciplines of relevance to the various parts of the convention will be set up. These sections may include several prominent scientific figures in the following proposed areas:

-- Chemistry

- General chemistry and physical chemistry, organic and inorganic chemistry
- Analytical chemistry
- "Military" chemistry

-- Chemical engineering and chemical industry

-- Toxicology, including

- Toxicology of industrial products
- Toxicology of pesticides
- Toxicology of poisons of animal and plant origin

-- Pharmacology

-- Biotechnologies, including

- Microbiological and enzyme engineering
- Industrial applications

-- Military sciences

- Detection of CW agents
- Protection, decontamination
- Technology of chemical munitions (production, storage, etc.)

As an additional criterion to be taken into account in the composition of the S.A.C., efforts should be made to maintain a balance in the various fields (research, technology, industry, military sciences), in the light of the prior experience of the candidates.

2.2. Selection method

It will be based on level, qualification and experience, drawing on reference data yet to be defined such as publications, scientific, academic or professional responsibilities, distinctions and international experience.

2.3. Nomination of members

Proposals will be submitted by:

- The States Parties (for a third of the members);
- International scientific institutions (such as IUPAC and others to be identified) (for two thirds of the members).

The members of the S.A.C. will be [selected] [elected] by [the Conference of the States Parties] [the Executive Council] (to be determined).

2.4. Length of terms of office

Each member will be elected for (three) years, and may be re-elected only once.

2.5. Establishment of new sections

The S.A.C. will propose the establishment of new sections [to the Conference of the States Parties] [to the Executive Council] in the light of scientific and technical developments.

2.6. Obligations of members of the S.A.C.

(In particular, obligations in relation to confidentiality; to be added to)

3. TASKS

The Scientific Advisory Council will perform its advisory role in the following fields:

- Monitoring of scientific and technical developments as a whole, and particularly in fields of relevance to the objectives of the convention.
- Initial examination of the lists of chemicals following declarations of stocks and production facilities, and subsequently specific study of proposals for modification of the lists and related guidelines, and of

requests for their revision (originating either from the Technical Secretariat or from the States Parties).

- Well-grounded proposals for additions or modifications to the lists and the guidelines, and warnings concerning new toxins.
- Review of the scientific aspects of verification procedures, and in particular proposals for new verification methodologies;
- Advice on the development of economic and technical co-operation among the States Parties, as well as assistance;
- Advice on international co-operation in the collection and provision of scientific and technical data of relevance to the convention (international network of data banks).

4. ORGANIZATION

- Working procedures
- Frequency of meetings
- Permanent secretariat (the S.A.C.'s permanent secretariat might be located in the Technical Secretariat)
- Research contracts with other institutions
- Organization of seminars and conferences
- Participation in international or national scientific activities (congresses, seminars or symposia)

5. ESTABLISHMENT IN STAGES

During the preparatory phase, a "scientific advisory committee" might be set up as a subsidiary body of the Preparatory Commission.

Upon entry into force, the S.A.C. might be set up with (two) (three) prominent figures per section.

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CONFERENCE ON DISARMAMENT

CD/917
CD/CW/WP.243

17 April 1989

Original: ENGLISH

BELGIUM

National Trial Inspection

Introduction

On the basis of the guidelines and the format contained in CD/CW/WP.213 and CD/881 a national trial inspection was performed in a multi-purpose facility.

A. General Approach

1. Objectives of the national trial inspection

The aim of the inspection was to assess the possibility of verifying that a facility, that is not subject to declarations under any of the schedules, is not used to produce any chemical listed in schedules [1], [2] or [3] and to obtain information on the degree of intrusiveness that such an inspection would require.

2. Provisions in the Draft Convention under which the trial inspections would take place - Article VI

No provisions exist.

3. Type of on-site inspection

Clarification inspection to verify that no prohibited activity takes place in an undeclared facility that is not listed to produce any of the scheduled substances.

4. Advance information

No declarations.

No "facility attachment".

5. Type of facility to be inspected

Stand-alone multi-purpose facility with several reactors, operating in "batch" mode; mainly solid end products are manufactured.

6. Type of declared activity at the facility

No declared activity.

B. Detailed Approach

1. The inspection mandate

No inspection mandate was negotiated a priori. As the inspection proceeded the necessity of documents to be made available and of areas to be made accessible were discussed.

2. Composition of the inspection team

The inspection team was composed of two scientists and one observer (diplomat).

3. Inspection equipment

The inspection equipment, mainly sampling equipment and analytical instrumentation, was furnished by the facility.

4. Activities prior to the arrival of the inspection team

The facility was notified five days before the inspection.

5. Advance preparations on site

(Initial visit.)

6. Escort and points of contact arrangements

Facility personnel designated by the plant manager escorted the inspectors during their visits, inter alia, for security reasons.

7. Other participants

None.

8. Duration of the inspection

- Inspection: one day.
- Report preparation: one day.

9. Measures to protect confidential information

The facility could broadly agree with the general terms of the current provisions in CD/881.

10. Opening conference

During the first part of the opening conference the inspector explained the verification system of the future convention in its general terms and outlined the purpose of the envisaged inspection. In the second part of the opening conference the general manager explained the layout of the facility, including details about the plant to be inspected.

11. Types of records needed and/or audited

- the production planning of the week and the day of the inspection (two shifts);
- the actual stocks (feed stocks, intermediate and end products);
- plant production records were made available at each reactor in operation.

12. Plant orientation tour

Before starting the inspection a guided tour of the complete facility was made, including storage area, outside storage and raw (starting) materials and solvents, main quality control laboratory and energy department; excluded from the tour were those chemical plants that were not subject to inspection and the waste water treatment area (to save time only).

13. Inspection of areas and facility equipment

The plant was inspected in detail, including control room, reactor vessels, centrifuges and drying vessels.

14. Inspection of operation procedures

For each reactor vessel in operation the actual operating instructions and reports were checked and compared with the planning of that particular day.

15. Sampling and sample-taking procedures

Samples were taken according to agreed guidelines (see part C).

16. Handling of samples

Due to the limited size of the inspection team the sample handling was completely carried out by facility personnel. During the exchange of views however, some ideas on the procedures for handling the samples were expressed (see part C).

17. Analysis of samples

The samples were analysed in the main laboratory of the facility located at a distance of 20 kilometres away from the inspected plant.

18. Types of analysis

The analysis involved mainly the application of spectroscopic techniques (Nuclear Magnetic Resonance, Mass Spectrometry and Infrared Spectroscopy) to verify that the structure of the synthesized product matched that on the production process record and on the operating procedures.

19. The documents made available to the inspectors were

- layout of the facility and detailed layout of the plant;
- production planning;
- detailed listing of chemicals stocks;
- batch operating instructions and batch operating reports (available at each reactor);
- global production reports of the last month/year.

20. Evaluation by the inspectors

The main question evaluated during the visit was: "is it possible to detect undeclared production of scheduled chemicals?" Relevant conclusions are presented in part C.

21. Closing conference

No closing conference, but a short debriefing.

22. Anomalies, disputes and complications

Verification of undeclared chemicals in the storage area through control of computer listings or computer search was shown to be equivocal (see part C).

23. Report of the inspection team

- During the briefing, a preliminary report, according to a check-list, could be elaborated, possibly in handwriting?
- A more exhaustive report can be sent later on; the facility, however insists on obtaining a copy of both reports.

24. Impact of the inspection on facility operations

An inspection involves at least two man-days (of highly qualified personnel).

25. Other matters

C. Specific aspects - conclusions

1. The inspection mandate

No inspection mandate was available. However, it was stated by the facility representatives that, in this particular plant, access to any part of the plant would not be refused, provided access and inspection were in agreement with the safety regulations. All documents related to production, acquisition and stockpiling of chemicals were made available for visual inspection on request. Such documents should, however, not leave the facility. Sample taking is preferably done at the end of the batch process in order not to interfere with normal production activities.

Traffic in and out the facility can be controlled by the inspectors.

2. Composition of the inspection team

The team was composed of two (technical) inspectors, in order to save time some actions were not fully carried out and the sample taking was also reduced. The size of the inspection team should be of at least two to three inspectors, one of them should be a trained analytical chemist.

3. Inspection equipment

The equipment was provided for by the facility. It was pointed out that inspectors should be provided with means for sealing the samples, since the analysis might have to be repeated in another location and with other instrumentation in case anomalies or complications arise (see 16). A member of the national authority, accompanying the international inspectors, might apply a second control seal.

4. Activities prior to the arrival of inspection teams

None.

5. Advance preparations on-site

Nihil visit.

6. Escort and point of contact arrangements

Inspectors arrived at the facility by their own means of transportation and met at an agreed point of contact. During the inspection, inspectors are escorted by facility personnel, whose presence can be useful for clarifications; such escorting personnel can order sample taking by specialized personnel upon request by and according to the instructions of the inspector.

7. Other participants

Representatives from the national authority may be present at the inspection, without interfering, however, in the activities of the inspectors.

8. Duration of the inspection

With a full size inspection team (two to three inspectors) an inspection will require two to three days if every reactor vessel in operation and the raw materials storage is to be controlled in detail, i.e. including the sample taking and their analysis.

9. Measures to protect confidential information

- Restriction on participation.

The facility representative expressed the opinion that the international organization will have to find ways to avoid that inspectors, after termination of their term in the organization, would in the near future be employees of industrial competitors.

- The inspectors should have an official mandate of the international organization, stating the principles for protection of confidential information in terms of CD/881.

- The identity of the inspectors shall be checked by the plant security staff (and by the national authority).

10. Opening conference

- The purpose of the inspection can be stated quickly and correctly.

- Layout of the facility and detailed plans of the plants to be inspected are necessary for the inspectors; they should be allowed to use them during their stay in the facility. (Colour) photographs taken from the air were valuable aids to orient the inspectors and to familiarize them

more rapidly with the surroundings. Anyhow, in this particular case, the logic structure of the facility greatly facilitated the rapid familiarization with the basic layout of the plant.

11. Types of records needed and/or audited

By using the documents mentioned in part B.11, it is possible, on the basis of accountancy operations, to "trace" a chemical, i.e. to verify when, where and how it has been used/synthesized (traceability). However, for the purposes of this particular inspection, traceability appeared to be less useful, since under this type of inspection mainly qualitative data (related to the structural formula of the produced chemical) were needed.

All documents were in the Dutch language; moreover frequent use is made of abbreviations and code numbers. Fluent knowledge of the language used at the facility seems to be a necessity for at least one of the inspectors.

12. Plant orientation tour

For this type of facility one hour would have been largely sufficient for an orientation tour (only the surroundings).

13. Inspection of areas and facility equipment

In the conduct of the inspection, the inspectors were not subject to any restriction on access to plant areas; however, access to storage areas of dangerous products would be more cumbersome due to additional security measures.

14. Inspection of operating procedures

Provided the inspectors do not copy relevant parts of the operating instructions, they have the possibility to check them on the site. Never should such operating instructions and other relevant documents leave the facility.

15. Sampling

As stated earlier, sampling of batch operations will normally occur after termination of the batch and preferably after drying of the product. Sample taking during batch operation might result in a complex sample that is sometimes difficult to analyse and that does not reflect the normal end product(s) of the batch; moreover in that particular case of sample taking during batch operation the temperature would have to be lowered to room temperature, resulting in loss of time; in some cases, e.g. synthesis under inert atmosphere (nitrogen), opening of the reactor might result in important product loss.

Samples were taken by the operating personnel using normal sampling equipment (used for quality control), according to usual plant procedures and under surveillance of the inspector.

16. Handling of samples

It was suggested that samples would be split up in three identical sub-samples sealed in an appropriate manner by the inspector and the national authority representative.

The normal procedure would be: analysis at the facility under supervision of the inspector; when problems or disagreements arise, a second sample could be analysed by the inspector and under supervision of the facility representative, e.g. at a local university; a third sample could serve for further analysis, under procedures to be developed, if disagreement continues to exist.

A need exists for appropriate procedures to store and transport such samples.

17. Analysis of samples

In this particular case the inspector was not always present during the analysis.

The use of sophisticated instruments, often fully computerised, may, in theory, allow an operator to "cheat", i.e. show a completely different spectrum by working "off line"; therefore at least one of the inspectors ought to be a trained analytical chemist who is familiar with the practice of the main analytical techniques used.

18. Types of analysis

The analysis should indicate a "matching" between the sample and the structural formula on the operating instructions.

With this type of analysis only qualitative data are checked, in accordance with the aim of the inspection.

19. Documentation of the inspection

All specific documents presented by the facility are to be treated as confidential and may not leave the factory, except for a general layout and some general data (not yet specified) on the facility.

20. Evaluation by the inspectors

It was found possible to draw correct conclusions with regard to the actual activities of the plant within the facility. Stating the right of inspectors to take samples everywhere according to established procedures might act as a deterrent.

Co-operation of the facility personnel is essential for an easy conduct of the inspection.

21. Closing conference

None.

22. Anomalies, disputes and complications

It was found to be impossible to check the presence of undeclared chemicals through computer search procedures, since a special code numbering system is used to enter the name of the searched chemical; introducing a "nonsense" code could result in a "not present" indication. To check for the presence of undeclared chemicals the complete warehouse would have to be controlled, which is virtually impossible under the time frame.

23. Report of the inspection team

It was deemed useful to report on the inspection in two steps:

- a short report containing the essential conclusions: either "all clear", or with some remaining problems or anomalies;
- a full report with detailed results on the inspection (if necessary).

All reports are confidential. The national authority and the facility should also obtain a copy of each report.

24. Impact of the inspection on facilities operation

An inspection of this type is possible without significant interference with normal facility operation.

25. Other matters

The openness and good collaboration of the plant personnel greatly facilitated the easy conduct of this trial inspection.

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CONFERENCE ON DISARMAMENT

CD/918
6 June 1989

Original: ENGLISH/FRENCH/
RUSSIAN/SPANISH

LETTER DATED 29 MAY 1989 FROM THE PERMANENT REPRESENTATIVE OF THE SOCIALIST REPUBLIC OF ROMANIA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE SECRETARY-GENERAL TRANSMITTING AN APPEAL FROM THE STATES PARTIES TO THE WARSAW TREATY TO THE MEMBER STATES OF THE NORTH ATLANTIC TREATY ORGANIZATION

I have the honour to inform you that the States parties to the Warsaw Treaty - the People's Republic of Bulgaria, the Czechoslovak Socialist Republic, the German Democratic Republic, the Polish People's Republic, the Socialist Republic of Romania, the Hungarian People's Republic and the Union of Soviet Socialist Republics - recently adopted an appeal addressed to the member States of the North Atlantic Treaty Organization on the eve of their summit meeting.

The text of the appeal in Russian, English, French and Spanish is attached.

On behalf of the signatory countries I hereby request you to have this appeal distributed as an official document of the Conference on Disarmament.

Gheorghe Dolgu
Ambassador
Permanent Representative
of the Socialist Republic of Romania to
the United Nations Office at Geneva

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ANNEX

Appeal of the States Parties to the Warsaw Treaty to the
Member States of the North Atlantic Treaty Organization

The States Parties to the Warsaw Treaty - the People's Republic of Bulgaria, the Czechoslovak Socialist Republic, the German Democratic Republic, the Polish People's Republic, the Socialist Republic of Romania, the Hungarian People's Republic and the Union of Soviet Socialist Republics - appeal to the member States of the North Atlantic Treaty Organization, on the eve of their high-level meeting, to assess the new realities of the contemporary world and to make use of the opportunities emerging at present in order to eliminate completely the consequences of the "cold war" in Europe and in the world.

Post-war European history has been built not without difficulties for us all. The co-operation that characterized the years of the Second World War in the struggle against fascism and for the freedom and independence of peoples was replaced by a trend of confrontation. As a result, the two military and political alliances were established. An accelerated accumulation of increasingly sophisticated and destructive armaments took place.

The past decades have clearly demonstrated that such a situation undermines the security of the whole of Europe and increases the risk of a nuclear conflict. This conclusion has led to the emergence of the all-European process, with the participation of the European States, the United States of America and Canada. Its purpose is the elimination of military confrontation and the strengthening of security by joint efforts, through dialogue, mutual understanding and mutually beneficial co-operation, on the basis of full equality of rights, respect for national independence and sovereignty, non-interference in internal affairs and the other principles of the Helsinki Final Act, of the unanimously accepted rules of international law.

The conclusion of the Soviet-American agreements on the elimination of medium- and shorter-range missiles, and the progress that has been made in the process of strengthening peace and solving a number of regional conflicts have created favourable conditions for the development of co-operation among States and peoples. The international situation, however, continues to be complex and contradictory and no radical change for the better has yet come about.

Wishing to do away with the present division of Europe into opposing military blocs, the States Parties to the Warsaw Treaty declare that they are in favour of the simultaneous liquidation of the two military and political alliances and, as a first step, of the dismantling of their military structures. Acting towards this end, the States Parties to the Warsaw Treaty and the member States of the North Atlantic Treaty Organization could combine their efforts in order to identify avenues conducive to the renunciation of military confrontation, the development of co-operation among States, irrespective of their membership of one alliance or another, and the building of a Europe of peace and co-operation with full respect for existing territorial and political realities.

/...

The States Parties to the Warsaw Treaty believe that the realities of the contemporary world require a new outlook of security. This should be a mutual and undivided security based on a permanent lessening of military confrontation and the reduction of armaments up to the total removal of the danger of a new war, through the actual liquidation of the means and potentials of conducting it. The disarmament process, which ensures confidence-building, must cover the entire complex of the armed forces, infantry, air force and navy, and all armaments - conventional, nuclear and chemical - ready to be used in a European contingency. That will pave the way for progress towards true military and political stability.

The Vienna negotiations on conventional armed forces, security and confidence-building in Europe are called upon to play a decisive part in this process. They will provide the framework for the solution of a number of fundamental issues, such as the reduction of armed forces down to the defence level, the examination of military doctrines and of their technical and material components, the mutual renunciation of stereotypes and distorted assertions, and the establishment of a mechanism for constructive co-operation.

The States Parties to the Warsaw Treaty recall their proposals intended to bring about a substantial reduction in armed forces and conventional armaments, and, accordingly, in military expenditures.

The States Parties to the Warsaw Treaty endorse the supplementary proposals, advanced by the Union of Soviet Socialist Republics at the Vienna negotiations, regarding the radical reduction of the armaments and armed forces of the two alliances by 1996-1997.

The States Parties to the Warsaw Treaty reaffirm their proposals to undertake measures at regional level with a view to lessening the possibilities of a surprise attack, building confidence and strengthening security in various zones of Europe.

They believe it is necessary for the dialogue on disarmament also to cover all the means of warfare that have been omitted so far. In that connection, the allied States reiterate their proposal that separate negotiations be held on tactical nuclear armaments and that special consultations be started without further delay for the preparation thereof. They support the decision of the Union of Soviet Socialist Republics regarding the unilateral withdrawal, in 1989, of 500 tactical nuclear warheads from the territory of the allied States to its own territory, as well as its expressed readiness to withdraw all nuclear warheads from the territory of its allies from 1989 to 1991, provided the United States undertake a similar step in return.

It is time for the framework of negotiations to be enlarged to cover navies and their weaponry, starting with their inclusion among the confidence-building measures.

At the same time, it is important not to take steps that would further complicate the negotiation process or give fresh impetus to the arms race on various pretexts, including modernization.

The multilateral development of co-operation in other areas of inter-State relationship would also contribute to building confidence among States and mutually strengthening their security. The creation of favourable conditions for the development of co-operation in such areas as economy, trade, science and technology, environment, humanitarian situations and human rights, while respecting the sovereignty of States and non-interference in their internal affairs, would be in the interests of both Europe and the world as a whole.

An important factor contributing to a healthier international situation would be the mutual understanding by the countries belonging to the two alliances that they should exercise restraint with respect to regional conflicts, first of all by renouncing acts liable to worsen the situation even further. They could work together in order to identify solutions to conflicts. There is an increased need for joint efforts to set limits to trade in armaments. Another important task would be to safeguard the security of sea and air trade lanes, by lessening the concentration and limiting the activity of navies and air forces in the respective areas. There is a need for closer co-operation and co-ordinated efforts in fighting international terrorism and the drug trade.

Military links, such as exchanges of information with respect to proposals and initiatives, consideration of military budget reductions and related matters, the examination of military doctrines and exchanges of visits by military delegations, would play an important role in eliminating mistrust between the States Parties to the Warsaw Treaty and the members of the North Atlantic Treaty Organization.

The States Parties to the Warsaw Treaty suggest to the member States of the North Atlantic Treaty Organization that they establish relations of political dialogue, as well as contacts between the representatives of the two alliances.

The States Parties to the Warsaw Treaty express their readiness to examine most carefully the counterproposals of the member States of the North Atlantic Treaty Organization with a view to encouraging the positive trends that have started taking shape in the relations between States. They call on the latter to act together in order to ensure a more dynamic development and general prosperity, against a background of independence, stability and peace in Europe and throughout the world.

CONFERENCE ON DISARMAMENT

CD/919
9 June 1989

Original: ENGLISH

LETTER DATED 7 JUNE 1989 ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT FROM THE CHARGE D'AFFAIRES, DEPUTY PERMANENT REPRESENTATIVE OF THE PEOPLE'S REPUBLIC OF BULGARIA TRANSMITTING THE TEXT OF THE DECLARATION OF THE PRESIDENT OF THE STATE COUNCIL OF THE PEOPLE'S REPUBLIC OF BULGARIA AND THE PRIME MINISTER OF THE REPUBLIC OF GREECE SIGNED ON 23 APRIL 1989

I have the honour to transmit to you enclosed, herewith, the text in English of the Declaration of the President of the State Council of the People's Republic of Bulgaria Todor ZHIVKOV and the Prime Minister of the Republic of Greece, Andreas Papandreou, signed on 23 April 1989.

I should be grateful if you could circulate it in English, French and Russian as an official document of the Conference on Disarmament.

(Signed) VALENTIN BOJILOV
Charqué d'Affaires
Minister Plenipotentiary
Deputy Permanent Representative

DECLARATION

of the President of the State Council of the
People's Republic of Bulgaria Todor Zhivkov
and the Prime Minister of the Republic of
Greece Andreas Papandreou

The President of the State Council of the People's Republic of Bulgaria
and the Prime Minister of the Republic of Greece,

expressing the will of their peoples to live in peace, in a world free of
weapons and violence,

encouraged by the positive trends in international life and by the
development of dialogue and the reduction of nuclear weapons,

desirous of contributing to the continuation and deepening of this
process,

encouraged by the favourable prospects for concluding a convention on
prohibition and destruction of chemical weapons, and determined to sign
it immediately upon its opening for signature,

following the spirit of their consistent policies of asserting the
climate of confidence, security, good-neighbourliness, understanding and
co-operation between the two countries and in the Balkans,

wishing to contribute by concrete actions to promoting multilateral
Balkan co-operation and working out confidence- and security-building
measures in the region,

recalling their joint statement of 23 February 1988 in favour of
undertaking steps to rid the Balkans of tactical nuclear weapons and to
assume commitments not to deploy new nuclear weapons,

and complying with Article 6 on the Declaration on Friendship,
Good-neighbourliness and Co-operation between the People's Republic
of Bulgaria and the Republic of Greece of 11 September 1986,

1. State that the Governments of the two countries will elaborate norms
of behaviour with a view to turning their territories into a zone free of
nuclear and chemical weapons.
2. Declare that the two countries will, to that end, refrain from
actions which may hinder the establishment of a zone free of nuclear and
chemical weapons.
3. Call upon the other Balkan countries to support these efforts, with
a view to elaborating and adopting norms of behaviour aimed at freeing the
territory of all Balkan countries from nuclear and chemical weapons.
4. Hope that all states will encourage and assist the efforts to
establish a zone free of nuclear and chemical weapons in the Balkans.

5. State that this Declaration is not directed against any third country and does not affect the rights and obligations ensuing from the agreements in force to which they are parties.

The Declaration was signed in Haskovo on 23 April 1989 in two original copies in the Bulgarian and Greek languages, both texts having equal force.

PRESIDENT OF THE STATE COUNCIL OF
THE PEOPLE'S REPUBLIC OF BULGARIA:

s/ Todor Zhivkov

PRIME MINISTER OF THE
REPUBLIC OF GREECE:

s/ Andreas Papandreu

Programme of Work for the Second Part of the 1989 Session
of the Conference on Disarmament

(Adopted at the 508th plenary meeting on 13 June 1989)

In compliance with rule 28 of the Rules of Procedure, the Conference on Disarmament adopts the following programme of work for the second part of its 1989 session:

- | | |
|------------------|---|
| 13-16 June | Statements in plenary meetings. Consideration of the programme of work, as well as of the establishment of subsidiary bodies on items on the agenda and other organizational questions. |
| 19-30 June | (Nuclear-test ban.
(
(Cessation of the nuclear-arms race and nuclear
(disarmament. |
| 3-7 July | Prevention of an arms race in outer space. |
| 10-14 July | Prevention of nuclear war, including all related matters. |
| 17-28 July | Chemical weapons. |
| 31 July-4 August | (Effective international arrangements to assure
(non-nuclear-weapons States against the use or threat of
(use of nuclear weapons.
(
(New types of weapons of mass destruction and new systems
(of such weapons; radiological weapons. |
| 7-11 August | Comprehensive programme of disarmament. |
| 14-31 August | Reports of <u>ad hoc</u> subsidiary bodies, consideration and adoption of the Annual Report to the General Assembly of the United Nations. |

The Conference will continue consideration of its improved and effective functioning and will report to the General Assembly of the United Nations on that subject.

The Conference will further intensify its consultations in pursuance of paragraphs 14 and 15 of its report (CD/875) with a view to taking a positive decision at its 1989 annual session with regard to expansion of its membership by not more than four States and the need to maintain balance in the membership of the Conference and will inform accordingly the forty-fourth session of the General Assembly of the United Nations.

Meetings of the subsidiary bodies will be convened after consultations between the President of the Conference and the Chairmen of the subsidiary bodies, according to the circumstances and needs of those bodies.

The Ad hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events will meet from 24 July-4 August 1989.

In adopting its programme of work, the Conference has kept in mind the provisions of rules 30 and 31 of its Rules of Procedure.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Verification of the Chemical Weapons Convention: Practice
challenge inspections of military facilities

1. CD/715 of July 1986 set out detailed proposals by the United Kingdom for the conduct of a challenge inspection under article IX of the Chemical Weapons Convention. These proposals placed a basic obligation on any State party receiving a request for clarification or resolution of any matter causing doubts about compliance to demonstrate to the other treaty States, and especially the requesting State, that it remains in full compliance with the treaty.
2. Building on the ideas in CD/500, the United Kingdom proposed that each State party should have the right directly to request a challenge inspection of another party, and that any State receiving such a request should allow an inspection team from the technical secretariat, accompanied by a representative from the requesting State to carry out a comprehensive investigation in order to determine the facts of the case.
3. The United Kingdom's proposals recognized that a State receiving a challenge might have legitimate security interests at stake. In such exceptional circumstances a State would have the right to propose alternative measures to demonstrate compliance.
4. In 1988 the United Kingdom set out to test how these proposals might work in practice by conducting a series of practice challenge inspections at military facilities. Our objectives were:
 - (a) To assess the security implications of challenge inspections under a Chemical Weapons Convention;
 - (b) To examine ways of demonstrating compliance with a Chemical Weapons Convention while protecting legitimate security interests unrelated to chemical weapons;
 - (c) To draw any lessons for how challenge inspections under a Chemical Weapons Convention might be conducted.
5. It was decided that practices should be conducted across a range of Ministry of Defence facilities from ammunition storage facilities through to research and development facilities, since different types of facility would pose different problems for inspection. After preliminary visits to various candidate facilities, it was decided to hold the first practice at a conventional ammunition storage facility.

6. Before the first practice, procedures and guidelines were drawn up, including an inspection protocol. The first trial inspection then took place in October 1988 and was followed in March this year with a trial inspection of another ammunition storage depot. A note on administrative and other practical aspects of these inspections is contained in the annex to this paper.

7. The remainder of this paper offers some interim observations on challenge procedures in the light of our first two practices. It should be emphasized that the two practices to date have been conducted at facilities which are not particularly sensitive, and are only the first part of a larger programme. Further trials at more security sensitive facilities will be necessary before firm conclusions can be drawn. The United Kingdom plans to hold such exercises later this year.

SOME PROVISIONAL OBSERVATIONS

Definition of challenged facility

8. The effectiveness of the inspection depends partly on the wording of the challenge. A very specific definition of a challenged facility is therefore required. One way forward might be to define the facility by a combination of name, description and map co-ordinates. Our experience shows that precision is necessary in order to avoid arguments over rights of access. More work is needed on guidelines for access to areas outside the designated site, especially neighbouring facilities which are subsequently shown to be closely connected with the challenge facility.

Notice of inspection

9. It is clear that even in as short a period as 48 hours, considerable quantities of ammunition could be shipped out of a storage facility. It might therefore be desirable for an advance party to arrive immediately after the issue of a challenge to seal the facility and monitor movements in and out although there could be significant practical difficulties which would need to be overcome. The question of clean-up times in civil chemical facilities is also relevant in this context.

Size and composition of inspection team

10. It will be difficult for a team of five inspectors to "secure the site" and carry out all their inspection duties on large sites. They might need to be accompanied by a sizeable support staff who could seal the site, monitor movements in and out on a 24 hour basis, assist in the collection and monitoring of samples both on and off site, and provide general administrative services to the inspection team. The use of physical seals on access points to the site (see below) would reduce the demands on inspection manpower but our experience suggests that for very large sites five inspectors might not be sufficient.

11. The resource implications of a large support staff and the earlier arrival of an advance party both for the technical secretariat and for the challenged State would however require further examination and priorities might need to be established.

12. It would in our experience greatly improve the effectiveness of the inspection team if they were assisted in their task by the inclusion of an expert in the activities claimed by the challenged State to be taking place at the challenged facility. This enables a better and earlier assessment to be made of the plausibility of the claims and decisions on where and what to inspect.

Role of challenging State observer

13. The role of the observer from the challenging State is important. Questions to be resolved are whether or not the observer should be able to express his views on the conduct of the inspection to his country's satisfaction; to what extent he is able to influence the inspection plan; whether he can communicate formal requests of the challenged State via the inspection team leader; and what restrictions can be placed by the challenged State on the movement and access of the observer for security reasons. Depending on the answer to these questions one observer might not be enough to cover a seven-day inspection, especially if the inspection team is split into two or more.

Securing the site

14. "Sealing the site" at a large facility with many access points is a difficult task. Should all gates except the main entrance be sealed? Should seals be frangible but with inherent integrity in cases of emergency access gates? Should the main entrance be manned on a 24-hour basis to monitor all movements in and out? Our experience so far suggests the answers to these questions should be yes.

15. In order to prevent the moving of clandestine CW stocks round the site in advance of the inspection team, the team would ideally need to secure and seal transport systems within and from the facility.

Samples

16. There will be a need to define the sampling equipment required at different types of facility. If the inspection team brings all the necessary equipment with it this might include, for liquid and solid samples, sample jars, scoops, ladles, funnels, scrapers, dip sticks, means of cleaning sampling equipment between samples; protective clothing, boots, gloves, overalls; for vapour samples, sorption tubes for later laboratory analysis and draeger tubes. Agreement is also necessary on what equipment the challenged State should be expected to provide, who should take the samples, and where they should be analysed. Our experience suggests that the technical secretariat should provide as much of the equipment as possible and that analysis should be carried out by both the challenged State and the inspectors to guard against fraudulent or faulty analysis. The samples themselves would need to be carefully logged and sealed.

How to demonstrate that a weapon is not a chemical weapon?

17. A number of possible methods have been considered; it is not clear yet what is most acceptable. For example:

(a) Reference to handbooks giving details of weapons and their distinctive markings would be helpful but some of them may be classified. In any case they could not be relied upon as conclusive proof.

(b) Portable X-ray equipment could reveal something of the character of the contents of a shell. It could for example show the presence of a liquid, but not necessarily certain powders unless they had a distinct signature. However, X-rays might reveal classified details of weapon design.

(c) A weapon could be fired - but this requires a suitable range.

(d) The weapon could possibly be broken open by use of a small explosive cutting charge. This, however, is a hazardous operation which could only be undertaken at a suitably licensed demolition area.

Safety

18. Safety issues frequently arose during the inspections. It is essential that the initial briefing of the inspection team includes a detailed brief on safety procedures by representatives of the challenged facility. It is also necessary to establish in an ammunition storage facility, that all the equipment brought by the inspection team can be safely operated in the presence of explosives. Standard certification of such equipment might be a possibility.

Security during a challenge inspection

19. As had been expected access of an inspection team to the facilities revealed details of the site, of ammunition natures and, at least in broad terms, total stock holdings, of base procedures, and of the lay out, design and capacity of storage facilities. The effects of this could be alleviated to some extent by the rotation of sensitive stock after an inspection, although this option may only be feasible in larger facilities. It would also be possible to take simple precautionary measures such as the removal of all notices, charts and displays, locking away of all papers, locking off computer systems which might disclose sensitive information not relevant to the inspection, and the securing of sensitive equipment in workshops, laboratories and test areas.

Managed access/alternative arrangements

20. On several occasions only partial access was necessary to satisfy the inspectors. This suggests that the conduct of an actual challenge need not necessarily entail complete and uncontrolled access to all parts of the site. The inspectors might conclude in the light of the overall level of access and co-operation granted to them, that only partial access would be required. Locations to which access may need to be controlled for safety rather than security reasons, for example, may only require access by one inspector, or may be viewed from a distance.

21. Shrouding should be kept to the minimum necessary to protect sensitive information. Varying levels of access to the inspection team, from visual observation only of the shrouded items, through to touching the items, use of monitoring equipment and removal of part of the shroud is possible and could be effective depending on the sensitivity of the items and the overall

impression treated by the facility under inspection. A question which needs to be addressed however is what degree of shrouding is acceptable. Individual cases will inevitably differ but guidelines will be necessary for the inspectors to be able to make objective assessments.

CONCLUSIONS

22. The two initial practice challenge inspections have thrown a great deal of light on important questions about procedures and indicated possible solutions to a number of problems. They have confirmed our belief that challenge inspection is an important "safety net" element in the overall verification régime. However, the complexities of challenge inspection require work to be done, in particular, on the issue of managed access, in order to address all these questions and identify any others which need to be considered. A programme of further exercises is being devised and the United Kingdom hopes to present a further paper to the Conference in due course as more lessons are learned. In the meantime the United Kingdom strongly recommends that other nations participating in the CWC negotiations should conduct their own practice challenge inspections of military facilities and report their findings to the Conference.

Annex

DESCRIPTION OF UNITED KINGDOM PRACTICE CHALLENGE INSPECTIONS

The facilities

1. The first practice challenge inspection took place over a two-day period at a conventional ammunition storage facility, which covers an area of approximately 20 sq. km with a total of over 200 Igloos and Standard Explosive Storage Huts (SESH) together with support processing buildings and dedicated railhead and loading sheds. The facility perimeter is some 20 km long and is penetrated at intervals by both road and rail access gates. There are additionally a number of emergency gates for fire and evacuation purposes.
2. The second practice challenge inspection was held over two days at another conventional ammunition storage facility, considerably smaller than the site of the first practice, covering an area of some 4 sq. km. The perimeter is about 8 km in length and contains less than 20 underground and semi-underground explosives storage buildings together with support processing buildings, dedicated railhead and loading sheds, and administrative support buildings.

Teams

3. The first exercise involved a total of 20 participants, comprising 5 exercise control/recording staff, 4 inspectors, 1 representative of the challenging State, 4 reception teams, and 6 observers. Both the inspection and reception teams included scientific and ammunition experts, and officials well versed with the chemical weapons negotiations. For the second exercise, in the light of experience gained at the first the inspection team was expanded to 5, and the reception team to 8, with 1 challenging State observer, 4 control staff/recorders, and 2 observers. The same disciplines were represented on both inspection and reception teams, with the addition of an explosives safety adviser to the latter.

Administrative arrangements

4. Two minibuses were placed at the disposal of the inspection team throughout the first exercise. A room in an administration block was made exclusively available to the inspection team. The base photographer was on call throughout the exercise to take photographs at the request of the inspectors. Similar arrangements were made for the second exercise, with the exceptions that in order to allow as much time in the field as possible and to increase the realism of exercise play during the inspection, all exercise briefings were completed the day before the start of the exercise; the inspection team was briefed off-site; two official photographers were made available to take photographs at the request of the inspection team, and a video record was made of key parts of the exercise.

Documentation

5. For the first exercise documentation included an inspection protocol, a game plan, and scenario. These were also used during the second exercise, for which additionally a detailed set of procedures for the reception of a challenge inspection was prepared for use by the challenged facility, together with a memorandum of guidance for the staff.

Conduct of first exercise

6. On arrival at the site on day one of the exercise the inspection team, following initial introductions and explanations to the reception team of the purpose of the inspection, were given a briefing on the work and layout of the facility by the commanding officer. Following this the inspection team were offered - and accepted - a preliminary tour of the facility by minibus. The inspection team then considered and presented their inspection plans. For the remainder of the exercise the inspection team were allowed to inspect any part of the facility and to select at random any cases of ammunition for opening and inspection at the ammunition processing area. The team was able to divide into two when they deemed it necessary to cover more ground in the time available.

Second exercise preparation

7. Drawing on the experience of the first practice more extensive preparations were made by the facility for the second exercise. These included the covering of sensitive information displays, the briefing of all staff as to the purpose of the exercise, and the consideration with reception team advisers of their tactics for the inspection.

8. Because neither of the facilities selected for the first two practices contained such sensitive stocks as to preclude access to a particular building or visual examination it was decided to introduce "sensitive" areas for exercise play where no access or strictly limited access would be permitted, in order to address the issue of managed access.

Conduct of second exercise

9. The inspection team were given an introductory briefing on the facility, and on safety procedures. A written safety brief was given to each inspection team member. In order to protect information about the layout and function of the facility buildings the inspection team were given only a schematic plan of the site.

10. The inspection team were offered an introductory tour of the facility together with a suggested itinerary for the inspection. They chose however to first "seal" the site by placing a seal on all the gates, and then took up the offer of an introductory tour of the facility.

11. From this point in the inspection the inspection team either together or in two parts selected at random parts of the site they wished to visit, and were able to choose any samples of ammunition for closer examination in the ammunition processing area. They also took samples of soil and checked the location of drainage and other pipes against a "facilities" chart.

12. Throughout the inspection the reception team adopted an open approach to questions, but entirely correctly, their replies were confined strictly to what was relevant to satisfy the inspection team that the facility was in compliance with the Chemical Weapons Convention. The inspection team considered that they were able on this basis to obtain the information they needed to carry out their task.

CONFERENCE ON DISARMAMENT

CD/922
CD/CW/WP.250

22 June 1989

Original: ENGLISH

UNITED STATES OF AMERICA

REPORT ON A UNITED STATES NATIONAL TRIAL INSPECTION EXERCISE

Introduction

From the beginning of the negotiations on a chemical weapons ban, the United States Government and the United States chemical industry have recognized the importance of providing assurance that the civil chemical industry is not being misused for illegal production activities. Government and industry have been working together to develop provisions for a future chemical weapons convention that will provide effective verification and at the same time protect legitimate sensitive and confidential business information.

The United States welcomed the suggestion in 1988 that States participating in the negotiations conduct trial inspections in the civil chemical industry to assist the negotiating process. Consequently, the United States delegation participated actively in the informal open-ended consultations held to prepare for such inspections.

In late February 1989, United States experts conducted a national trial inspection at the facility operated by Akzo Chemicals, Incorporated in Gallipolis Ferry, West Virginia. This facility produces a Schedule [2] chemical, dimethyl methylphosphonate (DMMP), from a Schedule [3] chemical, trimethylphosphite. Some of the DMMP is used on-site to produce another Schedule [2] chemical. The Schedule [2] chemicals are legitimate commercial products used as flame retardants and for other purposes.

The United States views this first national trial inspection as the beginning of a process to develop and refine inspection procedures, not as a test of procedures that are close to final form. This first inspection omitted testing some necessary procedures, such as notification, transportation, and escort arrangements. Also, other gaps have been recognized and procedures that need to be improved have been identified.

The results of the national trial inspection are presented in this working paper, drawing in part on the format elaborated during the Conference on Disarmament open-ended consultations in 1988 (CD/CW/WP.213).

A. GENERAL APPROACH

1. Objectives of the national trial inspection

The basic objectives of the national trial inspection were to evaluate the approach to monitoring of Schedule [2] facilities as contained in CD/874, and in particular:

- to evaluate the ability to determine whether Schedule [1] chemicals have been produced in the facility;
- to evaluate the ability to determine whether the facility has produced types of quantities of Schedule [2] chemicals not included in its declaration or has diverted Schedule [2] chemicals to prohibited purposes;
- to estimate the costs of such an inspection;
- to determine the physical constraints on inspection procedures;
- to measure the operational and economic impact of an inspection on a commercial facility; and
- to evaluate the preparation needed for an inspection.

2. Provisions in the draft convention under which the national trial inspection took place

The national trial inspection was based on the provisions governing monitoring of Schedule [2] chemicals as set forth in the Annex to Article VI [2]. Detailed information needed for inspection planning was obtained in an initial visit to the AKZO facility on 5 and 6 December 1988. The trial inspection followed two and one-half months later, on 21-23 February 1989.

3. Type of on-site inspection

The national trial inspection can be characterized as a "routine" inspection and included an initial visit.

4. Advance information

(a) Declarations

The facility provided a detailed declaration, which included full data for 1988, in the format specified in the Annex to Article VI [2].

(b) Agreement on inspection procedures

A facility agreement was negotiated after the initial visit. The model agreement contained in CD/874 (pp. 125-128) served as the starting point for the drafting of the facility agreement with additions and changes as appropriate.

5. Type of facility inspected

The declared facility inspected is a multi-purpose industrial chemical facility using batch processing. It is part of a larger site with three other operating facilities. The chemicals produced at the site are primarily organophosphorus chemicals used for flame retardant applications.

6. Type of declared activity at the facility

The facility inspected declared the following activities:

- consumption of a Schedule [3] chemical, trimethyl phosphite (TMP; used as a key feedstock);
- production of Schedule [2] chemicals, dimethyl methylphosphonate (DMMP) and a polymeric flame retardant produced from it;
- processing of a Schedule [2] chemical without chemical transformation (formulation of the polymeric flame retardant); and
- processing of a Schedule [2] chemical with chemical transformation (conversion of DMMP to a polymeric flame retardant).

7. Actual activity at the facility

During the inspection, all of the declared activities were operational, except for the processing of a Schedule [2] chemical without chemical transformation. The declared facility consisted of four non-contiguous areas, including a production facility, storage area, analytical laboratory and waste treatment area, which were active.

B. DETAILED APPROACH

1. The inspection mandate

The inspection was governed by a facility agreement based on the model provided in CD/874 (p. 125). This agreement specified the drawings and records to be examined, the equipment to be inspected and points where samples were to be taken. It incorporated, by reference, a separate document containing detailed inspection procedures for Schedule [2] facilities.

2. Composition of the inspection team

The inspection team was composed of:

- team leader: a chemical engineer experienced in production of Schedule [1] and [2] chemicals, from the United States Arms Control and Disarmament Agency;
- deputy team leader: a chemical engineer experienced in production of Schedule [1] and [2] chemicals, from the United States Department of Defense (DOD);
- three chemical engineers, one from DOD and two from AKZO Chemicals, Inc.;
- an analytical chemist, from DOD.

3. Inspection equipment

Inspection equipment (sampling and safety) was furnished by the facility. The use of safety-related equipment (hard hats, safety glasses, escape respirators, explosion-proofed radios) was required by the facility's insurance regulations.

4. Activities prior to the arrival of the inspection team on-site

Inspection procedures applicable to any facility were developed by a controller group, based on the provisions of the Annex to Article VI [2]. A facility agreement and a detailed inspection plan were then prepared, based on the facility declaration, the initial visit and the general procedures.

The exact inspection date was established three weeks in advance by mutual consent.

5. Advance preparations on-site

No special physical preparations were made on-site, although the facility adjusted its production schedule so that DMMP would be in production during the trial inspection.

6. Escort and points of contact arrangements

Facility personnel served as informal escorts. The draft convention provisions regarding escorts were not included in the scope of the trial inspection in order to reduce its complexity.

The facility manager was the designated point of contact at the site.

7. Other participants

The trial inspection process was managed by an inter-agency group with representatives from the United States Arms Control and Disarmament Agency, the Office of the Secretary of Defense, the Office of the Joint Chiefs of Staff, the Department of the Army, the On-site Inspection Agency and other interested agencies. This group included several members of the United States chemical weapons convention negotiating team. Members of the inter-agency group participated in the trial inspection as observers, along with a representative of the Chemical Manufacturers Association. CMA is a non-profit trade association representing more than 90 per cent of the basic chemical manufacturing capacity in the United States.

8. Duration of inspection and initial visit respectively

- initial visit: one and one-quarter days (seven and one-half man-days);
- preparation of "facility agreement": 10 man-days;
- inspection: two and one-half days (15 man-days);
- NTI inspection report preparation: 30 man-days.

9. Measures to protect confidential information

It was agreed in advance by both sides that all information to which government personnel were given access would be treated as confidential business information (CBI). A special repository was established at the site for sensitive documents used by government personnel. Some CBI data computations were removed from the site for the inspection report, however, no CBI facility drawings or documents on operating procedures were removed from the site.

10. Opening conference

During the opening conference, the inspectors established their credentials and outlined their planned activities. A facility representative provided a safety briefing. About one hour was required for this conference.

11. Types of records needed and/or audited

Two inspectors focused on examination of the production records.

First, a gross material balance for the facility for 1988 was computed, starting with the key feedstock material and tracing its use for production of DMMP and other products. Summary records for feedstock receipts, product shipments and inventories were used. This gross balance was completed in approximately three hours.

Second, the daily records for the key reactor system were reviewed to determine the quantity of DMMP produced and to establish equipment usage. This consumed the remaining eight hours available for the records audit. The production estimates made by the two methods were compared.

During the last half day of inspection, the equipment inspection subgroup spent three hours reviewing daily records for two other reactor systems. The purpose was to verify that these reactors had not been used for DMMP production but had been used for DMMP consumption. As a result of this records search, idle and production time for all three reactor systems could be accounted for.

The types of records used are listed in Attachment 1.

12. Plant orientation tour

Immediately after the opening conference, the inspection team toured the declared areas subject to inspection. This consisted of the DMMP production area, the storage area, the analytical lab and the waste treatment facility. They did not visit other areas of the complex. The orientation tour lasted approximately two hours, after which the team met to discuss the data gathered from both the opening conference and the tour. The team evaluated their initial inspection plan and the facility agreement and modified their planned approach. In particular, the equipment and sampling provisions of the inspection plan were refined.

13. Inspection of areas and facility equipment

Equipment inspection efforts concentrated on the DMMP reactor system and all equipment connected to it, including two other reactor systems, feedstock storage and a variety of holding and storage tanks. (The two other reactor systems were utilized to convert DMMP to another product.) Physical measurements were made to assist in verification of the actual size and volume of the vessels.

Visual observations of the product storage warehouse, analytical laboratory, and waste treatment facility were made. In addition, samples were taken later both from product in drums and from the waste treatment tanks to validate chemical content.

14. Inspection of operation procedures

Production and ancillary equipment was examined in detail for suitability for the declared activities and for production of Schedule [1] and other extremely toxic chemicals. Particular attention was paid to presence/absence of equipment and safety devices specially designed for containment of extremely toxic chemicals. Equipment characteristics were cross-checked against original specifications from equipment suppliers to verify size and materials of construction.

Interviews were conducted with personnel involved in reactor operation, sample analysis, and operation of receiving and shipping tank truck scales to verify types of operations and degree of hazardous materials being handled.

15. Sampling and sample-taking procedures

Samples were taken by facility personnel as requested by the inspectors as follows:

- samples of contents of the DMMP reactor system and a selection of the tanks and process vessels connected to it;
- samples of the key feedstock used to produce DMMP;
- random product sample of DMMP;
- samples of waste water from various points in the facility;
- wipe samples from various components of the reactor system, walls and beams that might reveal chemicals that had been used prior to the inspection; and
- a soil sample in the vicinity of relevant storage tanks.

16. Handling of samples

Each sample was recorded in a log-book, given a code number, and labelled. Later, in the facility laboratory, the samples were opened, subdivided into four portions, relabelled, covered with dry nitrogen and sealed with a prototype tamper-indicating seal. Care was taken to maintain a

secure chain of custody for the samples from the facility to the off-site analytical laboratory. It was noted that a "secure container" would be required for samples.

17. Analysis of samples

Samples of feedstock, product and reactor contents were analysed on-site by facility personnel in the presence of inspectors. Sophisticated analytical methods (gas chromatography (GC) and combined gas chromatography - mass spectrometry (GC-MS)) were used. Duplicates of these samples were also analysed off-site at a DOD lab. All samples requiring analysis at trace levels, including soil samples, wipe samples and waste water samples, were analysed at the off-site lab. The following analytical methods were used:

- nuclear magnetic resonance (NMR): for phosphorus and fluorine;
- gas chromatography (GC): for checking the on-site analyses;
- gas chromatography - mass spectrometry (GC-MS): for chemicals present at trace levels;
- ion chromatography: for fluoride ion;
- atomic absorption - inductively coupled plasma spectrometry: for phosphorus and sulfur.

18. Types of analyses

On-site analyses were performed to verify the presence and purity of the declared chemicals to assist in determining the material balance. Off-site analyses were performed to validate these results and analyse for trace amounts of chemicals that might indicate previous production of Schedule [1] chemicals or non-declared Schedule [2] chemicals.

19. Documentation of the inspection

The trial inspection was documented through still photographs of the DMMP reactor system and sampling points and video tapes of the principal activities.

20. Evaluation by inspectors

The inspectors' evaluation covered the following aspects:

- deviation from initial plans;
- problems encountered;
- usefulness of inspection procedures;
- conclusions that could be drawn about the facility's activities; and
- matters or concerns about which no conclusions could be drawn.

21. Closing conference

During the closing conference, the inspectors reviewed their activities on-site and outlined their findings. This conference required approximately one half hour.

22. Anomalies, disputes and complications

All anomalies were satisfactorily resolved. These included:

- a discrepancy in the material balance due to initiation of a batch in one year and its completion in the next year.
- a discrepancy between the declared and calculated production capacity due to the use of average production rates rather than maximum production rates.
- discrepancy between equipment present and that shown on engineering diagrams provided inspectors.
- omission of some toxic material safety procedures used in the facility but not mentioned at the opening conference.

No anomalies were intentionally introduced.

23. Report of the inspection team

The inspectors' report was prepared off-site during the week following the inspection as a part of a detailed evaluation of the trial inspection. The inspection team report fully documents all activities and findings of the inspection and the first NTI exercise.

24. Impact of the inspection on facility operations

Total costs to the facility were estimated at \$10,000 based primarily on the time and effort required of the facility officials for preparation of the initial declaration and participation in the trial inspection.

The inspection had minimal impact on plant operations. However, without full co-operation between facility officials and the inspection team, the inspection could have required a slowdown or possibly even stoppage of some operations.

25. Other matters

C. RESULTS

Results from the trial inspection are still being evaluated. At this stage, however, a number of preliminary findings have emerged that warrant discussion in the Ad Hoc Committee on Chemical Weapons. These findings can be grouped under the following headings: inspection team rights and responsibilities; inspection planning; general inspection approach; equipment inspection; records audit; sample analysis; confidentiality; and areas requiring further work. These findings are discussed below.

1. Inspection team rights and responsibilities

The inspection demonstrated the difficulty of defining precisely what areas of a chemical production site are to be declared and inspected. Schedule [2] chemicals typically are produced in a multi-purpose reactor system housed in a building containing other reactors and process equipment not included in the inspection per se. The equipment may be interconnected to a substantial degree to provide operational flexibility. Furthermore, the overall site may contain other production units which are capable of producing Schedule [2] chemicals. These facts make it necessary to specify more carefully in the Annex to Article VI [2], and in the subsidiary arrangements, what areas of a chemical production site should be subject to declaration and routine inspection. It should be noted, on the other hand, too precise a specification could hinder observation in areas that are not declared.

Specifying responsibility for provision of safety equipment also presents difficulties. Inspectors can be expected to prefer to bring their own equipment that is known to be reliable, rather than to trust equipment provided by the facility being inspected. Standards may vary substantially from facility to facility and from country to country. Under current United States insurance regulations, use by inspectors of their own equipment may not be permitted. One possible solution is to establish agreed-upon safety equipment standards. A facility would be required to provide equipment that meets the standard or alternatively to allow the inspectors to bring such equipment with them.

2. Inspection planning

The inspection demonstrated the great importance of a thorough initial visit. The initial visit should be used to establish the degree of access to equipment, sampling locations and data which would then be specified in the facility agreement. It should also provide the foundation for the detailed inspection plan, including the sequence and duration of inspection activities, and the number of inspectors required.

The importance of the initial visit and the degree of disclosure required should be more clearly specified in the Annex to Article VI [2].

3. General inspection approach

The trial inspection demonstrated clearly that inspection visits alone cannot provide assurance that the quantity or types of Schedule [2] chemical produced is correctly declared. Use of special instruments between inspections should be permitted when deemed necessary by the inspectors.

Consideration needs to be given to development of simple, tamper-indicating, reliable instruments that could monitor the process equipment continuously. An instrument could monitor one or more key variables, such as temperature or flow, or monitor the chemical composition of the output, perhaps using infrared spectra. The instrument could be designed to alert inspectorate headquarters automatically when an anomaly is detected. Alternatively, during an inspection visit recorded data could be automatically read out and compared to facility records. The instrument should be designed to allow recalibration or certification during a routine inspection.

Obtaining a satisfactory material balance and confirming that process equipment capacity has properly been declared are necessary measures, but they are insufficient in themselves. These measures could be circumvented simply by not recording in the permanent books of the facility those production activities that lead to "excess" Schedule [2] chemical. In other words, the production would be "off the books". Facility records would falsely indicate that the equipment was either idle or being used for production of a non-Schedule [2] chemical that is not subject to monitoring.

The trial inspection also demonstrated that equipment inspection, records audit and sample analysis are all essential components of an effective inspection régime.

4. Equipment inspection

Visual examination of equipment and review of its operating and design specifications were found to be particularly useful in assessing whether the declared facility was capable of producing Schedule [1] or other extremely toxic chemicals. (Visual examination alone is not sufficient to determine whether such chemicals have been produced in the past.) Further attention is necessary to develop methods for determining quickly what materials of construction are used for the process equipment. Material of construction is an important factor in determining the potential for conversion to other Schedule [2] or Schedule [1] chemicals.

Examination of the equipment, together with the records audit is required to determine the production capacity of the facility. This should be based on the maximum possible use of the equipment dedicated to the Schedule [2] chemical production.

To assist inspectors in looking for evidence of Schedule [1] chemical production, a diagram showing possible production routes involving the declared Schedule [2] chemical should be available to the inspection team. This diagram could also be associated with types of process equipment required by the alternative production methods. The existence of such equipment could then be assessed during the inspection.

5. Records audit

The trial inspection showed that modern chemical production practices generate a multitude of interlocking records that can be usefully audited as a means of monitoring declared chemical production. The limitations of records audits must be recognized, however. It would be possible, although involved, to keep two complete sets of records for a chemical production facility - one real and one false. It would in many cases be relatively simple to conduct operations that are entirely "off the books". Thus, other techniques must be used in conjunction with the records audit.

The records audit proved to be the most time-consuming aspect of the trial inspection, even though the auditing task at this facility was relatively simple. The processes involved were simple, high-yield chemical conversions. Only three products were produced from the key feedstock. Also, there were no significant wastes or by-products to account for. Considerably more time and effort would be needed for more complex operations with more steps or continuous operations with multiple feed or discharge systems at each step of the process.

It was found that to conduct a records audit an inspector needed an extensive background in chemical production of the chemicals in question. Frequently, judgements had to be made that required detailed knowledge of both the specific processes involved and of standard production practices. Therefore, examination of records should be done by an experienced chemical engineer with special training in auditing records of the chemicals in question.

With respect to the actual results from this NTI, the records audit indicated that the recorded production of DMMP was consistent with the recorded TMP available for use. There was no indication that TMP or DMMP had been diverted to undeclared products or otherwise unaccounted for. The recorded production and consumption were essentially the same as the declared production within the 1 per cent error limits allowed in measuring the weight of feedstock and products.

6. Sample analysis

The NTI demonstrated that sample taking, sample preparation and shipment and sample analysis require considerable planning and expertise to accomplish. The facility agreement should specify what samples will be taken and the precise sampling locations. The agreement must also provide for some optional or random sampling of the vessels interconnected with the declared reactors to ensure the inspection is not totally predictable and allows for some surprises. Planning for tamper-proof, safe packaging and shipment of samples to the Technical Secretariat's laboratory under both the State party and international laws must be standardized and well thought out to avoid problems.

Wipe samples and soil samples around the declared facility were found to be good "checks" to determine what other chemical constituents might be present. Wipe samples around pumps and on the adjacent walls and beams were taken to analyse for Schedule [1] or other Schedule [2] chemical components.

Samples from various points of the waste treatment system were also taken and analysed for indications of prohibited or undeclared chemicals.

Once the samples are obtained, a continuous chain of custody must be maintained until they are analysed. Tamper-indicating seals should be applied and the samples must be properly labelled. A log must be maintained to identify the samples' sources. A coded numbering system should also be utilized to protect the identity of the producer once the samples have left the site.

Discussions with representatives of both government and civil industry have led to the conclusion that samples should be analysed off-site in the Technical Secretariat's laboratory to obtain the most precise and quantitative results. This does not preclude the use of the inspected facility's analytical capability for establishing quick results, perhaps to aid in performing material balances. However, if the local lab is utilized, its capability must be verified with the use of certified standard chemicals which should be brought by the inspection team. Based on the initial visit and the facility agreement, such limited analysis could be planned. To verify this capability, an experienced analytical chemist would be required as part of the inspection team.

7. The inspection team

The trial inspection demonstrated the need for extensive expertise and training in chemical engineering (with background in processing, records audit and chemistry of the declared chemicals), chemical production, and analytical chemistry. The minimum number of inspectors is six based on the team working in three pairs on equipment, records and samples. These inspectors would be provided with interpreters, and where necessary, assistants. The number could be increased depending on the size and complexity of the facility to be inspected. The team size should be based on three to five days at the site for the routine inspection. (If interpreters are needed, substantially more time may be necessary.) Three days should be the minimum duration of the initial visit, which is of greatest importance for establishing an inspection plan and the facility agreement.

Ideally, the same team that negotiates the facility agreement should conduct the routine inspection. However, the inspectors will gain considerable expertise and background with each inspection.

Consideration should be given to establishing an inspector training programme during the period prior to entry into force of the convention.

8. Confidentiality

Protection of confidential business information must be guaranteed to the maximum extent possible consistent with verification requirements. Substantial amounts of proprietary information would have to be disclosed to inspectors during an inspection. A system of classification of confidential information must be established and the use of this information must be restricted within the Technical Secretariat organizations on a strict need to know basis. Methods to protect against unauthorized disclosure and to assess responsibility in the event such disclosure occur must be developed. Penalties and liabilities for financial damages in the event of unauthorized disclosure will be required for implementation of the Convention.

9. Areas requiring further work

This first trial inspection has made clear the need to conduct additional national trial inspections in the chemical industry since this is a learning process and many refinements must be made in the procedures. Among the areas requiring further work are the following:

- testing at another Schedule [2] facility of inspection procedures that have been revised and improved based on the findings of this and other States' NTIs;
- testing of the refined procedures on more complex processes;
- efforts to gain insight into the task of monitoring a Schedule [2] facility that produces a chemical that is a mustard gas precursor or a VX precursor.
- testing of procedures that were omitted during the first NTI (for example, notification and escort procedures).

A longer-range goal is the development of continuous on-site instrumental monitoring equipment to supplement routine inspections.

Routine inspections will require extensive access to and use of confidential business information. Methods to reduce the need for proprietary information should be investigated. Regardless, it is necessary to develop reliable means to protect CBI.

A training programme will be required for inspectors to ensure that all inspections are performed by competent specialists in a uniform manner.

10. Cost of the inspection

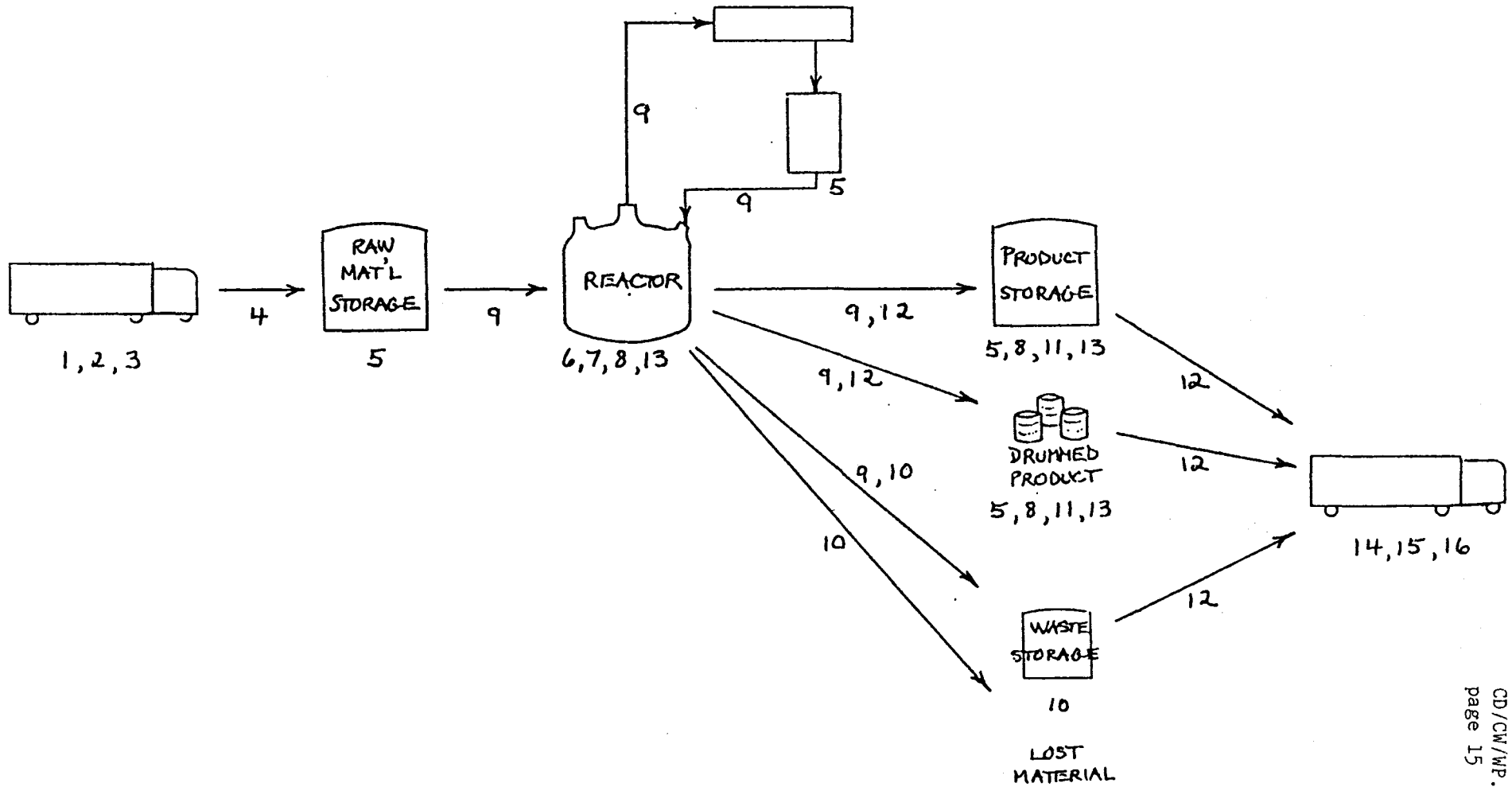
The total cost of this trial inspection was estimated to be \$100,000. This included considerable planning, starting over one year ago, with the chemical industry. The cost to AKZO Chemicals, Incorporated from November 1988 through February 1989 was estimated to be \$10,000. The inspection had little impact on AKZO's operations. Their facility managers' time was the main effort in planning and implementing the trial inspection. Use of their analytical capability during the inspection also contributed to the cost and effort at AKZO.

Attachment 1

TYPES OF DOCUMENTATION FOR RECORDS AUDIT

1. Raw material supplier data
2. Raw materials summary sheet
3. Inventory ledger (incoming)
4. Consolidated raw material storage tanks report
5. Raw material and finished product storage sheet
6. Reactor daily log sheet
7. Supervisor's shift log sheet
8. Supervisor's daily summary log sheet
9. Transfer (vessel to vessel or drums) sheet
10. Loss report
11. Product inventory summary sheet
12. Consolidated loading (outgoing) report
13. Quality control (product) sheet
14. Bill of lading (outgoing)
15. Shipment summary
16. Waste manifest (outgoing)

DOCUMENTATION PERTINANT TO VESSELS
AND ACTIVITIES *



* NUMBERS REFER TO DESCRIPTIONS ON PREVIOUS PAGES

CONFERENCE ON DISARMAMENT

CD/923
22 June 1989

ENGLISH
Original: SPANISH/ENGLISH

LETTER DATED 20 JUNE 1989 FROM THE REPRESENTATIVES OF BRAZIL, PERU AND VENEZUELA TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE AMAZON DECLARATION, ADOPTED IN MANAUS, BRAZIL, ON 6 MAY 1989

We have the honour to attach the text of the Amazon Declaration, adopted by the Presidents of the States parties to the Treaty for Amazonian Co-operation, meeting in Manaus, Brazil on 6 May 1989, which refers inter alia to issues relating to disarmament and environmental protection.

We would be grateful if the present letter and the attached declaration could be distributed as an official document of the Conference on Disarmament.

(Signed) Adolfo R. Taylhardat
Ambassador
Permanent Representative of Venezuela
to the United Nations Office and Other
International Organizations at Geneva

(Signed) Oswaldo de Rivero
Ambassador
Permanent Representative of Peru
to the United Nations Office and Other
International Organizations at Geneva

(Signed) Marcos C. de Azambuja
Ambassador
Head of the Brazilian Delegation
for Disarmament and Human Rights

The Presidents of the member countries of the Amazonian Co-operation Treaty, meeting in Manaus on 6 May 1989, for the purpose of undertaking a joint reflection on their common interests in the Amazon region and, in particular, on the future of co-operation for the development and protection of the rich heritage of their respective Amazon territories, adopted the following:

THE AMAZON DECLARATION

1. In the spirit of friendship and understanding that inspires our fraternal dialogue, we affirm our willingness to give full political impetus to the concerted efforts being undertaken by our Governments within the framework of the Amazonian Co-operation Treaty, signed on 3 July 1978; and also within the framework of their bilateral relations, with a view to promoting co-operation between our countries in all areas of common interest for the sustainable development of the Amazon region. Therefore, we commit ourselves to give the necessary impetus to the decisions contained in the Declaration of San Francisco de Quito, adopted by our Ministers of External Relations on 7 March 1989.

2. Conscious of the importance of protecting the cultural, economic and ecological heritage of our Amazon regions and of the necessity of using this potential to promote the economic and social development of our peoples, we reiterate that our Amazon heritage must be preserved through the rational use of the resources of the region, so that present and future generations may benefit from this legacy of nature.

3. We express our support for the recently-created Special Commissions for the Environment and Indigenous Affairs, aimed at fostering development, conserving the natural resources, the environment and the respective Amazonian populations, and we reiterate our full respect for the right of indigenous populations of the Amazonian region to have adopted all measures aimed at maintaining and preserving the integrity of these human groups, their cultures and their ecological habitats, subject to the exercise of the right which is inherent in the sovereignty of each State. Furthermore, we reiterate our support for actions aimed at strengthening the institutional structure of the Amazonian Co-operation Treaty, in accordance with the Declaration of San Francisco de Quito.

4. We reaffirm the sovereign right of each country to freely manage its natural resources, bearing in mind the need for promoting the economic and social development of its people and the adequate conservation of the environment. In the exercise of our sovereign responsibility to define the best ways of using and conserving this wealth and in addition to our national efforts and to the co-operation among our countries, we express our willingness to accept co-operation from countries in other regions of the world, as well as from international organizations which might contribute to the implementation of national and regional projects and programmes which we decide to freely adopt without external impositions, in accordance with the priorities of our Governments.

5. We recognize that the defence of our environment requires the study of measures, both bilateral and regional, to prevent contamination-causing accidents and deal with their consequences once they have occurred.

6. We stress that the protection and conservation of the environment in the region, one of the essential objectives of the Amazonian Co-operation Treaty to which each of our nations is firmly committed, cannot be achieved without improvement of the distressing social and economic conditions that oppress our peoples and that are aggravated by an increasingly adverse international context.

7. We denounce the grave conditions of the foreign debt and of its service which transform us into net exporters of capital to the creditor countries, at the cost of intolerable sacrifices for our peoples. We reiterate that the debt cannot be paid on the present conditions and in the present circumstances and that the problem of debt should be dealt with on the principle of co-responsibility, in terms that permit the reactivation of the process of economic growth and development in each of our countries, an essential condition for the protection, conservation, exploitation and rational utilization of our natural heritage.

8. We emphasize the need that the concerns expressed in the highly-developed countries in relation to the conservation of the Amazon environment be translated into measures of co-operation in the financial and technological fields. We call for the establishment of new resource flows in additional and concessional terms to projects oriented to environmental protection in our countries, including pure and applied scientific research, and object to attempts to impose conditionalities in the allocation of international resources for development. We expect the establishment of conditions to allow free access to scientific knowledge, clean technologies and technologies to be used in environmental protection and reject any attempts made to use legitimate ecological concerns to realize commercial profits. This approach is based above all on the fact that the principal causes for the deterioration of the environment on a world-wide scale are the patterns of industrialization and consumption as well as waste in the developed countries.

9. Conscious of the global risks for human life and environmental quality represented by the existence of nuclear weapons and other weapons of mass destruction, and concerned with preserving our region from these dangers, we reaffirm the commitments our countries have made to use nuclear energy exclusively for peaceful purposes and we urge the countries that possess nuclear weapons to immediately cease the testing of such weapons and to promote the progressive elimination of their arsenals. Likewise, we repudiate the deposit of radioactive and other toxic wastes which may harm the ecosystems in the Amazonian region. We stress the need for appropriate measures to be taken to reduce the risks of environmental contamination in the peaceful use of nuclear energy. Furthermore, we express our support for the aims and objectives of the Treaty for the Prohibition of Nuclear Weapons in Latin America.

10. Convinced of the need to intensify the process of consultation and dialogue among our countries on all issues regarding the development of the region, including those set forth in the Amazonian Co-operation Treaty, and certain that our co-operation strengthens integration and solidarity in Latin America, we affirm our decision to unite efforts in a vigorous and pioneering joint action, aimed at ensuring a future of peace, co-operation and prosperity for the nations of the Amazon region. Therefore, we are deciding to meet yearly.

For the Government of Brazil
José Sarney

For the Government of Colombia
Virgilio Barco

For the Government of Ecuador
Rodrigo Borja

For the Government of Guyana
Hugh Desmond Hoyte

For the Government of Peru
Alan Garcia Pérez

For the Government of Suriname
Ramsewak Shankar

For the Government of Venezuela
Carlos Andrés Pérez

For the Government of Bolivia
Valentín Abecía Baldivieso

NETHERLANDS

REPORT ON A NATIONAL TRIAL INSPECTION

INTRODUCTION

1. During the winter and spring of 1985/1986 an experimental inspection was carried out in the Netherlands. CD delegations were informed of the results of this trial inspection during a workshop that was held in June 1986. The main results of the workshop and trial inspection were published as documents of the Conference on Disarmament (CD/706, CD/CW/WP.141, 142, 143 and 144).

A second trial inspection was carried out during the first half of 1989 on the basis of working paper CD/CW/WP.213. The results of this trial inspection are incorporated in this paper and in paper CD/925 (CD/CW/WP.252)

During the preparations of our trial inspection we were able to make use of the reports on other trial inspections that were published before and during the spring session of the CD. By studying these reports we came to the following preliminary conclusions:

- The definition of the word "facility" varies considerably:
 - e.g. - one reactor with associated equipment;
 - all reactors within one building;
 - a chemical complex in its totality.
 - As the scope of routine verification of non-production is dependent on the definition of a "facility" no agreement seems to exist on the exact aim of routine verification measures under annex VI [2].
 - As the character of inspection and the effort needed for inspection are dependent on the scope of the inspection it seems important to agree on the precise aim of inspection and thus on the exact definition of "facility".
2. Different aims of inspections and article VI [2]

It can be argued that the desirable scope of inspection is dependent on the objective of the inspection. This would explain why such widely diverging definitions of "facility" have been used in the national trial inspections, since the aim of the verification measures referred to in the annex to article VI [2] (p. 75 of CD/881) could be

interpreted as encompassing two distinct objectives:

1. to verify that the **equipment** is not misused (4 (i));
2. to verify that the **chemicals** are not misused (4 (ii and iii)).

3. Scope of verification of non-misuse of chemicals

To verify that the quantities of a chemical listed in Schedule [2] that are produced, processed or consumed are consistent with needs for non-prohibited purposes (CD/881, p. 75, para 4 (ii)), an inspection can be limited to equipment in which the chemical is actually produced, processed or stored, etc. If in this way a material balance is verified, it is also automatically verified that the chemical, at least within this facility, is not diverted or used for purposes prohibited by the Convention (4 (iii)).

The scope of verification of the non-misuse of chemicals listed in Schedule [2] could, therefore, in the Netherlands' view, be limited to inspection of the equipment in which the declared chemical is produced, processed, consumed, stored etc. A very limited definition of facility would be most efficient, e.g. one reactor vessel with supportive equipment.

4. Scope of verification of non-misuse of equipment

To verify that a chemical plant is not used to produce any chemical listed in Schedule [1], an inspection team will have to check all relevant parts of a plant. It would be quite ineffective if the inspection team were to limit itself to equipment that had been declared as being used to produce, process or consume Schedule [2] chemicals and overlook equipment within a plant that is just as capable to produce Schedule [2] chemicals and possibly even more capable to produce Schedule [1] chemicals.

For the purpose of verifying the non-production of Schedule [1] chemicals (and preferably also other scheduled chemicals), the scope of the inspection should encompass as many relevant parts of equipment as is feasible. In this case a wide definition of "facility" would therefore be most appropriate e.g. the whole production complex or, if that is unmanageably large, a substantial part of it. In order to avoid any misunderstanding, however, we propose that the word "facility" in the context of routine inspection under article VI [2] and [3] be used only to apply to a single production unit, i.e. the reactor in which the conversion into or from a scheduled chemical takes place plus associated equipment. A chemical plant could, but would not necessarily have to, consist of several facilities.

5. Two scopes of inspection

Desiring to address both objectives of routine inspection as mentioned above, we decided to divide our trial inspection in two parts:

- a trial routine inspection with a limited scope, to verify the declared processing of

- a Schedule [2] chemical in a small part of the chemical complex (on the basis of a facility attachment);
- a trial (ad hoc) inspection with a wide scope, to verify non-production of Schedule [1] chemicals (and preferably also other scheduled chemicals) in the whole chemical complex (unprepared).

This paper contains a report on the first part of our trial inspection. The second part is contained in CD/925 (CD/CW/WP.252)

A. GENERAL APPROACH

A 1. Objectives

To verify that:

- the *declared* quantities of TMPB (triphenylmethylphosphonium bromide, a chemical contained in category 1 of Schedule [2]) that are processed are consistent with *declared* needs for purposes not prohibited by the Chemical Weapons Convention;
- TMPB is not diverted or used for purposes prohibited by the Chemical Weapons Convention.

A 2. Provisions in the Draft Convention under which the trial inspections would take place

Annex to Article VI [2], para 4 (ii) and (iii):

- (ii) The quantities of chemicals listed in Schedule [2] produced, processed or consumed are consistent with needs for purposes not prohibited by the Chemical Weapons Convention.
- (iii) The chemicals listed in Schedule [2] are not diverted or used for purposes prohibited by the Chemical Weapons Convention.

A 3. Type of on-site inspection

An initial visit for familiarization purposes, to determinate the inspection plan and to collect information for the "facility attachment", followed by a routine on-site inspection.

A 4. Advance information

A 4a Declarations

- Initial declaration, relating to the specific facility to be inspected, in accordance with the relevant provisions in the Annex to Article VI [2].
- Annual advance notification (Annex to article VI [2], para 3 (a) (CD/881, p. 75)).
- Special advance notification (Annex to article VI [2], para 3 (b) (CD/881, p. 75)).

A 4b **Agreement on inspection procedures**

After an initial visit, a "facility attachment" based on the "Model for an agreement relating to facilities producing, processing, or consuming chemicals listed in Schedule [2]" (contained in CD/881, pp. 124-127) was negotiated.

A 5. **Type of facility to be inspected**

A multi-purpose production installation being part of a complex.

A 6. **Type of declared activity at the facility**

The production installation inspected is a typical multi-purpose reactor which is used (a few days each year) for a batch production process to transform a ketonic pharmaceutical intermediate into its corresponding methyleide. During this process the Schedule [2] compound triphenylmethylphosphonium bromide (TMPB) (CAS no. 1770-49-3) is, in reaction with lithium amide (CAS no. 7782-89-0), consumed and partly transformed into triphenylphosphineoxyde (TPPO) (CAS no. 791-28-6), a chemical that is not on any of the Schedules, and diphenylmethyl phosphinoyde (DMPO) (CAS no. 2129-89-7), a chemical contained in category 1 of Schedule [2]. Waste products including all organophosphorus compounds are discharged after the reaction into the organic and aqueous wastes and eventually discharged to waste treatment facilities outside the complex.

Timing of the trial inspection

- During the declared production.

A 7. **Actual activity at the facility**

Activity as declared.

B. DETAILED APPROACH

B 1. The inspection mandate

A facility attachment was negotiated by the management of the company operating the facility and the inspection team. The facility attachment specified the areas to be inspected and the sample points and procedures.

B 2. Composition of the inspection team

The inspection team consisted of 7 persons:

- an official of the Ministry of Foreign Affairs responsible for CW negotiations;
- two members of the Netherlands CD delegation, including a chemical weapons specialist;
- three specialists from the Prins Maurits Laboratory TNO;
- a chemical process engineer.

B 3. Inspection equipment

For on-site analysis the following detection kits were used:

- a water-testing kit that can be used to detect categories 1-6 on Schedule [1] and chemicals 1 and 2 on Schedule [3]
- a gas reconnaissance kit that can be used to detect categories 1-6 on Schedule [1] and chemicals 1-3 on Schedule [3]

A detailed description of the detection limits of these kits is attached as annex 1.

The instruments used for off-site analysis are referred to in para 18.

B 4. Activities prior to the arrival of the inspection team on-site

By way of preparation for the inspection, a number of visits were made to the facility, including one Initial Visit. The preparations for the trial inspection including the visits mentioned were spread over a period of several months.

B 5. Advance preparations on-site

The management of the plant gave advanced warning to enable inspection to take place during the batch production in which a Schedule [2] compound was processed.

B 6. Escort and points of contact arrangements

During the trial inspections and preparations the inspection team was accompanied

by members of the management and staff of the company that operated the facility.

B 7. Other participants

An official of the Ministry of Foreign Affairs took part in the inspection as observer during the preparations for the inspection.

B 8. Duration of inspection and initial visit

- The inspection spanned a period of 13 hours, due to the fact that samples were taken both before and after a lengthy batch production.
- As has been stressed in other reports on national trial inspections, an Initial Visit will normally take longer than the inspection itself.

B 9. Measures to protect confidential information

It was agreed that the details of the facility attachment and inspection should be kept confidential. The results of the trial inspection are published in consultation with the management of the company concerned.

B 10. Opening conference

B 11. Types of records needed and/or audited

- A visual inspection confirmed that the amount of TMPB stated in the inventory corresponded with the amount present in storage.
- Availability of batch operating instructions and records at the reactor was found to be important.

B 12. Plant orientation tour

The plant orientation tour encompassed the entire complex.

B 13. Inspection of areas and facility equipment

The inspection team was split into two, to visit and inspect the following:

- storage facilities of the basic materials, especially TMPB
- administrative building (to check records)
- the reactor
- waste-water outlet of the building

B 14. Inspection of operation procedures

1. Due to the large excess of TMPB used in the process, it was not thought relevant to establish the ratio of the TMPB used to the quantity of the commercial end-product.

2. The most efficient method of verifying the conversion of TMPB seemed to be a validation of the reaction process during which TMPB was processed. Analysis and weighing of the feedstock chemicals TMPB and lithium amide and observation of their reaction would provide sufficient proof of change of the PCH₃ bond into a (P=O) bond.
Analysis of the reaction mixture showed that not all TMPB was consumed during the reaction process and that part of it was transformed in an other Schedule [2] chemical (diphenylmethylphosphin oxide) (DMPO).
3. By inspecting the facility during a batch process it was possible to establish the relationship between the Schedule [2] feedstock chemical TMPB on the one hand and the chemicals TPPO, DMPO and the remaining, non-converted TMPB on the other hand. In this way it was verified that all TMPB was either transformed into a non-scheduled chemical or discharged into wastes in the form of TMPB or DMPO.

B 15. Sampling and sample-taking procedures

Samples

1. The starting material triphenylmethylphosphonium bromide (TMPB), to verify the declared identity.
2. The starting material lithium amide, to verify the declared identity.
3. The reactive mixture after the reaction had taken place, to verify the transformation of triphenylmethylphosphonium bromide.
4. The air in the building where the production vessel was located.

N.B. Mention should also be made here of the waste-water samples that were taken.

Sample-taking procedures

Samples nos. 1-3 were taken by the facility personnel in the presence of the inspection team. Sample no. 4 was taken by the inspection team.

B 16. Handling of samples

B 17. Analysis of samples

As the necessary equipment and methods for analysis were not all available on-site, analysis of samples 1-3 took place off-site. Analysis of the air took place on-site.

B 18. Type(s) of analysis

The samples of the feedstock chemicals TMPB and lithium amide were analysed

by mass spectrometry (MS) and X-ray diffraction respectively.

The samples of the reaction mixture after the completion of the reaction was analysed using:

- gas chromatography (GC)
- GC-MS (gas chromatography combined with mass spectrometry)
- elemental analysis (P)

B 19. Documentation of the inspection

Maps of the building in which the reactor-vessel was located and of the entire industrial complex were handed to the inspection team during the initial visit. These documents were not classified. A piping and instrumentation diagram (PID) was not available.

B 20. Evaluation by inspectors

B 21. Closing conference

B 22. Anomalies, disputes and complications

B 23. Report of the inspection team

As the results of the off-site analysis were only available one week after the inspection, the inspection team was unable to prepare its report on-site.

B 24. Impact of the inspection on facility operations

- To facilitate the presence of the inspection team at the start of the batch process the production schedule was postponed for about an hour without any production loss.
- Members of the management and staff of the plant spent a considerable amount of time assisting in the trial inspection and its preparations.

B 25. Other matters

All records and instructions at the plant were in Dutch.

C. SPECIFIC ELEMENTS FOR CONSIDERATION

(NB: The numbering of CD/CW/WP.213 has not been followed in this part of the report.)

C 1. The inspection mandate

The chemical process that was validated during the trial inspection could take place in most of the 100-plus reactor vessels at the production complex. In order to prevent the ammonia released during the specific reaction process from being discharged into the air, however, the management would in practice only use one of a small number of reactors that are equipped with an ammonia scrubber. Which of those reactors is actually used is decided only a few weeks before the production process takes place, on the basis of expected demand for the final product.

(N.B. It should be noted that the other reactors in the building where the reactors fitted with ammonia scrubbers are placed could easily (within a few hours) be connected with these scrubbers.)

During the inspection it became clear that for the purpose of validating the declared processing of a Schedule [2] chemical, an inspection mandate that is limited to one specific process unit, including feedstock lines, waste lines and storage facilities is sufficient.

However, an unannounced routine inspection could easily occur at a time when the specific process unit is not being used for processing the declared Schedule [2] compound. In such a case an inspection would of necessity have to be limited to

- a check of the records;
- a check of the amount of Schedule [2] chemical in storage;
- a check to establish that the process unit is indeed not used for processing the Schedule [2] compound.

C 2. Composition of the inspection team

- If the inspection is limited to one reaction vessel, as in the trial inspection, the participation of a process engineer is not absolutely essential.
- For a thorough check of the records the assistance of an inspector with experience of accounting procedures would appear necessary.
- An inspection team should preferably carry its own inspection equipment and have the necessary know-how to use it.

C 3. Declaration and notification under article VI, annex 2

According to the annex to article VI [2] certain information should be given on each facility that produced, processed or consumed, or will produce, process or consume more than (...) of a Schedule [2] chemical. The experience obtained during our national trial inspection has led us to the conclusion that a few amendments to the current text (p. 73-75 of CD/881) should be considered and that possibly even a thorough review of the concept of routine verification of non-production under article VI is called for (see para C4).

C 3.1 Definition of "facility"

A comparison of the results of national trial inspections proves that there is no agreed definition of the word "facility". A clear definition is essential for determining the scope of inspections (see para 4).

C 3.2 Capability to produce Schedule [1] or other Schedule [2] chemicals

According to the current rolling text (p. 74 of CD/881) information has to be provided as to:

"(v) Whether the facility can readily be used to produce a Schedule [1] chemical or another Schedule [2] chemical. Relevant information should be provided, when applicable."

In our view, this question is too loosely worded to elicit meaningful answers. Consideration should be given to making the question more specific (see para 4).

C 3.3 Special advance notification

According to p. 75, para 3 (b) of the rolling text (CD/881) notification "of any production, processing or consumption planned after the submission of the annual notification under paragraph 3 (a), not later than one month before the production or processing is anticipated to begin" shall "include the information specified under paragraph 3 (a)". As such a "special advance notification" will usually concern production in the same year, the words "coming calendar year" should be deleted in the formulation taken over from para 3 (a). The words "above thresholds" should be inserted at the appropriate place.

C 3.4 Preventing unnecessary bureaucracy

According to the rolling text (p. 75 of CD/881), annual and special advance notifications should include more or less the same information as the initial declaration. Consideration should be given to limiting the amount of information required in these advance notifications to the following:

- reference to the initial declaration
- new information

C 4. **Optimizing the scope of routine verification**

C 4.1 **Weakness of the current regime**

The principle underlying verification of non-production in the chemical industry is that facilities that are considered most relevant have to be declared and will be inspected (Schedule [2]) or at least monitored (Schedule [3]).

This principle raises two basic questions:

- How should we deal with non-production in non-declared facilities?
- How can we assure that the scope of routine verification of declared facilities is most effective i.e. to encompass those facilities that, from an objective point of view, are most relevant?

The first question is left aside in this paper. (It has been tackled by the United Kingdom in its proposal on ad hoc inspections (CD/909). To answer the second question, a distinction should be made between chemicals and equipment.

As far as relevant chemicals are concerned it seems that the envisaged Schedules [2], [2b] and [3] come close to directing inspection efforts efficiently at monitoring the most relevant chemicals.

It is, however, very questionable whether a verification regime that is based on monitoring the most relevant chemicals will automatically also cover the most relevant production installations. In the Netherlands' view this is not necessarily the case. Two hypothetical examples might illustrate this:

1. A production installation that processes a non-toxic Schedule [2] compound would fall under the on-site inspection regime, even though the characteristics of the installation (containment, safety measures etc.) are such that the installation is clearly not capable to produce chemical warfare agents.
2. A large scale high containment production installation with extensive safety features that does not produce, process or use a scheduled chemical would not have to be declared under the currently envisaged regime, even though such a plant might be able to produce chemical warfare agents.

Another problem with regard to the scope of routine on-site verification has been touched upon in the introduction of the present paper: should verification be limited to the declared facility (i.e. a single production unit plus associated equipment) or should it encompass the whole production complex?

C 4.2 Possible solutions

It could be considered to find a solution to the problems described above along the following lines. (N.B.: the following suggestions owe much to the important concept of ad hoc checks as introduced by the Federal Republic of Germany in CD/869)

1. The scope of the annex to article VI [2] is widened to encompass production installations that are particularly suitable for the production of highly toxic and volatile chemicals such as the chemicals 1-6 in Schedule [1] and chemicals 1-3 on Schedule [3]. This would enlarge the scope of routine inspections, but far less than the envisaged scope of ad hoc checks.

Observations:

- A useful basis for discussion of the details of a definition of equipment that would have to be declared can be found in list B of the Australian working paper CD/698. Some criteria are also given in para C 4 of CD/925 (CD/CW/WP.252)
 - In order to cover the grey zone between "particular suitable" equipment and "non-suitable" equipment, it could be considered to widen the scope of the annex to article VI [3] to production installations that are suitable to a certain extent (but not to the same extent as those under annex [2]).
 - An obligation to declare relevant production installations would greatly facilitate challenge (or ad hoc) inspection of suspected non-declared facilities. Even when it would be possible to remove all remnants of chemicals that had to be declared in the time between notification of the inspection and the arrival of the inspection team, it is very unlikely that all equipment that had to be declared could be removed so fast.
2. The scope of on-site inspection of facilities declared under Schedule [2] would, as described in the introduction of this paper, be split into:
 - a. a quantitative check of facilities that are declared for production, processing or use of Schedule [2] chemicals;
 - b. a qualitative check of the whole plant or the chemical complex of which a declared facility forms part of (see also CD/925 (CD/CW/WP.252), para C 7 and 8).

C 5. Analysis of samples

Where possible, samples should be analysed on-site, using standard operational procedures. The following should, however, be taken into consideration:

C 5.1 The sample

The following types of sample can be distinguished:

1. raw materials
2. end products
3. intermediate products
4. reactive mixtures
5. waste material.

In the case of raw materials and end products and usually also in the case of intermediate products, we are dealing with pure chemicals which can usually be analysed quickly in accordance with standardised methods. We have to assume that any impurities present do not adversely affect the chosen method of analysis.

In the case of reactive mixtures and waste material, we are dealing with mixtures which often require preparatory treatment prior to analysis. The types of pretreatment include chemical derivation reactions and separation techniques. In the case of waste material the concentrations may be very low, a fact which can add to the difficulty of analysing the material. In such cases it is not possible to employ universally applicable, standardised methods of analysis, since the sample matrix differs according to the production process.

C 5.2 Analysis

The choice of analytical method is determined by the type of sample (see above), as well as by the purpose of verification. The purpose of verification can be either of the following:

- a. to confirm the presence of a declared product or precursor (Schedule [2]); or
- b. to detect non-declared scheduled chemicals.

In the case of a, samples of raw materials and end or intermediate products should display the same chemical analytical properties as those of declared standard/reference substances, which can usually be determined directly and quickly using standardised methods.

In the case of b, the method of analysis will be more comprehensive and complicated (at least with reactive mixtures and waste material), since detection and identification relate to the possible presence of a component from a large group of substances in Schedules [1], [2] and [3]; indeed, in these cases it may prove impossible to use standardised methods without adapting them appropriately.

C 5.3 Duration of the analysis

In general, preference will be given to an inspection period of one day, which will also mean that on-site analysis should, preferably, be performed within the same period. This will generally be feasible for samples of raw materials and end or intermediate products, but may be difficult to achieve for samples of reactive mixtures and waste materials.

C 5.4 Validation of method of analysis

During an on-site analysis, the inspectors should satisfy themselves that the method of analysis has been validated and/or that the analytical equipment has been calibrated using standard substances. If necessary, they should provide their own standard substances. Validation of this sort takes time, and the necessary equipment needs to be installed and/or adjusted. A similar approach may be required for the calibration/installation of equipment which the inspectors provide themselves.

C 5.5 Conclusion

It will be apparent from the above that the analyses may be complex, and that the various parameters (samples, compounds, analysis equipment and verification aims) may be closely interdependent, with the result that the laboratory performing the analysis may require extensive analytical equipment as well as personnel with considerable experience in the field. For these reasons, a number of practical problems may be expected when analysing mixtures of substances on-site using standardised methods which have been prescribed, if at all available, by the Inspectorate.

C 6. The need to specify category 1 of Schedule [2]

The facility that was the subject of our national trial inspection was chosen because it is used to process triphenylmethylphosphonium bromide (TMPB), a compound that falls under category 1 of Schedule [2]. On careful consideration, we have come to the conclusion that TMPB is a very unlikely precursor of Schedule [1] compounds.

For the purpose of a national trial inspection this conclusion had no immediate relevance, but under a CW Convention an attempt to verify the use of TMPB would be a most ineffective investment of the Inspectorate's time and money. We therefore suggest that TMPB be excluded from Schedule [2]. The same applies to diphenylmethylphosphineoxide.

This could be accomplished by limiting the definition of category 1 of Schedule

[2] chemicals to chemicals containing one P-methyl, P-ethyl or P-propyl (normal or iso) bond and no other phosphorus-carbon bonds.

ANNEX 1: description of inspection equipment

Gas Reconnaissance Kit

This kit was developed to determine whether or not the surrounding atmosphere or surface contain chemical warfare agents in gas, aerosol or liquid form above the treshold level. By carrying out a number of consecutive simple wet chemical colour tests, conclusions about the atmosphere can be reached within 15 minutes.

The following gas concentrations (in mg/m³) can be detected:

Sarin	0.02	Lewisite	3.5
Soman	0.01	HCN	5
Tabun	0.02	CICN	1
VX	0.01	Phosgene	5
Mustards HD	0.27		

Water-Testing Kit, Chemical Agents

This kit was developed to determine whether or not the water is fit for human consumption. By performing a number of consecutive simple tests, conclusions can be reached within 20 minutes.

The following concentrations (in mg/l) can be detected:

Sarin	0.02	Arsenics	1-2
Soman	0.02	CN	8
Tabun	0.04	CICN	5
VX	0.02	Cl ₂	5
Mustards	HD 4	pH	6.5-9.0
	HN-3 2		

NETHERLANDS**AN ATTEMPT TO VERIFY NON-PRODUCTION IN A CHEMICAL PLANT****INTRODUCTION**

As explained in CD/924 (CD/CW/WP.251) we decided that, for the purpose of our trial inspection, it would be useful to make a clear distinction between the verification of non-misuse of a declared chemical (CD/881, annex [2] of article VI, p. 75 4 (ii) and (iii)) and the verification of non-production of Schedule [1] compounds (p. 75 4 (i)). The first part of our trial inspection was reported in CD/924 (CD/CW/WP.251). The present paper contains the report on the second part of our trial inspection.

Important differences between the two parts of our trial inspection are the following:

	<u>CD/924</u>	<u>CD/925</u>
purpose:	verification of non-misuse of a scheduled chemical	verification of non-misuse of relevant equipment
scope:	one unit	the whole complex
character:	quantitative	qualitative
preparation:	facility attachment	unprepared

In preparing the part of our trial inspection that is described in this paper, we were greatly helped by the concept of ad hoc checks as proposed by the Federal Republic of Germany in CD/791 and CD/869.

It should be stressed that in our trial inspection we did not simulate an unannounced inspection in all aspects, but rather limited ourselves to certain aspects only.

A. GENERAL APPROACH

A 1. Objectives of the NTI

Test of aspects of an unannounced inspection of a medium-sized multi-purpose production complex to verify non-production of scheduled chemicals.

A 2. Provisions in the Draft Convention under which the NTI took place

The trial inspection was based on the first of the three objectives of routine inspection under annex [2] to article VI.

"The aim of the measures stipulated in article VI, paragraph 6 shall be to verify that:

- (i) Facilities declared under this annex are not used to produce any chemical listed in Schedule [1]"

N.B.: In view of the considerations mentioned in para C 7 of this paper we were also interested in the possibility of verifying non-production of other scheduled chemicals.

A 3. Type of on-site inspection

As no facility attachment was worked out, the character of the trial inspection was ad hoc.

A 4. Advance information

No advance information.

A 5. Type of "facility" inspected

The site(*) that was inspected is a medium-sized production complex comprising more than 100 multi-purpose reactor vessels with volumes varying from 30 litres to 5000 litres. Intermediates for pharmaceutical products are produced at the site.

(*) We would suggest limiting the definition of "facility" to a single production unit.

B. DETAILED APPROACH

B 1. The inspection mandate

The inspection team was given full access to the complex.

B 2. Composition of the inspection team

The inspection team consisted of 7 persons:

- an official of the Ministry of Foreign Affairs responsible for CW negotiations;
- two members of the Netherlands CD delegation, including a chemical weapons specialist;
- three specialists from the Prins Maurits Laboratory TNO;
- a chemical process engineer.

B 3. Inspection equipment

The following instruments were used for on-site analysis:

- a water-testing kit that can be used to detect categories 1-6 in Schedule [1] and chemicals 1 and 2 in Schedule [3];
- a gas reconnaissance kit that can be used to detect categories 1-6 in Schedule [1] and chemicals 1-3 in Schedule [3].

A description of the detection limits of these kits is attached as annex 1 to CD/924 (CD/CW/WP.251).

The instruments used for off-site analysis are referred to in para 18.

B 4. Activities prior to the arrival of the inspection team on-site

A routine inspection of one of the production units of the complex had taken place (CD/924, CD/CW/WP.251).

B 5. Advance preparations on-site

B 6. Escort and points of contact arrangement

During the trial inspection and the preparations the inspection team was accompanied by members of the management and staff of the company operating the facility.

B 7. Other participants

B 8. Duration of inspection and initial visit respectively

The inspection took about 3 hours.

B 9. Measures to protect confidential information

B 10. Opening conference

- a. The management was informed of the purpose of the inspection
- b. The inspection team was informed in some detail about:
 - the general outline of the site on the basis of a map
 - special safety regulations
 - the use of scheduled chemicals below notification limits
 - available hydrogen fluoride-resistant equipment
 - available glass and enamel-lined equipment (e.g. for chlorinating chemicals)
 - available equipment for processing and handling toxic compounds with an appreciable vapour pressure

B 11. Types of record needed and/or audited

B 12. Plant orientation tour

B 13. Inspection of areas and facility equipment

On the basis of the information received, the inspection team decided to inspect the following:

- a. a gas-tight reactor in a separate part of the complex
- b. a reactor that was used to process triethyl phosphite (a Schedule [3] compound)
- c. reactors that could easily be connected with the reactor used for processing a Schedule [2] compound
- d. a building with several 4000 liter reactors resistant to chlorinating agents
- e. the only (200 litres) hydrogen fluoride-resistant reactor in the complex
- f. the only building in the facility with permanent and stringent requirements for personal protection against toxic chemicals
- g. waste-water outlet from one of the production buildings
- h. waste-water outlet from the complex as a whole
- i. storage of organic waste
- j. drum storage area

B 14. Inspection of operation procedures

B 15. Sampling and sample-taking procedures

Air samples were taken at the points of inspection a, c, d, e and i (see para B 13).
Waste-water samples were taken at inspection points g and h.

B 16. Handling of samples

B 17. Analysis of samples

The air samples were analysed on-site to detect possible traces of compounds 1-6 in Schedule [1] and 1-3 in Schedule [3].

The waste-water samples were analysed off-site to detect possible traces of compounds 1-6 in Schedule [1], compounds 1 and 2 in Schedule [3] and of other Schedule [1] related PCH₃ compounds.

All analyses proved negative, with the exception of two cases (d and e) where complications were encountered (see para B 22).

B 18. Type(s) of analysis

Micro-liquid chromatography in combination with flame photometric detection and liquid chromatography (LC) in combination with mass spectrometry (MS) to analyse samples g and h.

B 19. Documentation of the inspection

B 20. Evaluation by inspectors

B 21. Closing conference

B 22. Anomalies, disputes and complications

In two cases the gas reconnaissance kit gave dubious results due to interference by the environment in the reaction vessel:

- large amounts of acetic acid interfered with the detection of nerve agents;
- acetonitrile interfered with the detection of cyanogen chloride.

B 23. Report of the inspection team

As the results of the off-site analysis were only available several days after the inspection, the inspection team was unable to prepare its report on-site.

B 24. Impact of the inspection on facility operations

B 25. Other matters

C. SPECIFIC ELEMENTS FOR CONSIDERATION

(N.B.: The numbering of CD/CW/WP.213 has not been followed in this part of the report.)

C 1. The inspection mandate

The mandate of the inspection team should be wide and should, in principle, only be limited by the following:

- what is necessary for the purpose of the inspection;
- the geographical limits of the plant;
- safety regulations.

C 2. Composition of the inspection team

- Participation of a process engineer is absolutely essential.
- As the records of the plant were not inspected, the participation of an inspector with experience in the field of accounting was not necessary. It seems however useful to make inspection of records part of unannounced verification of non-production.

C 3. Opening conference

It is desirable that the management of a plant being inspected is able to give all necessary details about the plant during the opening conference. As an inspection will be announced only shortly before it takes place, it can be expected that the management will not be able to make all requested details available immediately. To facilitate inspection it is desirable that all chemical plants that could be subject to inspection should have relevant information readily available. State parties should be obliged to inform their respective chemical industries accordingly. In order to work as effectively as possible it might sometimes be advisable not to postpone the actual inspection until all relevant information is available.

C 4. Inspection of areas and facility equipment

Reactors should be inspected on the basis of the following criteria:

- resistance to chlorinating agents
- hydrogen fluoride-resistance
- double containment

- gas-tight equipment e.g.
 - * double seals on rotating equipment
 - * magnetic coupled or canned pumps
- special handling equipment for liquid products (e.g. automatic filling of special containers)

Buildings should be inspected on the basis of the following criteria:

- special medical safety measures
- operators wearing personal protective equipment
- availability of "double containment" e.g.:
 - * special waste treatment
 - * special air treatment
 - * special emergency measures

C 5. Analysis of samples

- It is desirable that detection kits be developed for the purpose of verifying the non-presence of compounds in Schedule [1] and compounds 1-3 in Schedule [3].
- Development of portable equipment to detect compounds in Schedule [2] and precursors in Schedule [3] would also be desirable, but it is uncertain whether this is feasible.

C 6. Report of the inspection team

On the basis of the visual inspection and the samples taken it was possible for the inspection team to state that no indications were found that chemical warfare agents (Schedule [1] 1-6 and Schedule [3] 1-3) were produced, processed or used at the industrial complex in question.

C 7. Objective and scope of verification of non-production

According to annex [2] to article VI the aim of verification measures is to verify that facilities that are declared to produce, use or process Schedule [2] chemicals are not used to produce any chemical listed in Schedule [1]. If, as we would like to suggest, the scope of verification of non-production is widened to comprise not only the production unit that has been declared for production, use or processing of Schedule [2] chemicals, but also other units within the complex, it would be logical to verify that in these latter units indeed no Schedule [2] chemical are produced. The same reasoning would apply to the production of Schedule [3] chemicals.

We do acknowledge that the feasibility of unprepared verification of

non-production of chemicals in Schedule [2] and [3] is a point for further discussion (e.g. because of possible presence of quantities below the thresholds of declaration, and because the required inspection equipment is not yet readily available).

We believe, however, that the logical structure of article VI requires that verification of non-production is not limited to compounds in Schedule [1].

C 8. Feasibility of verification of non-production

In the case of a multi-purpose plant comprising many production units, widening the scope of verification of non-production from a narrow concentration on one production unit to inspection of a whole plant represents a considerable change of the character of the inspection.

At first sight, the large increase in the number of production units to be inspected might appear to create unsurmountable difficulties. We believe, however, that a solution for these problems, although not readily at hand, is within reach, certainly as far as non-production of chemical warfare agents is concerned.

C 8.1 Verifying non-production by inspecting the production equipment

In a very large number of cases non-production of certain scheduled chemicals could be verified by inspecting the equipment of the plant on the basis of criteria such as mentioned in para C 4.

It is relatively easy to verify the non-production of the supertoxic lethal chemicals in Schedule [1]. The combination of the volatility and high toxicity of these chemicals requires such high standards of safety and gas-tightness, that a visual inspection of the equipment will in the great majority of cases be enough to decide that production of these chemicals cannot take place in any substantial quantities. This is also the case for the potential warfare agents in Schedule [3].

The same seems also to hold for DF (no 8 in Schedule [1]) as only few plants seem to comprise large scale hydrogen-fluoride resistant production vessels.

As verification by inspecting the characteristics of the equipment would be less intrusive than analysis of samples, it would seem useful to consider into more detail the criteria that could help to decide that production installations are not capable to produce certain scheduled chemicals.

C 8.2 Verifying non-production by analysis of samples

In case a plant does comprise reactors and buildings that are relevant according to criteria such as enumerated in para C 4, it will be necessary to take and analyse samples. The same holds for verification of non-production of BZ and QL (both also in Schedule [1]) since these chemicals can be produced in reactortypes that are

widespread in civil industry.

This is also the case for most chemicals in Schedule [2] and [3], with the exception of the dual purpose chemicals in Schedule [3]. The feasibility of the presence (c.q. non-presence) of these chemicals in samples would be greatly enhanced if special (portable) verification equipment became available for this purpose.

C 9. General conclusions

1. The result of the trial inspection described above indicates that in principle during an unannounced inspection the non-production of chemical warfare agents in a medium-sized multi-purpose production complex (more than 100 reactors) can be verified within a reasonably short time and at relatively low costs.
 2. On site, short term verification of non-production of the compounds 7 and 9 in Schedule [1] is not feasible with the available technology.
 3. The same applies to the compounds in Schedule [2] and, with the exception of the dual-purpose chemicals 1-3, the compounds in Schedule [3].
 4. Full cooperation of the management is essential for a quick and effective implementation of an unannounced inspection.
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CONFERENCE ON DISARMAMENT

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LETTER DATED 20 JUNE 1989 ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT BY THE REPRESENTATIVE OF THE NETHERLANDS, FORWARDING DOCUMENTS ADOPTED AT THE MEETING OF THE NORTH ATLANTIC COUNCIL IN BRUSSELS ON 29 AND 30 MAY 1989

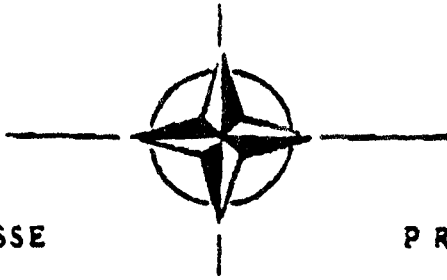
On behalf of those States that belong to the North Atlantic Alliance and are members of the Conference on Disarmament, I have the honour to forward to you the following documents:

- "Declaration of the Heads of State and Government participating in the meeting of the North Atlantic Council in Brussels on 29th - 30th May 1989".
- "A comprehensive concept of arms control and disarmament, adopted by Heads of State and Government at the meeting of the North Atlantic Council in Brussels on 29th and 30th May 1989".

The documents attached are in the official French and English versions. On behalf of the aforementioned States I hereby transmit the request to you to circulate this letter as an official document of the Conference on Disarmament with the two documents adopted by the North Atlantic Council in their original French and English versions attached to it.

(Signed): Robert J van Schaik
Ambassador
Permanent Representative
of the Netherlands

N A T O



O T A N

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PRESS COMMUNIQUE M-1(89)21

For immediate Release
30th May 1989

DECLARATION OF THE HEADS OF STATE AND GOVERNMENT
PARTICIPATING IN THE
MEETING OF THE NORTH ATLANTIC COUNCIL IN BRUSSELS
(29th-30th May 1989)

I

NATO's 40 Years of Success

1. As our Alliance celebrates its 40th Anniversary, we measure its achievements with pride. Founded in troubled times to safeguard our security, it has withstood the test of four decades, and has allowed our countries to enjoy in freedom one of the longest periods of peace and prosperity in their history. The Alliance has been a fundamental element of stability and co-operation. These are the fruits of a partnership based on enduring common values and interests, and on unity of purpose.

2. Our meeting takes place at a juncture of unprecedented change and opportunities. This is a time to look ahead, to chart the course of our Alliance and to set our agenda for the future.

A Time of Change

3. In our rapidly changing world, where ideas transcend borders ever more easily, the strength and accomplishments of democracy and freedom are increasingly apparent. The inherent inability of oppressive systems to fulfil the aspirations of their citizens has become equally evident.

4. In the Soviet Union, important changes are underway. We welcome the current reforms that have already led to greater openness, improved respect for human rights, active participation of the individual, and new attitudes in foreign policy. But much remains to be done. We still look forward to the full implementation of the announced change in priorities in the allocation of economic resources from the military to the civilian sector. If sustained, the reforms will strengthen prospects for fundamental improvements in East-West relations.

5. We also welcome the marked progress in some countries of Eastern Europe towards establishing more democratic institutions, freer elections and greater political pluralism and economic choice. However, we deplore the fact that certain Eastern European governments have chosen to ignore this reforming trend and continue all too frequently to violate human rights and basic freedoms.

Shaping the Future

6. Our vision of a just, humane and democratic world has always underpinned the policies of this Alliance. The changes that are now taking place are bringing us closer to the realisation of this vision.

7. We want to overcome the painful division of Europe, which we have never accepted. We want to move beyond the post-war period. Based on today's momentum of increased co-operation and tomorrow's common challenges, we seek to shape a new political order of peace in Europe. We will work as Allies to seize all opportunities to achieve this goal. But ultimate success does not depend on us alone.

Our guiding principles in the pursuit of this course will be the policies of the Harmel Report in their two complementary and mutually reinforcing approaches: adequate military strength and political solidarity and, on that basis, the search for constructive dialogue and co-operation, including arms control, as a means of bringing about a just and lasting peaceful order in Europe.

8. The Alliance's long-term objectives are:

- to ensure that wars and intimidation of any kind in Europe and North America are prevented, and that military aggression is an option which no government could rationally contemplate or hope successfully to undertake, and by doing so to lay the foundations for a world where military forces exist solely to preserve the independence and territorial integrity of their countries, as has always been the case for the Allies;
- to establish a new pattern of relations between the countries of East and West, in which ideological and military antagonism will be replaced with co-operation, trust and peaceful competition; and in which human rights and political freedoms will be fully guaranteed and enjoyed by all individuals.

9. Within our larger responsibilities as Heads of State or Government, we are also committed

- to strive for an international community founded on the rule of law, where all nations join together to reduce world tensions, settle disputes peacefully, and search for solutions to those issues of universal concern, including poverty, social injustice and the environment, on which our common fate depends.

II

Maintaining our Defence

10. Peace must be worked for; it can never be taken for granted. The greatly improved East-West political climate offers prospects for a stable and lasting peace, but experience teaches us that we must remain prepared. We can overlook neither the capabilities of the Warsaw Treaty countries for offensive military action, nor the potential hazards resulting from severe political strain and crisis.

11. A strong and united Alliance will remain fundamental not only for the security of our countries but also for our policy of supporting political change. It is the basis for further successful negotiations on arms control and on measures to strengthen mutual confidence through improved transparency and predictability. Military security and policies aimed at reducing tensions as well as resolving underlying political differences are not contradictory but complementary. Credible defence based on the principle of the indivisibility of security for all member countries will thus continue to be essential to our common endeavour.

12. For the foreseeable future, there is no alternative to the Alliance strategy for the prevention of war. This is a strategy of deterrence based upon an appropriate mix of adequate and effective nuclear and conventional forces which will continue to be kept up-to-date where necessary. We shall ensure the viability and credibility of these forces, while maintaining them at the lowest possible level consistent with our security requirements.

13. The presence of North American conventional and nuclear forces in Europe remains vital to the security of Europe just as Europe's security is vital to that of North America. Maintenance of this relationship requires that the Allies fulfil their essential commitments in support of the common defence. Each of our countries will accordingly assume its fair share of the risks, rôles and responsibilities of the Atlantic partnership. Growing European political unity can lead to a reinforced

European component of our common security effort and its efficiency. It will be essential to the success of these efforts to make the most effective use of resources made available for our security. To this end, we will seek to maximise the efficiency of our defence programmes and pursue solutions to issues in the area of economic and trade policies as they affect our defence. We will also continue to protect our technological capabilities by effective export controls on essential strategic goods.

Initiatives on Arms Control

14. Arms Control has always been an integral part of the Alliance's security policy and of its overall approach to East-West relations, firmly embedded in the broader political context in which we seek the improvement of those relations.

15. The Allies have consistently taken the lead in developing the conceptual foundations for arms control, identifying areas in which the negotiating partners share an interest in achieving a mutually satisfactory result while safeguarding the legitimate security interests of all.

16. Historic progress has been made in recent years, and we now see prospects for further substantial advances. In our determined effort to reduce the excessive weight of the military factor in the East-West relationship and increasingly to replace confrontation by co-operation, we can now exploit fully the potential of arms control as an agent of change.

17. We challenge the members of the Warsaw Treaty Organization to join us in accelerating efforts to sign and implement an agreement which will enhance security and stability in Europe by reducing conventional armed forces. To seize the unique opportunity at hand, we intend to present a proposal that will amplify and expand on the position we tabled at the opening of the CFE negotiations on 9th March. (*) We will

- register agreement, based on the ceilings already proposed in Vienna, on tanks, armoured troop carriers and artillery pieces held by members of the two Alliances in Europe, with all of the withdrawn equipment to be destroyed. Ceilings on tanks and armoured troop carriers will be based on proposals already tabled in Vienna; definitional questions on artillery pieces remain to be resolved;

(*) France takes this opportunity to recall that, since the mandate for the Vienna negotiations excludes nuclear weapons, it retains complete freedom of judgement and decision regarding the resources contributing to the implementation of its independent nuclear deterrent strategy.

- expand our current proposal to include reductions by each side to equal ceilings at the level 15 per cent below current Alliance holdings of helicopters and of all land-based combat aircraft in the Atlantic-to-the-Urals zone, with all the withdrawn equipment to be destroyed;
- propose a 20 per cent cut in combat manpower in US stationed forces, and a resulting ceiling on US and Soviet ground and air force personnel stationed outside of national territory in the Atlantic-to-the-Urals zone at approximately 275,000. This ceiling would require the Soviet Union to reduce its forces in Eastern Europe by some 325,000. United States and Soviet forces withdrawn will be demobilized;
- seek such an agreement within six months to a year and accomplish the reductions by 1992 or 1993. Accordingly, we have directed the Alliance's High Level Task Force on conventional arms control to complete the further elaboration of this proposal, including its verification elements, so that it may be tabled at the beginning of the third round of the CFE negotiations, which opens on 7th September 1989.

18. We consider as an important initiative President Bush's call for an "open skies" regime intended to improve confidence among States through reconnaissance flights, and to contribute to the transparency of military activity, to arms control and to public awareness. It will be the subject of careful study and wide-ranging consultations.

19. Consistent with the principles and objectives set out in our Comprehensive Concept of Arms Control and Disarmament which we have adopted at this meeting, we will continue to use arms control as a means to enhance security and stability at the lowest possible level of armed forces, and to strengthen confidence by further appropriate measures. We have already demonstrated our commitment to these objectives: both by negotiations and by unilateral action, resulting since 1979 in reductions of over one-third of the nuclear holdings assigned to SACEUR in Europe.

Towards an Enhanced Partnership

20. As the Alliance enters its fifth decade we will meet the challenge of shaping our relationship in a way which corresponds to the new political and economic realities of the 1990s. As we do so, we recognize that the basis of our security and prosperity - and of our hopes for better East-West

relations - is and will continue to be the close cohesion between the countries of Europe and of North America, bound together by their common values and democratic institutions as much as by their shared security interests.

21. Ours is a living and developing partnership. The strength and stability derived from our transatlantic bond provide a firm foundation for the achievement of our long-term vision, as well as of our goals for the immediate future. We recognize that our common tasks transcend the resources of either Europe or North America alone.

22. We welcome in this regard the evolution of an increasingly strong and coherent European identity, including in the security area. The process we are witnessing today provides an example of progressive integration, leaving centuries-old conflicts far behind. It opens the way to a more mature and balanced transatlantic partnership and constitutes one of the foundations of Europe's future structure.

23. To ensure the continuing success of our efforts we have agreed to

- strengthen our process of political consultation and, where appropriate, co-ordination, and have instructed the Council in Permanent Session to consider methods for its further improvement;
- expand the scope and intensity of our effort to ensure that our respective approaches to problems affecting our common security are complementary and mutually supportive;
- renew our support for our economically less-favoured partners and to reaffirm our goal of improving the present level of co-operation and assistance;
- continue to work in the appropriate fora for more commercial, monetary and technological co-operation, and to see to it that no obstacles impede such co-operation.

Overcoming the Division of Europe

24. Now, more than ever, our efforts to overcome the division of Europe must address its underlying political causes. Therefore all of us will continue to pursue a comprehensive approach encompassing the many dimensions of the East-West agenda. In keeping with our values, we place primary emphasis on basic freedoms for the people in Eastern Europe. These are also key elements for strengthening the stability and security of all states and for guaranteeing lasting peace on the continent.

25. The CSCE process encompasses our vision of a peaceful and more constructive relationship among all participating states. We intend to develop it further, in all its dimensions, and to make the fullest use of it.

We recognize progress in the implementation of CSCE commitments by some Eastern countries. But we call upon all of them to recognize and implement fully the commitments which all CSCE states have accepted. We will invoke the CSCE mechanisms - as most recently adopted in the Vienna Concluding Document - and the provisions of other international agreements, to bring all Eastern countries to:

- enshrine in law and practice the human rights and freedoms agreed in international covenants and in the CSCE documents, thus fostering progress towards the rule of law;
- tear down the walls that separate us physically and politically, simplify the crossing of borders, increase the number of crossing points and allow the free exchange of persons, information and ideas;
- ensure that people are not prevented by armed force from crossing the frontiers and boundaries which we share with Eastern countries, in exercise of their right to leave any country, including their own;
- respect in law and practice the right of all the people in each country to determine freely and periodically the nature of the government they wish to have;
- see to it that their peoples can decide through their elected authorities what form of relations they wish to have with other countries;
- grant the genuine economic freedoms that are linked inherently to the rights of the individual;
- develop transparency, especially in military matters, in pursuit of greater mutual understanding and reassurance.

26. The situation in and around Berlin is an essential element in East-West relations. The Alliance declares its commitment to a free and prosperous Berlin and to achieving improvements for the city especially through the Allied Berlin Initiative. The Wall dividing the city is an unacceptable symbol of the division of Europe. We seek a state of peace in Europe in which the German people regains its unity through free self-determination.

Our Design for Co-operation

27. We, for our part, have today reaffirmed that the Alliance must and will reintensify its own efforts to overcome the division of Europe and to explore all available avenues of co-operation and dialogue. We support the opening of Eastern societies and encourage reforms that aim at positive political,

economic and human rights developments. Tangible steps towards genuine political and economic reform improve possibilities for broad co-operation, while a continuing denial of basic freedoms cannot but have a negative effect. Our approach recognizes that each country is unique and must be treated on its own merits. We also recognize that it is essentially incumbent upon the countries of the East to solve their problems by reforms from within. But we can also play a constructive role within the framework of our Alliance as well as in our respective bilateral relations and in international organizations, as appropriate.

28. To that end, we have agreed the following joint agenda for the future:

- as opportunities develop, we will expand the scope of contacts and co-operation to cover a broad range of issues which are important to both East and West. Our goal is a sustained effort geared to specific tasks which will help deepen openness and promote democracy within Eastern countries and thus contribute to the establishment of a more stable peace in Europe;
- we will pursue in particular expanded contacts beyond the realm of government among individuals in East and West. These contacts should include all segments of our societies, but in particular young people, who will carry the responsibility for continuing our common endeavour;
- we will seek expanded economic and trade relations with the Eastern countries on the basis of commercially sound terms, mutual interest and reciprocity. Such relations should also serve as incentives for real economic reform and thus ease the way for increased integration of Eastern countries into the international trading system;
- we intend to demonstrate through increased co-operation that democratic institutions and economic choice create the best possible conditions for economic and social progress. The development of such open systems will facilitate co-operation and, consequently, make its benefits more available;
- an important task of our co-operation will be to explore means to extend Western experience and know-how to Eastern countries in a manner which responds to and promotes positive change. Exchanges in technical and managerial fields, establishment of co-operative training programmes, expansion of educational, scientific and cultural exchanges all offer possibilities which have not yet been exhausted;
- equally important will be to integrate Eastern European countries more fully into efforts to meet the social, environmental and technological challenges of the modern world, where common interests should prevail. In accordance with our concern for global challenges, we will seek to

engage Eastern countries in co-operative strategies in areas such as the environment, terrorism, and drugs. Eastern willingness to participate constructively in dealing with such challenges will help further co-operation in other areas as well;

- East-West understanding can be expanded only if our respective societies gain increased knowledge about one another and communicate effectively. To encourage an increase of Soviet and Eastern studies in universities of our countries and of corresponding studies in Eastern countries, we are prepared to establish a Fellowship/Scholarship programme to promote the study of our democratic institutions, with candidates being invited from Eastern as well as Western Europe and North America.

Global Challenges

29. Worldwide developments which affect our security interests are legitimate matters for consultation and, where appropriate, co-ordination among us. Our security is to be seen in a context broader than the protection from war alone.

30. Regional conflicts continue to be of major concern. The co-ordinated approach of Alliance members recently has helped toward settling some of the world's most dangerous and long-standing disputes. We hope that the Soviet Union will increasingly work with us in positive and practical steps towards diplomatic solutions to those conflicts that continue to preoccupy the international community.

31. We will seek to contain the newly emerging security threats and destabilizing consequences resulting from the uncontrolled spread and application of modern military technologies.

32. In the spirit of Article 2 of the Washington Treaty, we will increasingly need to address worldwide problems which have a bearing on our security, particularly environmental degradation, resource conflicts and grave economic disparities. We will seek to do so in the appropriate multilateral fora, in the widest possible co-operation with other States.

33. We will each further develop our close co-operation with the other industrial democracies akin to us in their objectives and policies.

34. We will redouble our efforts in a reinvigorated United Nations, strengthening its role in conflict settlement and peacekeeping, and in its larger endeavours for world peace.

Our "Third Dimension"

35. Convinced of the vital need for international co-operation in science and technology, and of its beneficial effect on global security, we have for several decades maintained Alliance programmes of scientific co-operation. Recognizing the importance of safeguarding the environment we have also co-operated, in the Committee on the Challenges of Modern Society, on environmental matters. These activities have demonstrated the broad range of our common pursuits. We intend to give more impact to our programmes with new initiatives in these areas.

The Future of the Alliance

36. We, the leaders of 16 free and democratic countries, have dedicated ourselves to the goals of the Alliance and are committed to work in unison for their continued fulfilment.

37. At this time of unprecedented promise in international affairs, we will respond to the hopes that it offers. The Alliance will continue to serve as the cornerstone of our security, peace and freedom. Secure on this foundation, we will reach out to those who are willing to join us in shaping a more stable and peaceful international environment in the service of our societies.

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COMMUNIQUE DE PRESSE M-1(89)21

Pour diffusion immédiate
30 mai 1989

DECLARATION DES CHEFS D'ETAT ET DE GOUVERNEMENT PARTICIPANT A LA REUNION
DU CONSEIL DE L'ATLANTIQUE NORD A BRUXELLES
(29 et 30 mai 1989)

I.

L'OTAN : quarante années de succès

1. Alors que notre Alliance célèbre son quarantième anniversaire, nous avons lieu d'être fiers de ce qu'elle a accompli. Fondée à une époque troublée pour sauvegarder notre sécurité, elle a subi avec succès l'épreuve de quatre décennies et permis à nos pays de jouir, dans la liberté, d'une des plus longues périodes de paix et de prospérité de leur histoire. Elle a constitué un élément essentiel de stabilité et de coopération. Ces résultats sont le fruit d'une association fondée sur une communauté de valeurs et d'intérêts durables et sur une unité de dessein.

2. Notre réunion se tient alors que se produisent de grands changements et que s'ouvrent des perspectives nouvelles. Nous sommes à un moment où il convient de tracer le chemin à suivre par notre Alliance, et de définir nos objectifs futurs.

Une époque de changement

3. Dans un monde en mutation rapide où les idées connaissent encore moins les frontières, la force et les acquis de la démocratie et de la liberté apparaissent avec de plus en plus d'éclat. L'inaptitude intrinsèque des régimes oppressifs à répondre aux aspirations de leurs citoyens devient tout aussi évidente.

4. En Union soviétique, des changements importants sont en cours. Nous accueillons avec satisfaction les réformes actuelles, qui ont déjà conduit à une plus grande ouverture, à un respect accru des droits de l'homme, à une participation plus active des individus et à de nouvelles attitudes dans le domaine de la politique étrangère. Mais beaucoup reste à faire. Nous attendons toujours avec intérêt de voir se réaliser le déplacement annoncé des priorités dans l'affectation des ressources économiques du secteur militaire vers le secteur civil. Si elles se poursuivent, les réformes renforceront les perspectives d'amélioration fondamentale des relations Est-Ouest.

5. Nous saluons aussi les nets progrès qui s'accomplissent dans certains pays d'Europe de l'Est vers l'établissement d'institutions plus démocratiques, des élections plus libres, un plus grand pluralisme politique et un plus large choix économique. Cependant, nous regrettons vivement que d'autres gouvernements d'Europe de l'Est aient choisi d'ignorer cette tendance réformatrice et continuent encore trop souvent à violer les droits de l'homme et les libertés fondamentales.

Construire l'avenir

6. Notre vision d'un monde juste, humain et démocratique a toujours inspiré les politiques de l'Alliance. Les changements qui ont lieu maintenant nous rapprochent de sa réalisation.

7. Nous voulons surmonter la douloureuse division de l'Europe, que nous n'avons jamais acceptée. Nous voulons dépasser la période de l'après-guerre. Tablant sur la dynamique de coopération que nous voyons se développer aujourd'hui et sur les défis communs que nous aurons à affronter demain, nous cherchons à construire un nouvel ordre politique pacifique en Europe. Nous nous emploierons en tant qu'Alliés à saisir toutes les occasions de parvenir à cet objectif. Mais le succès final ne dépend pas seulement de nous.

Les orientations dont nous nous inspirerons pour cela sont celles du rapport Harmel, dans leurs deux approches qui se complètent et se renforcent mutuellement : puissance militaire suffisante et solidarité politique et, sur cette base, recherche d'une coopération et d'un dialogue constructifs, y compris sur la maîtrise des armements, en vue d'instaurer un ordre de paix juste et durable en Europe.

8. L'Alliance a pour objectifs à long terme :

- de prévenir toute forme de guerre et d'intimidation en Europe et en Amérique du Nord et de faire en sorte qu'aucun gouvernement ne puisse raisonnablement envisager ou espérer entreprendre avec succès une agression, et de poser ainsi les fondements d'un monde où les forces armées existeront seulement pour garantir l'indépendance et l'intégrité territoriale des pays, comme c'est le cas pour les Alliés depuis toujours;
- d'établir un nouveau type de relations entre les pays de l'Est et de l'Ouest, dans lequel l'antagonisme idéologique et militaire fera place à la coopération, à la confiance et à l'émulation pacifique, et dans lequel la jouissance des droits de l'homme et des libertés politiques sera pleinement garantie pour tous.

9. Dans le cadre de nos responsabilités plus larges de chefs d'Etat et de gouvernement, nous sommes également résolus :

- à oeuvrer sans relâche pour une communauté internationale fondée sur la primauté du droit, dans laquelle tous les pays agiront de concert pour réduire les tensions dans le monde, régler pacifiquement les différends et chercher des solutions aux problèmes d'ampleur universelle, comme la pauvreté, l'injustice sociale et la dégradation de l'environnement, dont dépend notre sort à tous.

II.

Maintenir notre défense

10. La paix se construit. Elle ne peut jamais être tenue pour acquise. Le climat politique entre l'Est et l'Ouest, qui s'est nettement amélioré, offre des perspectives d'une paix stable et durable, mais l'expérience nous enseigne qu'il faut rester vigilant. Nous ne pouvons ni ignorer que les pays signataires du Traité de Varsovie disposent de moyens leur permettant de lancer une action militaire offensive, ni négliger les dangers que pourraient entraîner des tensions et des crises politiques graves.

11. Une Alliance forte et unie demeurera fondamentale non seulement pour la sécurité de nos pays, mais aussi pour notre action en faveur du changement politique. C'est sur cette base que nous pourrions poursuivre des négociations fructueuses sur la maîtrise des armements et sur de nouvelles mesures visant à renforcer la confiance mutuelle grâce à une transparence accrue et à une meilleure prévisibilité. La sécurité militaire et les démarches destinées à réduire les tensions et à faire disparaître les clivages politiques sous-jacents ne sont pas contradictoires mais complémentaires. Une défense crédible, reposant sur le principe de l'indivisibilité de la sécurité de tous les pays membres, restera donc essentielle pour notre effort commun.

12. Il n'existe pas, à échéance prévisible, d'alternative à la stratégie de l'Alliance pour prévenir la guerre. Il s'agit d'une stratégie de dissuasion fondée sur une combinaison appropriée de forces nucléaires et conventionnelles adéquates et efficaces, qui seront maintenues à niveau là où ce sera nécessaire. Nous ferons en sorte que ces forces restent viables et crédibles, au niveau minimum compatible avec les besoins de notre sécurité.

13. La présence en Europe de forces conventionnelles et nucléaires nord-américaines demeure vitale pour la sécurité de l'Europe, tout comme la sécurité de cette dernière est vitale pour celle de l'Amérique du Nord. Le maintien de cette relation implique que les Alliés remplissent leurs engagements essentiels au bénéfice de la défense commune. En conséquence, chacun de nos pays assumera sa juste part des risques, rôles et responsabilités inhérents à l'association transatlantique. L'évolution de l'Europe vers une plus grande unité politique peut conduire au renforcement de la composante européenne de notre effort pour la sécurité commune et de son efficacité. L'utilisation la plus rationnelle des ressources consacrées à la sécurité de nos pays sera déterminante pour le succès de cet effort. A cette fin, nous nous attacherons à gérer nos programmes de défense avec le maximum d'efficacité et nous chercherons à régler les questions qui, dans le domaine des politiques économiques et commerciales, ont des répercussions sur notre défense. Nous continuerons aussi de protéger notre potentiel technologique par un contrôle effectif des exportations de produits stratégiques essentiels.

Initiatives concernant la maîtrise des armements

14. La maîtrise des armements a toujours fait partie intégrante de la politique de sécurité de l'Alliance et de son approche d'ensemble des relations Est-Ouest; elle est indissociable du contexte politique plus général dans lequel nous cherchons à améliorer ces relations.

15. Les Alliés ont constamment pris l'initiative en vue de définir les bases conceptuelles de la maîtrise des armements, en déterminant les domaines dans lesquels les participants aux négociations trouvent un intérêt commun à parvenir à un résultat mutuellement satisfaisant compatible avec leurs intérêts de sécurité légitimes.

16. Des progrès historiques ont été accomplis ces dernières années et nous voyons se dessiner des perspectives de nouvelles avancées substantielles. Déterminés à réduire le poids excessif de l'élément militaire dans les relations Est-Quest et à remplacer de plus en plus la confrontation par la coopération, nous pouvons désormais tirer le meilleur parti des possibilités qu'offre la maîtrise des armements comme facteur de changement.

17. Nous engageons instamment les membres du Pacte de Varsovie à se joindre à nous pour accélérer les efforts en vue de signer et d'appliquer un accord qui renforce la sécurité et la stabilité en Europe par des réductions des forces armées conventionnelles. Pour saisir l'occasion unique qui s'offre ainsi, nous comptons présenter une proposition qui complétera et élargira (*) la position que nous avons exposée à l'ouverture des négociations sur les FCE le 9 mars. A cette fin :

- nous entérinerons un accord, compte tenu des plafonds déjà proposés à Vienne pour les chars, les véhicules blindés de transport de troupes et les pièces d'artillerie détenus par les membres des deux alliances en Europe, tous les équipements retirés devant être détruits. Les plafonds relatifs aux chars et aux véhicules blindés de transport de troupes seront fondés sur les propositions déjà déposées à Vienne; des questions de définition restent à régler au sujet des pièces d'artillerie;
- nous développerons notre proposition actuelle en y incluant des réductions, de part et d'autre, jusqu'à des plafonds égaux inférieurs de 15 % au nombre d'hélicoptères et d'avions de combat basés à terre que détient l'Alliance dans la zone comprise entre l'Atlantique et l'Oural, tous les équipements retirés devant être détruits;
- nous proposerons une réduction de 20 % des effectifs des forces de combat américaines stationnées en Europe et, par voie de conséquence, l'application d'un plafond de 275.000 hommes environ aux effectifs des forces terrestres et aériennes américaines et soviétiques stationnées en dehors du territoire national, dans la zone comprise entre l'Atlantique et l'Oural. Pour respecter ce plafond, l'Union soviétique devrait réduire de 325.000 hommes environ ses forces en Europe de l'Est. Les forces américaines et soviétiques retirées seront démobilisées;

(*) A cette occasion, rappelant que le mandat des négociations de Vienne exclut le nucléaire, la France entend réaffirmer que sa liberté d'appréciation et de décision concernant les moyens concourant à la mise en oeuvre de sa stratégie autonome de dissuasion nucléaire demeure entière.

- nous chercherons à obtenir la conclusion d'un tel accord dans un délai de six mois à un an et à effectuer les réductions d'ici à 1992 ou 1993. En conséquence, nous avons chargé le Groupe de travail de haut niveau de l'Alliance sur la maîtrise des armements conventionnels de mettre définitivement au point cette proposition, y compris ses éléments de vérification, afin qu'elle puisse être déposée au début de la troisième série de négociations sur les FCE, qui s'ouvrira le 7 septembre 1989.

18. Nous considérons comme une importante initiative l'appel lancé par le président Bush en faveur d'un régime de libre survol des territoires, visant à améliorer la confiance entre les Etats en conduisant des opérations de reconnaissance et à contribuer à la transparence des activités militaires, à la maîtrise des armements et à l'information du public; elle fera l'objet d'une étude attentive et de larges consultations.

19. Conformément aux principes et aux objectifs définis dans notre concept global de maîtrise des armements et de désarmement, que nous avons adopté à la présente réunion, nous continuerons à nous servir de la maîtrise des armements comme moyen pour accroître la sécurité et la stabilité au plus bas niveau possible de forces armées, et à affermir la confiance par de nouvelles mesures appropriées. Nous avons déjà fait la preuve de notre attachement à ces objectifs : tant dans le cadre de négociations que de manière unilatérale, cela s'est traduit depuis 1979 par des réductions de plus d'un tiers des moyens nucléaires affectés au Commandement suprême des forces alliées en Europe (SACEUR).

Vers un renforcement de notre association

20. A l'aube de la cinquième décennie de notre Alliance, nous relèverons le défi d'adapter nos relations aux réalités politiques et économiques des années 90. Ce faisant, nous reconnaissons que notre sécurité et notre prospérité - ainsi que nos espoirs d'amélioration des relations Est-Ouest - reposent et continueront de reposer sur l'étroite cohésion des pays d'Europe et d'Amérique du Nord, liés par leurs valeurs communes et le caractère démocratique de leurs institutions autant que par leurs intérêts communs en matière de sécurité.

21. Nous faisons partie d'une association dynamique. La force et la stabilité du lien transatlantique fournissent un fondement solide pour réaliser nos objectifs à long terme, comme pour atteindre ceux de l'avenir immédiat. Nous reconnaissons que les missions qui nous incombent aux uns et aux autres dépassent les possibilités de l'Europe comme de l'Amérique du Nord seules.

22. A cet égard, nous nous félicitons de voir l'identité européenne s'affirmer avec une force et une cohérence croissantes, y compris dans le domaine de la sécurité. L'évolution à laquelle nous assistons aujourd'hui est un exemple d'intégration progressive, laissant loin derrière elle des conflits séculaires. Elle ouvre la voie à une association transatlantique plus responsable et plus équilibrée et constitue l'un des fondements de la future structure de l'Europe.

23. Pour que nos efforts continuent d'être fructueux, nous sommes convenus:

- de renforcer notre processus de consultation et, le cas échéant, de coordination politiques, et de charger le Conseil permanent d'envisager l'adoption de méthodes permettant d'améliorer encore ce processus;

- d'élargir et d'intensifier notre effort pour que nos approches respectives des problèmes affectant notre sécurité commune se complètent et s'étayent mutuellement;
- de renouveler notre soutien à nos partenaires moins favorisés sur le plan économique et de réaffirmer que notre objectif est d'accroître le niveau actuel de l'aide et de la coopération;
- de continuer à développer notre coopération dans les enceintes appropriées, tout en veillant à ce que des obstacles ne s'y opposent pas dans les domaines commercial, monétaire et technologique.

Surmonter la division de l'Europe

24. Les efforts que nous déployons pour surmonter la division de l'Europe doivent aujourd'hui, plus que jamais, s'attacher à ses causes politiques profondes. Par conséquent, chacun de nous continuera de poursuivre une approche d'ensemble des multiples dimensions du programme des relations Est-Ouest. Conformément aux valeurs que nous défendons, nous accordons une importance primordiale aux libertés fondamentales dont doivent jouir les individus en Europe de l'Est. Ce sont là également des éléments clés pour renforcer la stabilité et la sécurité de tous les Etats, ainsi que pour garantir une paix durable sur le continent.

25. Le processus de la CSCE reflète notre vision de ce que doivent être des relations pacifiques et plus constructives entre tous les Etats participants. Nous entendons le développer encore, dans toutes ses dimensions, et l'utiliser au mieux.

Nous reconnaissons que des progrès ont été accomplis par certains pays de l'Est quant à l'application des engagements pris dans le cadre de la CSCE. Mais nous appelons tous les pays de l'Est à reconnaître et à mettre pleinement en pratique les engagements que tous les Etats participant à la CSCE ont acceptés. Nous entendons faire appel aux mécanismes de la CSCE - tels qu'ils ont été récemment définis dans le document de clôture de Vienne - ainsi qu'aux dispositions d'autres accords internationaux, afin d'amener tous les pays de l'Est :

- à garantir dans la loi et dans la pratique le respect des droits de l'homme et des libertés reconnus par les conventions internationales et par les documents de la CSCE, ce qui ferait progresser l'état de droit;
- à abattre les murs qui nous séparent physiquement et politiquement, à simplifier le passage des frontières, à accroître le nombre de points de franchissement, et à libérer les contacts entre les personnes et les échanges d'informations et d'idées;
- à garantir que personne ne sera empêché par la force des armes de franchir les frontières que nous partageons avec les pays de l'Est, et que chacun pourra ainsi exercer son droit de quitter tout pays, y compris le sien;
- à respecter dans la loi et dans la pratique le droit de tous les citoyens de chaque pays de déterminer librement et périodiquement la nature du gouvernement qu'ils souhaitent avoir;

- à faire en sorte que tous leurs citoyens puissent décider, par l'intermédiaire de leurs instances élues, de la forme des relations qu'ils souhaitent entretenir avec d'autres pays;
- à accorder les véritables libertés économiques qui sont liées intrinsèquement aux droits de la personne;
- à développer la transparence, en particulier sur les questions militaires, ce qui permettrait d'améliorer la compréhension et la confiance mutuelles.

26. La situation à Berlin et alentour est un élément essentiel des relations Est-Ouest. L'Alliance se déclare résolue à veiller à la liberté et à la prospérité de la ville et à y obtenir des améliorations, notamment par l'initiative alliée sur Berlin. Le mur qui divise cette ville est un symbole inacceptable de la division de l'Europe. Nous recherchons l'établissement d'un état de paix en Europe où le peuple allemand retrouve son unité par la libre autodétermination.

Notre conception de la coopération

27. Pour notre part, nous avons réaffirmé aujourd'hui que l'Alliance redoublera d'effort pour surmonter la division de l'Europe et pour explorer toutes les possibilités de coopération et de dialogue qui s'offrent. Nous appuyons l'ouverture des sociétés d'Europe de l'Est et encourageons des réformes tendant à une évolution positive dans les domaines politique et économique ainsi que dans celui des droits de l'homme. L'adoption de mesures concrètes sur la voie d'une réforme politique et économique véritable améliore les possibilités de large coopération, tandis que le déni constant des libertés fondamentales ne peut avoir qu'un effet négatif. Notre approche reconnaît la spécificité de chaque pays, qui doit être traité selon ses caractéristiques propres. Nous reconnaissons également qu'il incombe essentiellement aux pays de l'Est de résoudre leurs problèmes par des réformes internes. Mais nous pouvons aussi jouer un rôle constructif dans le cadre de notre Alliance comme dans celui des relations bilatérales, de même qu'au sein des organisations internationales, selon le cas.

28. A cet effet, nous nous sommes entendus sur les points d'un programme d'action commun :

- à mesure que les occasions se présenteront, nous étendrons nos contacts et notre coopération à une vaste gamme de questions importantes pour l'Est comme pour l'Ouest. Nous entendons consacrer un effort soutenu à des actions spécifiques qui contribueront à accentuer l'ouverture et à promouvoir la démocratie dans les pays de l'Est, et ainsi à instaurer une paix plus stable en Europe;
- nous chercherons notamment à développer les contacts non officiels entre les citoyens des pays de l'Est et de l'Ouest en y associant tous les éléments de la société, et plus particulièrement la jeunesse qui aura la responsabilité de poursuivre nos efforts communs;

- nous chercherons à entretenir avec les pays de l'Est des relations économiques et commerciales plus larges, sur une base commercialement saine et tenant compte de l'intérêt mutuel et de la réciprocité. Ces relations devraient également inciter les pays de l'Est à entreprendre de véritables réformes économiques, et ouvrir la voie à une plus grande intégration de ces pays dans le système des échanges internationaux;
- nous voulons démontrer par une coopération accrue que les institutions démocratiques et les choix économiques constituent les meilleures conditions du progrès économique et social. Des systèmes politiques et économiques ouverts faciliteront la coopération et permettront d'en tirer un meilleur profit;
- un aspect important de notre coopération consistera à examiner les moyens de faire bénéficier les pays de l'Est de l'expérience et du savoir-faire des Occidentaux, de manière à répondre aux évolutions positives et à les encourager. Les échanges dans les domaines de la technique et de la gestion, la mise au point de programmes de formation en coopération, le développement des échanges dans les secteurs de l'éducation, de la science et de la culture nous offrent encore des possibilités à exploiter;
- il sera tout aussi important d'associer plus étroitement les pays d'Europe de l'Est aux efforts qui visent à relever les défis du monde moderne, dans les domaines social, technologique et de l'environnement, et où l'intérêt commun devrait prévaloir. Confrontés aux défis mondiaux, nous nous attacherons à faire participer les pays de l'Est à des stratégies de coopération pour la protection de l'environnement ainsi que pour la lutte contre le terrorisme et la drogue. La disposition des pays de l'Est à relever avec nous ces défis d'une manière constructive contribuera à développer la coopération dans d'autres domaines;
- la compréhension entre l'Est et l'Ouest ne pourra s'améliorer que si nos sociétés respectives arrivent à mieux se connaître et à communiquer effectivement. En vue d'encourager le développement d'études sur l'Union soviétique et les pays d'Europe de l'Est dans nos universités et celui d'études correspondantes dans les pays de l'Est, nous sommes disposés à créer, à l'intention d'étudiants ou de chercheurs de l'Europe de l'Est comme de l'Ouest et de l'Amérique du Nord, un programme de bourses destiné à favoriser l'étude de nos institutions démocratiques.

Défis mondiaux

29. Les événements internationaux qui affectant nos intérêts en matière de sécurité nous conduisent légitimement à nous consulter et, le cas échéant, à coordonner nos positions. Notre sécurité est à considérer dans un contexte plus large que la seule prévention de la guerre.

30. Les conflits régionaux demeurent un souci majeur. La coordination des approches de pays membres de l'Alliance a récemment contribué à faire avancer le règlement de certains différends parmi les plus dangereux et les plus anciens dans le monde. Nous formons l'espoir que l'Union soviétique s'emploiera de plus en plus à trouver avec nous, par des mesures positives et pratiques, des solutions diplomatiques aux conflits qui continuent de préoccuper la communauté internationale.

31. Nous nous efforcerons de maîtriser les nouvelles menaces qui pourraient affecter notre sécurité et les conséquences déstabilisatrices de la dissémination incontrôlée et de l'application de technologies militaires modernes.

32. Dans l'esprit de l'article 2 du Traité de Washington, nous serons de plus en plus souvent amenés à traiter les problèmes mondiaux qui ont des incidences sur notre sécurité, particulièrement les atteintes à l'environnement, les conflits sur les ressources et les disparités économiques graves; nous tenterons de le faire dans les enceintes multilatérales compétentes, par la coopération la plus large possible avec d'autres pays.

33. Chacun de nos pays resserrera encore sa coopération avec les autres démocraties industrielles dont les objectifs et les politiques sont proches des nôtres.

34. Nous redoublerons d'effort au sein de l'Organisation des Nations Unies qui a trouvé un nouveau dynamisme, en renforçant son rôle dans le règlement des conflits et le maintien de la paix et en appuyant ses efforts accrus en faveur de la paix mondiale.

Notre "troisième dimension"

35. Convaincus de la nécessité vitale de la coopération scientifique et technique à l'échelle internationale et de son effet bénéfique pour la sécurité du monde, nous menons depuis plusieurs décennies, dans le cadre de l'Alliance, des programmes de coopération scientifique. Reconnaisant l'importance de la protection de l'environnement, nous avons aussi coopéré en la matière, au sein du Comité sur les défis de la société moderne. Ces activités ont montré toute la diversité des objectifs communs que nous poursuivons. Nous voulons donner un plus grand retentissement à nos programmes grâce à de nouvelles initiatives dans ces domaines.

L'avenir de l'Alliance

36. Nous, dirigeants de seize pays libres et démocratiques, sommes attachés à la réalisation des objectifs de notre Alliance et entendons oeuvrer à l'unisson pour qu'elle se poursuive.

37. A un moment où des promesses sans précédent se font jour dans les affaires internationales, nous répondrons aux espoirs qu'elles suscitent. L'Alliance restera la pierre angulaire de la sécurité, de la paix et de la liberté de nos pays. Confiants dans sa solidité, nous nous tournerons vers les pays qui sont disposés à se joindre à nous pour façonner un environnement international plus stable et plus pacifique, au service de nos sociétés.

N A T O ————  ———— O T A N

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A COMPREHENSIVE CONCEPT OF ARMS CONTROL AND DISARMAMENT

1. At Reykjavik in June 1987, Ministers stated that the arms control problems facing the Alliance raised complex and interrelated issues that needed to be evaluated together, bearing in mind overall progress in arms control negotiations as well as the requirements of Alliance security and of its strategy of deterrence. They therefore directed the Council in Permanent Session, working in conjunction with the appropriate military authorities, to "consider the further development of a comprehensive concept of arms control and disarmament".(1)

2. The attached report, prepared by the Council in response to that mandate, was adopted by Heads of State and Government at the meeting of the North Atlantic Council in Brussels on 29th and 30th May 1989.

(1) For ease of reference, the text of the Reykjavik Communiqué is attached.

A COMPREHENSIVE CONCEPT OF ARMS CONTROL AND DISARMAMENT

A REPORT ADOPTED BY
HEADS OF STATE AND GOVERNMENT
AT THE MEETING OF THE NORTH ATLANTIC COUNCIL
IN BRUSSELS
ON 29TH AND 30TH MAY 1989

I. INTRODUCTION

1. The overriding objective of the Alliance is to preserve peace in freedom, to prevent war, and to establish a just and lasting peaceful order in Europe. The Allies' policy to this end was set forth in the Harmel Report of 1967. It remains valid. According to the Report, the North Atlantic Alliance's "first function is to maintain adequate military strength and political solidarity to deter aggression and other forms of pressure and to defend the territory of member countries if aggression should occur". On that basis, the Alliance can carry out "its second function, to pursue the search for progress towards a more stable relationship in which the underlying political issues can be solved". As the Report observed, military security and a policy aimed at reducing tensions are "not contradictory, but complementary". Consistent with these principles, Allied Heads of State and Government have agreed that arms control is an integral part of the Alliance's security policy.

2. The possibilities for fruitful East-West dialogue have significantly improved in recent years. More favourable conditions now exist for progress towards the achievement of the Alliance's objectives. The Allies are resolved to grasp this opportunity. They will continue to address both the symptoms and the causes of political tension in a manner that respects the legitimate security interests of all states concerned.

3. The achievement of the lasting peaceful order which the Allies seek will require that the unnatural division of Europe, and particularly of Germany, be overcome, and that, as stated in the Helsinki Final Act, the sovereignty and territorial integrity of all states and the right of peoples to self-determination be respected and that the rights of all individuals, including their right of political choice, be protected. The members of the Alliance accordingly attach central importance to further progress in the Conference on Security and Cooperation in Europe (CSCE) process, which serves as a framework for the promotion of peaceful evolution in Europe.

4. The CSCE process provides a means to encourage stable and constructive East-West relations by increasing contacts between people, by seeking to ensure that basic rights and freedoms are respected in law and practice, by furthering political exchanges and mutually beneficial cooperation across a broad range of endeavours, and by enhancing security and openness in the military sphere. The Allies will continue to demand full implementation of all the principles and provisions of the Helsinki Final Act, the Madrid Concluding Document, the Stockholm Document, and the Concluding Document of the Vienna Meeting. The latter document marks a major advance in the CSCE process and should stimulate further beneficial changes in Europe.

5. The basic goal of the Alliance's arms control policy is to enhance security and stability at the lowest balanced level of forces and armaments consistent with the requirements of the strategy of deterrence. The Allies are committed to achieving continuing progress towards all their arms control objectives. The further development of the Comprehensive Concept is designed to assist this by ensuring an integrated approach covering both defence policy and arms control policy: these are complementary and interactive. This work also requires full consideration of the interrelationship between arms control objectives and defence requirements and how various arms control measures, separately and in conjunction with each other, can strengthen Alliance security. The guiding principles and basic objectives which have so far governed the arms control policy of the Alliance remain valid. Progress in achieving these objectives is, of course, affected by a number of factors. These include the overall state of East-West relations, the military requirements of the Allies, the progress of existing and future arms control negotiations, and developments in the CSCE process. The further development and implementation of a comprehensive concept of arms control and disarmament will take place against this background.

II. EAST-WEST RELATIONS AND ARMS CONTROL

6. The Alliance continues to seek a just and stable peace in Europe in which all states can enjoy undiminished security at the minimum necessary levels of forces and armaments and all individuals can exercise their basic rights and freedoms. Arms control alone cannot resolve longstanding political differences between East and West nor guarantee a stable peace. Nonetheless, achievement of the Alliance's goal will require substantial advances in arms control, as well as more fundamental changes in political relations. Success in arms control, in addition to enhancing military security, can encourage improvements in the East-West political dialogue and thereby contribute to the achievement of broader Alliance objectives.

7. To increase security and stability in Europe, the Alliance has consistently pursued every opportunity for effective arms control. The Allies are committed to this policy, independent of any changes that may occur in the climate of East-West relations. Success in arms control, however, continues to depend not on our own efforts alone, but also on Eastern and particularly Soviet readiness to work constructively towards mutually beneficial results.

8. The immediate past has witnessed unprecedented progress in the field of arms control. In 1986 the Stockholm Conference on Disarmament in Europe (CDE) agreement created an innovative system of confidence and security-building measures, designed to promote military transparency and predictability. To date, these have been satisfactorily implemented. The 1987 INF Treaty marked another major step forward because it eliminated a whole class of weapons, it established the principle of asymmetrical reductions, and provided for a stringent verification regime. Other achievements include the establishment in the United States and the Soviet Union of nuclear risk reduction centres, the US/Soviet agreement on prior notification of ballistic missile launches, and the conduct of the Joint Verification Experiment in connection with continued US/Soviet negotiations on nuclear testing.

9. In addition to agreements already reached, there has been substantial progress in the START negotiations which are intended to reduce radically strategic nuclear arsenals and eliminate destabilising offensive capabilities. The Paris Conference on the Prohibition of Chemical Weapons has reaffirmed the authority of the 1925 Geneva Protocol and given powerful political impetus to the negotiations in Geneva for a global, comprehensive and effectively verifiable ban on chemical weapons. New distinct negotiations within the framework of the CSCE process have now begun in Vienna: one on conventional armed forces in Europe between the 23 members of NATO and the Warsaw Treaty Organization (WTO) and one on confidence- and security-building measures (CSBMs) among all 35 signatories of the Helsinki Final Act.

10. There has also been substantial progress on other matters important to the West. Soviet troops have left Afghanistan. There has been movement toward the resolution of some, although not all, of the remaining regional conflicts in which the Soviet Union is involved. The observance of human rights in the Soviet Union and in some of the other WTO countries has significantly improved, even if serious deficiencies remain. The recent Vienna CSCE Follow-up meeting succeeded in setting new, higher standards of conduct for participating states and should stimulate further progress in the CSCE process. A new intensity of dialogue, particularly at high-level, between East and West opens new opportunities and testifies to the Allies' commitment to resolve the fundamental problems that remain.

11. The Alliance does not claim exclusive responsibility for this favourable evolution in East-West relations. In recent years, the East has become more responsive and flexible. Nonetheless, the Alliance's contribution has clearly been fundamental. Most of the achievements to date, which have been described above, were inspired by initiatives by the Alliance or its members. The Allies' political solidarity, commitment to defence, patience and creativity in negotiations overcame initial obstacles and brought its efforts to fruition. It was the Alliance that drew up the basic blueprints for East-West progress and has since pushed them forward towards realisation. In particular, the concepts of stability, reasonable sufficiency, asymmetrical reductions, concentration on the most offensive equipment, rigorous verification, transparency, a single zone from the Atlantic to the Urals, and the balanced and comprehensive nature of the CSCE process, are Western-inspired.

12. Prospects are now brighter than ever before for lasting, qualitative improvements in the East-West relationship. There continue to be clear signs of change in the internal and external policies of the Soviet Union and of some of its Allies. The Soviet leadership has stated that ideological competition should play no part in inter-state relations. Soviet acknowledgement of serious shortcomings in its past approaches to international as well as domestic issues creates opportunities for progress on fundamental political problems.

13. At the same time, serious concerns remain. The ambitious Soviet reform programme, which the Allies welcome, will take many years to complete. Its success cannot be taken for granted given the magnitude of the problems it faces and the resistance generated. In Eastern Europe, progress in constructive reform is still uneven and the extent of these reforms remains to be determined. Basic human rights still need to be firmly anchored in law and practice, though in some Warsaw Pact countries improvements are underway. Although the WTO has recently announced and begun unilateral reductions in some of its forces, the Soviet Union continues to deploy military forces and to maintain a pace of military production in excess of legitimate defensive requirements. Moreover, the geo-strategic realities favour the geographically contiguous Soviet-dominated WTO as against the geographically separated democracies of the North Atlantic Alliance. It has long been an objective of the Soviet Union to weaken the links between the European and North American members of the Alliance.

14. We face an immediate future that is promising but still uncertain. The Allies and the East face both a challenge and an opportunity to capitalise on present conditions in order to increase mutual security. The progress recently made in East-West relations has given new impetus to the arms control process and has enhanced the possibilities of achieving the Alliance's arms control objectives, which complement the other elements of the Alliance's security policy.

III. PRINCIPLES OF ALLIANCE SECURITY

15. Alliance security policy aims to preserve peace in freedom by both political means and the maintenance of a military capability sufficient to prevent war and to provide for effective defence. The fact that the Alliance has for forty years safeguarded peace in Europe bears witness to the success of this policy.

16. Improved political relations and the progressive development of cooperative structures between Eastern and Western countries are important components of Alliance policy. They can enhance mutual confidence, reduce the risk of misunderstanding, ensure that there are in place reliable arrangements for crisis management so that tensions can be defused, render the situation in Europe more open and predictable, and encourage the development of wider cooperation in all fields.

17. In underlining the importance of these facts for the formulation of Alliance policy, the Allies reaffirm that, as stated in the Harmel Report, the search for constructive dialogue and cooperation with the countries of the East, including arms control and disarmament, is based on political solidarity and adequate military strength.

18. Solidarity among the Alliance countries is a fundamental principle of their security policy. It reflects the indivisible nature of their security. It is expressed by the willingness of each country to share fairly the risks, burdens and responsibilities of the common effort as well as its benefits. In particular, the presence in Europe of the United States' conventional and nuclear forces and of Canadian forces demonstrates that North American and European security interests are inseparably bound together.

19. From its inception the Alliance of Western democracies has been defensive in purpose. This will remain so. None of our weapons will ever be used except in self-defence. The Alliance does not seek military superiority nor will it ever do so. Its aim has always been to prevent war and any form of coercion and intimidation.

20. Consistent with the Alliance's defensive character, its strategy is one of deterrence. Its objective is to convince a potential aggressor before he acts that he is confronted with a risk that outweighs any gain - however great - he might hope to secure from his aggression. The purpose of this strategy defines the means needed for its implementation.

21. In order to fulfil its strategy, the Alliance must be capable of responding appropriately to any aggression and of meeting its commitment to the defence of the frontiers of its members' territory. For the foreseeable future, deterrence requires an appropriate mix of adequate and effective nuclear and conventional forces which will continue to be kept up to date where necessary; for it is only by their evident and perceived capability for effective use that such forces and weapons deter.

22. Conventional forces make an essential contribution to deterrence. The elimination of asymmetries between the conventional forces of East and West in Europe would be a major breakthrough, bringing significant benefits for stability and security. Conventional defence alone cannot, however, ensure deterrence. Only the nuclear element can confront an aggressor with an unacceptable risk and thus plays an indispensable role in our current strategy of war prevention.

23. The fundamental purpose of nuclear forces - both strategic and sub-strategic - is political: to preserve the peace and to prevent any kind of war. Such forces contribute to deterrence by demonstrating that the Allies have the military capability and the political will to use them, if necessary, in response to aggression. Should aggression occur, the aim would be to restore deterrence by inducing the aggressor to reconsider his decision, to terminate his attack and to withdraw and thereby to restore the territorial integrity of the Alliance.

24. Conventional and nuclear forces, therefore, perform different but complementary and mutually reinforcing roles. Any perceived inadequacy in either of these two elements, or the impression that conventional forces could be separated from nuclear, or sub-strategic from strategic nuclear forces, might lead a potential adversary to conclude that the risks of launching aggression might be calculable and acceptable. No single element can, therefore, be regarded as a substitute compensating for deficiencies in any other.

25. For the foreseeable future, there is no alternative strategy for the prevention of war. The implementation of this strategy will continue to ensure that the security interests of all Alliance members are fully safeguarded. The principles

underlying the strategy of deterrence are of enduring validity. Their practical expression in terms of the size, structure and deployment of forces is bound to change. As in the past, these elements will continue to evolve in response to changing international circumstances, technological progress and developments in the scale of the threat - in particular, in the posture and capabilities of the forces of the Warsaw Pact.

26. Within this overall framework, strategic nuclear forces provide the ultimate guarantee of deterrence for the Allies. They must be capable of inflicting unacceptable damage on an aggressor state even after it has carried out a first strike. Their number, range, survivability and penetration capability need to ensure that a potential aggressor cannot count on limiting the conflict or regarding his own territory as a sanctuary. The strategic nuclear forces of the United States provide the cornerstone of deterrence for the Alliance as a whole. The independent nuclear forces of the United Kingdom and France fulfil a deterrent role of their own and contribute to the overall deterrence strategy of the Alliance by complicating the planning and risk assessment of a potential aggressor.

27. Nuclear forces below the strategic level provide an essential political and military linkage between conventional and strategic forces and, together with the presence of Canadian and the United States forces in Europe, between the European and North American members of the Alliance. The Allies' sub-strategic nuclear forces are not designed to compensate for conventional imbalances. The levels of such forces in the integrated military structure nevertheless must take into account the threat - both conventional and nuclear - with which the Alliance is faced. Their role is to ensure that there are no circumstances in which a potential aggressor might discount the prospect of nuclear retaliation in response to military action. Nuclear forces below the strategic level thus make an essential contribution to deterrence.

28. The wide deployment of such forces among countries participating in the integrated military structure of the Alliance, as well as the arrangements for consultation in the nuclear area among the Allies concerned, demonstrates solidarity and willingness to share nuclear roles and responsibilities. It thereby helps to reinforce deterrence.

29. Conventional forces contribute to deterrence by demonstrating the Allies' will to defend themselves and by minimising the risk that a potential aggressor could anticipate a quick and easy victory or limited territorial gain achieved solely by conventional means.

30. They must thus be able to respond appropriately and to confront the aggressor immediately and as far forward as possible with the necessary resistance to compel him to end the conflict and to withdraw or face possible recourse to the use of nuclear weapons by the Allies. The forces of the Allies must be deployed and equipped so as to enable them to fulfil this role at all times. Moreover, since the Alliance depends on reinforcements from the North American continent, it must be able to keep open sea and air lines of communication between North America and Europe.

31. All member countries of the Alliance strongly favour a comprehensive, effectively verifiable, global ban on the development, production, stockpiling and use of chemical weapons. Chemical weapons represent a particular case, since the Alliance's overall strategy of war prevention, as noted earlier, depends on an appropriate mix of nuclear and conventional weapons. Pending the achievement of a global ban on chemical weapons, the Alliance recognises the need to implement passive defence measures. A retaliatory capability on a limited scale is retained in view of the Soviet Union's overwhelming chemical weapons capability.

32. The Allies are committed to maintaining only the minimum level of forces necessary for their strategy of deterrence, taking into account the threat. There is, however, a level of forces, both nuclear and conventional, below which the credibility of deterrence cannot be maintained. In particular, the Allies have always recognised that the removal of all nuclear weapons from Europe would critically undermine deterrence strategy and impair the security of the Alliance.

33. The Alliance's defence policy and its policy of arms control and disarmament are complementary and have the same goal: to maintain security at the lowest possible level of forces. There is no contradiction between defence policy and arms control policy. It is on the basis of this fundamental consistency of principles and objectives that the comprehensive concept of arms control and disarmament should be further developed and the appropriate conclusions drawn in each of the areas of arms control.

IV. ARMS CONTROL AND DISARMAMENT: PRINCIPLES AND OBJECTIVES

34. Our vision for Europe is that of an undivided continent where military forces only exist to prevent war and to ensure self-defence, as has always been the case for the Allies, not for the purpose of initiating aggression or for political or military intimidation. Arms control can contribute to the realisation of that vision as an integral part of the Alliance's security policy and of our overall approach to East-West relations.

35. The goal of Alliance arms control policy is to enhance security and stability. To this end, the Allies' arms control initiatives seek a balance at a lower level of forces and armaments through negotiated agreements and, as appropriate, unilateral actions, recognizing that arms control agreements are only possible where the negotiating partners share an interest in achieving a mutually satisfactory result. The Allies' arms control policy seeks to remove destabilising asymmetries in forces or equipment. It also pursues measures designed to build mutual confidence and to reduce the risk of conflict by promoting greater transparency and predictability in military matters.

36. In enhancing security and stability, arms control can also bring important additional benefits for the Alliance. Given the dynamic aspects of the arms control process, the principles and results embodied in one agreement may facilitate other arms control steps. In this way arms control can also make possible further reductions in the level of Alliance forces and armaments, consistent with the Alliance's strategy of war prevention. Furthermore, as noted in Chapter II, arms control can make a significant contribution to the development of more constructive East-West relations and of a framework for further cooperation within a more stable and predictable international environment. Progress in arms control can also enhance public confidence in and promote support for our overall security policy.

Guiding Principles for Arms Control

37. The members of the Alliance will be guided by the following principles:

- Security: Arms control should enhance the security of all Allies. Both during the implementation period and following implementation, the Allies' strategy of deterrence and their ability to defend themselves, must remain credible and effective. Arms control measures should maintain the strategic unity and political cohesion of the Alliance, and should safeguard the principle of the indivisibility of Alliance security by avoiding the creation of areas of unequal security. Arms control measures should respect the legitimate security interests of all states and should not facilitate the transfer or intensification of threats to third party states or regions.
- Stability: Arms control measures should yield militarily significant results that enhance stability. To promote stability, arms control measures should reduce or eliminate those capabilities which are most

threatening to the Alliance. Stability can also be enhanced by steps that promote greater transparency and predictability in military matters. Military stability requires the elimination of options for surprise attack and for large-scale offensive action. Crisis stability requires that no state have forces of a size and configuration which, when compared with those of others, could enable it to calculate that it might gain a decisive advantage by being the first to resort to arms. Stability also requires measures which discourage destabilising attempts to re-establish military advantage through the transfer of resources to other types of armament. Agreements must lead to final results that are both balanced and ensure equality of rights with respect to security.

- Verifiability: Effective and reliable verification is a fundamental requirement for arms control agreements. If arms control is to be effective and to build confidence, the verifiability of proposed arms control measures must, therefore, be of central concern for the Alliance. Progress in arms control should be measured against the record of compliance with existing agreements. Agreed arms control measures should exclude opportunities for circumvention.

Alliance Arms Control Objectives

38. In accordance with the above principles, the Allies are pursuing an ambitious arms control agenda for the coming years in the nuclear, conventional and chemical fields.

Nuclear Forces

39. The INF Agreement represents a milestone in the Allies' efforts to achieve a more secure peace at lower levels of arms. By 1991, it will lead to the total elimination of all United States and Soviet intermediate range land-based missiles, thereby removing the threat which such Soviet systems presented to the Alliance. Implementation of the agreement, however, will affect only a small proportion of the Soviet nuclear armoury, and the Alliance continues to face a substantial array of modern and effective Soviet systems of all ranges. The full realisation of the Alliance agenda thus requires that further steps be taken.

Strategic Nuclear Forces

40. Soviet strategic systems continue to pose a major threat to the whole of the Alliance. Deep cuts in such systems are in the direct interests of the entire Western Alliance, and therefore their achievement constitutes a priority for the Alliance in the nuclear field.

41. The Allies thus fully support the US objectives of achieving, within the context of the Strategic Arms Reduction Talks, fifty percent reductions in US and Soviet strategic nuclear arms. US proposals seek to enhance stability by placing specific restrictions on the most destabilising elements of the threat - fast flying ballistic missiles, throw-weight and, in particular, Soviet heavy ICBMs. The proposals are based on the need to maintain the deterrent credibility of the remaining US strategic forces which would continue to provide the ultimate guarantee of security for the Alliance as a whole; and therefore on the necessity to keep such forces effective. Furthermore, the United States is holding talks with the Soviet Union on defence and space matters in order to ensure that strategic stability is enhanced.

Sub-Strategic Nuclear Forces

42. The Allies are committed to maintaining only the minimum number of nuclear weapons necessary to support their strategy of deterrence. In line with this commitment, the members of the integrated military structure have already made major unilateral cuts in their sub-strategic nuclear armoury. The number of land-based warheads in Western Europe has been reduced by over one-third since 1979 to its lowest level in over 20 years. Updating where necessary of their sub-strategic systems would result in further reductions.

43. The Allies continue to face the direct threat posed to Europe by the large numbers of shorter-range nuclear missiles deployed on Warsaw Pact territory and which have been substantially upgraded in recent years. Major reductions in Warsaw Pact systems would be of overall value to Alliance security. One of the ways to achieve this aim would be by tangible and verifiable reductions of American and Soviet land-based nuclear missile systems of shorter range leading to equal ceilings at lower levels.

44. But the sub-strategic nuclear forces deployed by member countries of the Alliance are not principally a counter to similar systems operated by members of the WTO. As is explained in Chapter III, sub-strategic nuclear forces fulfil an essential role in overall Alliance deterrence strategy by ensuring that there are no circumstances in which a potential aggressor might discount nuclear retaliation in response to his military action.

45. The Alliance reaffirms its position that for the foreseeable future there is no alternative to the Alliance's strategy for the prevention of war, which is a strategy of deterrence based upon an appropriate mix of adequate and effective nuclear and conventional forces which will continue to be kept up to date where necessary. Where nuclear forces are concerned, land-, sea-, and air-based systems, including ground-based missiles, in the present circumstances and as far as can be foreseen will be needed in Europe.

46. In view of the huge superiority of the Warsaw Pact in terms of short-range nuclear missiles, the Alliance calls upon the Soviet Union to reduce unilaterally its short-range missile systems to the current levels within the integrated military structure.

47. The Alliance reaffirms that at the negotiations on conventional stability it pursues the objectives of:

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

48. In keeping with its arms control objectives formulated in Reykjavik in 1987 and reaffirmed in Brussels in 1988, the Alliance states that one of its highest priorities in negotiations with the East is reaching an agreement on conventional force reductions which would achieve the objectives above. In this spirit, the Allies will make every effort, as evidenced by the outcome of the May 1989 Summit, to bring these conventional negotiations to an early and satisfactory conclusion. The United States has expressed the hope that this could be achieved within six to twelve months. Once implementation of such an agreement is underway, the United States, in consultation with the Allies concerned, is prepared to enter into negotiations to achieve a partial reduction of American and Soviet land-based nuclear missile forces of shorter range to equal and verifiable levels. With special reference to the Western proposals on CFE tabled in Vienna, enhanced by the proposals by the United States at the May 1989 Summit, the Allies concerned proceed on the understanding that negotiated reductions leading to a level below the existing level of their SNF missiles will not be carried out until the results of these negotiations have been implemented. Reductions of Warsaw Pact SNF systems should be carried out before that date.

49. As regards the sub-strategic nuclear forces of the members of the integrated military structure, their level and characteristics must be such that they can perform their deterrent role in a credible way across the required spectrum of ranges, taking into account the threat - both conventional and nuclear - with which the Alliance is faced. The question concerning the introduction and deployment of a follow-on system for the Lance will be dealt with in 1992 in the light of overall security developments. While a decision for national authorities, the Allies concerned recognise the value of the continued funding by the United States of research and development of a follow-on for the existing Lance short-range missile, in order to preserve their options in this respect.

Conventional Forces

50. As set out in the March 1988 Summit statement and in the Alliance's November 1988 data initiative, the Soviet Union's military presence in Europe, at a level far in excess of its needs for self-defence, directly challenges our security as well as our aspirations for a peaceful order in Europe. Such excessive force levels create the risk of political intimidation or threatened aggression. As long as they exist, they present an obstacle to better political relations between all states of Europe. The challenge to security is, moreover, not only a matter of the numerical superiority of WTO forces. WTO tanks, artillery and armoured troop carriers are concentrated in large formations and deployed in such a way as to give the WTO a capability for surprise attack and large-scale offensive action. Despite the recent welcome publication by the WTO of its assessment of the military balance in Europe, there is still considerable secrecy and uncertainty about its actual capabilities and intentions.

51. In addressing these concerns, the Allies' primary objectives are to establish a secure and stable balance of conventional forces in Europe at lower levels, while at the same time creating greater openness about military organisation and activities in Europe.

52. In the Conventional Forces in Europe (CFE) talks between the 23 members of the two alliances, the Allies are proposing:

- reductions to an overall limit on the total holdings of armaments in Europe, concentrating on the most threatening systems, i.e. those capable of seizing and holding territory;

- a limit on the proportion of these total holdings belonging to any one country in Europe (since the security and stability of Europe require that no state exceed its legitimate needs for self-defence);
- a limit on stationed forces (thus restricting the forward deployment and concentration of Soviet forces in Eastern Europe); and,
- appropriate numerical sub-limits on forces which will apply simultaneously throughout the Atlantic to the Urals area.

These measures, taken together, will necessitate deep cuts in the WTO conventional forces which most threaten the Alliance. The resulting reductions will have to take place in such a way as to prevent circumvention, e.g. by ensuring that the armaments reduced are destroyed or otherwise disposed of. Verification measures will be required to ensure that all states have confidence that entitlements are not exceeded.

53. These measures alone, however, will not guarantee stability. The regime of reductions will have to be backed up by additional measures which should include measures of transparency, notification and constraint applied to the deployment, storage, movement and levels of readiness and availability of conventional forces.

54. In the CSBM negotiations, the Allies aim to maintain the momentum created by the successful implementation of the Stockholm Document by proposing a comprehensive package of measures to improve:

- transparency about military organisation,
- transparency and predictability of military activities,
- contacts and communication,

and have also proposed an exchange of views on military doctrine in a seminar setting.

55. The implementation of the Allies' proposals in the CFE negotiations and of their proposals for further confidence and security-building measures would achieve a quantum improvement in European security. This would have important and positive consequences for Alliance policy both in the field of defence and arms control. The outcome of the CFE negotiations would provide a framework for determining the future Alliance force structure

required to perform its fundamental task of preserving peace in freedom. In addition, the Allies would be willing to contemplate further steps to enhance stability and security if the immediate CFE objectives are achieved - for example, further reductions or limitations of conventional armaments and equipment, or the restructuring of armed forces to enhance defensive capabilities and further reduce offensive capabilities.

56. The Allies welcome the declared readiness of the Soviet Union and other WTO members to reduce their forces and adjust them towards a defensive posture and await implementation of these measures. This would be a step in the direction of redressing the imbalance in force levels existing in Europe and towards reducing the Warsaw Pact capability for surprise attack. The announced reductions demonstrate the recognition by the Soviet Union and other WTO members of the conventional imbalance, long highlighted by the Allies as a key problem of European security.

Chemical Weapons

57. The Soviet Union's chemical weapons stockpile poses a massive threat. The Allies are committed to conclude, at the earliest date, a worldwide, comprehensive and effectively verifiable ban on all chemical weapons.

58. All Alliance states subscribe to the prohibitions contained in the Geneva Protocol for the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. The Paris Conference on the Prohibition of Chemical Weapons reaffirmed the importance of the commitments made under the Geneva Protocol and expressed the unanimous will of the international community to eliminate chemical weapons completely at an early date and thereby to prevent any recourse to their use.

59. The Allies wish to prohibit not only the use of these abhorrent weapons, but also their development, production, stockpiling and transfer, and to achieve the destruction of existing chemical weapons and production facilities in such a way as to ensure the undiminished security of all participants at each stage in the process. Those objectives are being pursued in the Geneva Conference on Disarmament. Pending agreement on a global ban, the Allies will enforce stringent controls on the export of commodities related to chemical weapons production. They will also attempt to stimulate more openness among states about chemical weapons capabilities in order to promote greater confidence in the effectiveness of a global ban.

V. CONCLUSIONS:

Arms Control and Defence Interrelationships

60. The Alliance is committed to pursuing a comprehensive approach to security, embracing both arms control and disarmament, and defence. It is important, therefore, to ensure that interrelationships between arms control issues and defence requirements and amongst the various arms control areas are fully considered. Proposals in any one area of arms control must take account of the implications for Alliance interests in general and for other negotiations. This is a continuing process.

61. It is essential that defence and arms control objectives remain in harmony in order to ensure their complementary contribution to the goal of maintaining security at the lowest balanced level of forces consistent with the requirements of the Alliance strategy of war prevention, acknowledging that changes in the threat, new technologies, and new political opportunities affect options in both fields. Decisions on arms control matters must fully reflect the requirements of the Allies' strategy of deterrence. Equally, progress in arms control is relevant to military plans, which will have to be developed in the full knowledge of the objectives pursued in arms control negotiations and to reflect, as necessary, the results achieved therein.

62. In each area of arms control, the Alliance seeks to enhance stability and security. The current negotiations concerning strategic nuclear systems, conventional forces and chemical weapons are, however, independent of one another: the outcome of any one of these negotiations is not contingent on progress in others. However, they can influence one another: criteria established and agreements achieved in one area of arms control may be relevant in other areas and hence facilitate overall progress. These could affect both arms control possibilities and the forces needed to fulfil Alliance strategy, as well as help to contribute generally to a more predictable military environment.

63. The Allies seek to manage the interaction among different arms control elements by ensuring that the development, pursuit and realisation of their arms control objectives in individual areas are fully consistent both with each other and with the Alliance's guiding principles for effective arms control. For example, the way in which START limits and sub-limits are applied in detail could affect the future flexibility of the sub-strategic nuclear forces of members of the integrated military structure. A CFE agreement would by itself

make a major contribution to stability. This would be significantly further enhanced by the achievement of a global chemical weapons ban. The development of Confidence- and Security-Building Measures could influence the stabilising measures being considered in connection with the Conventional Forces in Europe negotiations and vice versa. The removal of the imbalance in conventional forces would provide scope for further reductions in the sub-strategic nuclear forces of members of the integrated military structure, though it would not obviate the need for such forces. Similarly, this might make possible further arms control steps in the conventional field.

64. This report establishes the overall conceptual framework within which the Allies will be seeking progress in each area of arms control. In so doing, their fundamental aim will be enhanced security at lower levels of forces and armaments. Taken as a whole, the Allies' arms control agenda constitutes a coherent and comprehensive approach to the enhancement of security and stability. It is ambitious, but we are confident that - with a constructive response from the WTO states - it can be fully achieved in the coming years. In pursuing this goal, the Alliance recognises that it cannot afford to build its security upon arms control results expected in the future. The Allies will be prepared, however, to draw appropriate consequences for their own military posture as they make concrete progress through arms control towards a significant reduction in the scale and quality of the military threat they face. Accomplishment of the Allies' arms control agenda would not only bring great benefits in itself, but could also lead to the expansion of cooperation with the East in other areas. The arms control process itself is, moreover, dynamic; as and when the Alliance reaches agreement in each of the areas set out above, so further prospects for arms control may be opened up and further progress made possible.

65. As noted earlier, the Allies' vision for Europe is that of an undivided continent where military forces only exist to prevent war and to ensure self-defence; a continent which no longer lives in the shadow of overwhelming military forces and from which the threat of war has been removed; a continent where the sovereignty and territorial integrity of all states are respected and the rights of all individuals, including their right of political choice, are protected. This goal can only be reached by stages: it will require patient and creative endeavour. The Allies are resolved to continue working towards its attainment. The achievement of the Alliance's arms control objectives would be a major contribution towards the realisation of its vision.

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For Immediate Release
12th June 1987

STATEMENT ON THE MINISTERIAL MEETING
OF THE NORTH ATLANTIC COUNCIL AT REYKJAVIK
(11-12 June 1987)

1. Our meeting has taken place at a time when developments in East-West relations suggest that real progress may be possible particularly in the field of arms control. We welcome these developments and will work to ensure that they result in improved security and stability. We note some encouraging signs in Soviet internal and external policies. In assessing Soviet intentions, we agree that the final test will be Soviet conduct across the spectrum from human rights to arms control.

We reaffirm the validity of the complementary principles enunciated in the Harmel report of 1967. The maintenance of adequate military strength and Alliance cohesion and solidarity remains an essential basis for our policy of dialogue and co-operation - a policy which aims to achieve a progressively more stable and constructive East-West relationship.

2. Serious imbalances in the conventional, chemical and nuclear field, and the persisting build-up of Soviet military power, continue to preoccupy us. We reaffirm that there is no alternative, as far as we can foresee, to the Alliance concept for the prevention of war - the strategy of deterrence, based on an appropriate mix of adequate and effective nuclear and conventional forces, each element being indispensable. This strategy will continue to rest on the linkage of free Europe's security to that of North America since their destinies are inextricably coupled. Thus the US nuclear commitment, the presence of United States nuclear forces in Europe(1) and the deployment of Canadian and United States forces there remain essential.

3. Arms control and disarmament are integral parts of our security policy; we seek effectively verifiable arms control agreements which can lead to a more stable and secure balance of forces at lower levels.

(1) Greece recalls its position on nuclear matters.

4. We reiterate the prime importance we attach to rapid progress towards reductions in the field of strategic nuclear weapons. We thus welcome the fact that the US and the Soviet Union now share the objective of achieving 50% reductions in their strategic arsenals. We strongly endorse the presentation of a US proposal in Geneva to that effect and urge the Soviet Union to respond positively.

We reviewed the current phase of the US-Soviet negotiations in Geneva on defence and space systems which aim to prevent an arms race in space and to strengthen strategic stability. We continue to endorse these efforts.

5. We note the recent progress achieved at the Geneva Conference on Disarmament towards a total ban on chemical weapons. We remain committed to achieving an early agreement on a comprehensive, worldwide and effectively verifiable treaty embracing the total destruction of existing stockpiles within an agreed timeframe and preventing the future production of such weapons.

6. Recognising the increasing importance of conventional stability, particularly at a time when significant nuclear reductions appear possible, we reaffirm the initiatives taken in our Halifax Statement and Brussels Declaration aimed at achieving a comprehensive, stable and verifiable balance of conventional forces at lower levels. We recall that negotiations on conventional stability should be accompanied by negotiations between the 35 countries participating in the CSCE, building upon and expanding the confidence and security building measures contained in the Helsinki Final Act and the Stockholm Agreement. We agreed that the two future security negotiations should take place within the framework of the CSCE process, with the conventional stability negotiations retaining autonomy as regards subject matter, participation and procedures. Building on these agreements we took the decisions necessary to enable the High Level Task Force on Conventional Arms Control, which we established at the Halifax Ministerial, to press ahead with its work on the draft mandates to be tabled in the CSCE meeting and in the Conventional Stability mandate talks currently taking place in Vienna.

7. Having reviewed progress in the negotiations between the United States and the Soviet Union on an INF agreement the Allies concerned call on the Soviet Union to drop its demand to retain a portion of its SS-20 capability and reiterate their wish to see all long-range land-based missiles eliminated in accordance with NATO's long-standing objective.

They support the global and effectively verifiable elimination of all US and Soviet land-based SRINF missiles with a range between 500 and 1,000 km as an integral part of an INF agreement.

They consider that an INF agreement on this basis would be an important element in a coherent and comprehensive concept of arms control and disarmament which, while consistent with NATO's doctrine of flexible response, would include:

- a 50% reduction in the strategic offensive nuclear weapons of the US and the Soviet Union to be achieved during current Geneva negotiations;
- the global elimination of chemical weapons;
- the establishment of a stable and secure level of conventional forces, by the elimination of disparities, in the whole of Europe;
- in conjunction with the establishment of a conventional balance and the global elimination of chemical weapons, tangible and verifiable reductions of American and Soviet land-based nuclear missile systems of shorter range, leading to equal ceilings.

8. We(1) have directed the North Atlantic Council in Permanent Session, working in conjunction with the appropriate military authorities, to consider the further development of a comprehensive concept of arms control and disarmament. The arms control problems faced by the Alliance raise complex and interrelated issues which must be evaluated together, bearing in mind overall progress in the arms control negotiations enumerated above as well as the requirements of Alliance security and of its strategy of deterrence.

9. In our endeavour to explore all opportunities for an increasingly broad and constructive dialogue which addresses the concerns of people in both East and West, and in the firm conviction that a stable order of peace and security in Europe cannot be built by military means alone, we attach particular importance to the CSCE process. We are therefore determined to make full use of the CSCE follow-up meeting in Vienna.

The full implementation of all provisions agreed in the CSCE process by the 35 participating states, in particular in the field of human rights and contacts, remains the fundamental objective of the Alliance and is essential for the fruitful development of East-West relations in all fields.

Recalling our constructive proposals, we shall persist in our efforts to persuade the Eastern countries to live up to their commitments.

(1) In this connection France recalled that it had not been a party to the double-track decision of 1979 and that it was not therefore bound by its consequences or implications.

We will continue to work for a substantive and timely result of the conference.

10. Those of us participating in the MBFR talks reiterate our desire to achieve a meaningful agreement which provides for reductions, limitations and effective verification, and call upon the Warsaw Pact participants in these talks to respond positively to the very important proposals made by the West in December 1985 and to adopt a more constructive posture in the negotiations.

11. In Berlin's 750th anniversary year we stress our solidarity with the City, which continues to be an important element in East-West relations. Practical improvements in inner-German relations should in particular be of benefit to Berliners.

12. It is just 40 years since US Secretary of State Marshall delivered his far-sighted speech at Harvard. The fundamental values he expressed, which we all share, and which were subsequently embodied in the Marshall Plan, remain as vital today as they were then.

13. We reiterate our condemnation of terrorism in all its forms. Reaffirming our determination to combat it, we believe that close international co-operation is an essential means of eradicating this scourge.

14. Alliance cohesion is substantially enhanced by the support of freely elected parliamentary representatives and ultimately our publics. We therefore underline the great value of free debate on issues facing the Alliance and welcome the exchanges of views on these issues among the parliamentarians of our countries, including those in the North Atlantic Assembly.

15. We express our gratitude to the government of Iceland, which makes such a vital contribution to the security of the Alliance's northern maritime approaches, for their warm hospitality.

16. The Spring 1988 meeting of the North Atlantic Council in Ministerial Session will be held in Spain in June.

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Pour diffusion immédiate
le 30 mai 1989

CONCEPT GLOBAL DE MAITRISE DES ARMEMENTS ET DE DESARMEMENT

1. En juin 1987, à Reykjavik, les Ministres ont déclaré que les problèmes que rencontrait l'Alliance dans le domaine de la maîtrise des armements étaient complexes et interdépendants, et qu'elle devait les évaluer simultanément, en tenant compte du progrès général des négociations sur la maîtrise des armements ainsi que de ses impératifs de sécurité et de sa stratégie de dissuasion. Ils ont donc chargé le Conseil en session permanente d'étudier, avec la collaboration des autorités militaires compétentes, "la manière de poursuivre la mise au point d'un concept global de maîtrise des armements et de désarmement".(1)

2. Le rapport ci-joint, établi par le Conseil en exécution de ce mandat, a été adopté par les chefs d'Etat et de gouvernement à la réunion que le Conseil de l'Atlantique Nord a tenue, à Bruxelles, les 29 et 30 mai 1989.

(1) Pour plus de commodité, le texte du communiqué de Reykjavik est joint au présent document.

CONCEPT GLOBAL DE MAITRISE DES ARMEMENTS ET DE DESARMEMENT

RAPPORT ADOPTE PAR
LES CHEFS D'ETAT ET DE GOUVERNEMENT
A LA REUNION DU CONSEIL DE L'ATLANTIQUE NORD TENUE A BRUXELLES
LES 29 ET 30 MAI 1989

I. INTRODUCTION

1. L'objectif primordial de l'Alliance est de préserver la paix dans la liberté, de prévenir la guerre et d'instaurer un ordre pacifique juste et durable en Europe. La politique des Alliés à cette fin a été exposée dans le rapport Harmel de 1967. Ce rapport conserve toute sa validité. Il stipule que l'Alliance atlantique a pour "première fonction de maintenir une puissance militaire et une solidarité politique suffisantes pour décourager l'agression et les autres formes de pression, et pour défendre le territoire des pays membres en cas d'agression". C'est sur cette base que l'Alliance peut s'acquitter de "sa seconde fonction, c'est-à-dire poursuivre ses efforts en vue de progresser vers l'établissement de relations plus stables, qui permettront de résoudre les problèmes politiques fondamentaux". Le même texte dit encore que la sécurité militaire et une politique visant à réduire les tensions ne sont "pas contradictoires, mais complémentaires". Conformément à ces principes, nos chefs d'Etat et de gouvernement sont convenus que la maîtrise des armements fait partie intégrante de la politique de l'Alliance en matière de sécurité.

2. Les possibilités de dialogue fructueux entre l'Est et l'Ouest se sont améliorées de façon significative ces dernières années : il existe désormais des conditions plus favorables à un progrès vers la réalisation des objectifs de l'Alliance. Les Alliés sont résolus à saisir cette occasion. Ils continueront de s'attaquer tant aux symptômes qu'aux causes de tension politique, dans le respect des intérêts de sécurité légitimes de tous les Etats concernés.

3. La réalisation d'un ordre pacifique durable tel que le préconisent les Alliés implique qu'il soit mis fin à la division contre nature de l'Europe, et en particulier de l'Allemagne, et que, comme le stipule l'Acte final d'Helsinki, la souveraineté et l'intégrité territoriale de tous les Etats ainsi que le droit des peuples à disposer d'eux-mêmes soient respectés et que les droits de toutes les personnes, y compris le droit au libre choix politique, soient protégés. C'est pourquoi les membres de l'Alliance attribuent une valeur capitale à la réalisation de nouveaux progrès dans le processus de la Conférence sur la sécurité et la coopération en Europe (CSCE), qui sert de cadre pour encourager une évolution pacifique en Europe.

4. La CSCE fournit un moyen de promouvoir des relations stables et constructives entre l'Est et l'Ouest, en favorisant le développement des contacts entre les personnes, en oeuvrant pour que les libertés et les droits fondamentaux soient respectés dans les lois et dans les usages, en encourageant les échanges politiques et une coopération mutuellement profitable dans une large gamme d'activités, et en accroissant la sécurité et la transparence dans

le domaine militaire. Les Alliés continueront d'exiger la pleine mise en oeuvre de tous les principes et de toutes les dispositions de l'Acte final d'Helsinki, du document de clôture de Madrid, du document de Stockholm et du document de clôture de la conférence de Vienne. Ce dernier marque un progrès majeur dans le déroulement du processus de la CSCE et devrait être un élément catalyseur de nouveaux changements positifs en Europe.

5. L'objet essentiel de la politique de l'Alliance en matière de maîtrise des armements est d'accroître la sécurité et la stabilité à des niveaux de forces et d'armements équilibrés les plus bas possible compte tenu des impératifs de la stratégie de dissuasion. Les Alliés ont à coeur d'accomplir de nouveaux progrès dans la réalisation de tous leurs objectifs en matière de maîtrise des armements. La mise au point d'un concept global vise à atteindre ce but par une approche intégrée qui fait intervenir à la fois la politique de défense et la politique de maîtrise des armements : celles-ci sont complémentaires et interdépendantes. Cette tâche demande aussi une réflexion approfondie sur les relations entre les objectifs de la maîtrise des armements et les besoins de la défense et sur la manière dont les diverses mesures de maîtrise des armements, isolément et conjointement, peuvent renforcer la sécurité des Alliés. Les principes directeurs et les objectifs fondamentaux qui ont régi jusqu'ici la politique des Alliés en matière de maîtrise des armements restent valables. La réalisation de ces objectifs est, naturellement, soumise à l'influence de plusieurs facteurs, notamment l'état général des relations Est-Ouest, les impératifs militaires des Alliés, l'avancement des négociations sur la maîtrise des armements ainsi que l'orientation des négociations à venir et les développements intervenant dans le cadre de la CSCE. C'est dans ce contexte que doivent s'inscrire la définition et la mise en oeuvre d'un concept global de maîtrise des armements et de désarmement.

II. RELATIONS EST-OUEST ET MAITRISE DES ARMEMENTS

6. L'Alliance continue de chercher à assurer en Europe une paix juste et stable, où tous les Etats puissent jouir d'une sécurité non diminuée, aux niveaux minimums nécessaires de forces et d'armements, et où tous les individus soient en mesure d'exercer leurs libertés et leurs droits fondamentaux. La maîtrise des armements ne peut à elle seule régler des différends politiques qui existent depuis longtemps entre l'Est et l'Ouest, ni garantir une paix stable. Néanmoins, la réalisation de l'objectif de l'Alliance implique que des progrès considérables soient accomplis en matière de maîtrise des armements, et que les relations politiques changent plus radicalement. Des succès dans le domaine de la maîtrise des armements, outre qu'ils ont pour effet de renforcer la sécurité militaire, peuvent favoriser la progression du dialogue politique Est-Ouest, et contribuer par là à la réalisation d'objectifs plus larges de l'Alliance.

7. Pour accroître la sécurité et la stabilité en Europe, l'Alliance a constamment mis à profit toutes les occasions propices à une maîtrise des armements efficace. Les Alliés sont attachés à cette politique, indépendamment des changements qui peuvent affecter le climat des relations Est-Ouest. Cependant, le succès en matière de maîtrise des armements continue de dépendre non seulement de nos propres efforts, mais aussi de la volonté des pays de l'Est, et en particulier de l'Union soviétique, de travailler de manière constructive pour obtenir des résultats mutuellement avantageux.

8. Le passé récent a été marqué par des progrès sans précédent en matière de maîtrise des armements. En 1986, l'accord conclu à Stockholm dans le cadre de la Conférence sur le désarmement en Europe (CDE) a institué un système novateur de mesures de confiance et de sécurité, destiné à promouvoir la transparence et la prévisibilité dans le domaine militaire. Jusqu'ici, les dispositions ont été appliquées de façon satisfaisante. Le Traité de 1987 sur les FNI a représenté un autre grand pas en avant parce qu'il éliminait toute une catégorie d'armes et qu'il instituait le principe de réductions asymétriques, ainsi qu'un régime de vérification rigoureux. Parmi les autres résultats obtenus, on peut citer l'établissement, aux Etats-Unis et en Union soviétique, de centres de réduction des risques nucléaires, l'accord américano-soviétique sur la notification préalable des lancements de missiles balistiques et les expériences communes de vérification dans le cadre des négociations que les Etats-Unis et l'Union soviétique poursuivent sur les essais nucléaires.

9. En dehors des accords déjà conclus, des progrès substantiels ont été accomplis dans les négociations START, qui visent à réduire de façon radicale les arsenaux nucléaires stratégiques et à éliminer les moyens offensifs à caractère déstabilisateur. La Conférence de Paris sur l'interdiction des armes chimiques a réaffirmé l'autorité du Protocole de Genève de 1925, et donné une forte impulsion politique aux négociations de Genève pour une interdiction universelle, complète et effectivement vérifiable des armes chimiques. De nouvelles négociations distinctes ont maintenant démarré, à Vienne, dans le cadre du processus de la CSCE : il s'agit de négociations, d'une part, entre les 23 membres de l'OTAN et du Pacte de Varsovie, sur les forces conventionnelles en Europe; d'autre part, entre les 35 signataires de l'Acte final d'Helsinki, sur des mesures de confiance et de sécurité (MDCS).

10. Des progrès substantiels ont aussi été réalisés sur d'autres sujets importants pour les Alliés. Les troupes soviétiques ont quitté l'Afghanistan. On a avancé dans la voie d'un règlement de certains - mais non de l'ensemble - des conflits régionaux qui subsistent et dans lesquels l'Union soviétique est impliquée. Le respect des droits de l'homme en Union soviétique et dans certains des autres pays du Pacte de Varsovie a nettement progressé, même si de sérieuses insuffisances persistent. La récente réunion de Vienne sur les suites de la CSCE a permis de fixer des normes de conduite nouvelles et plus rigoureuses aux Etats participants, et elle devrait stimuler encore les progrès du processus de la CSCE. Le dialogue entre l'Est et l'Ouest, qui a pris une intensité nouvelle, particulièrement à un haut niveau, ouvre de nouvelles possibilités et atteste que les Alliés s'attachent à résoudre les problèmes fondamentaux qui demeurent.

11. L'Alliance ne revendique pas tout le mérite de cette évolution favorable des relations Est-Ouest. Depuis quelques années, l'Est est devenu plus réceptif et plus souple. Néanmoins, il est clair que la contribution de l'Alliance a été fondamentale. La plus grande partie de ce qui a été réalisé jusqu'à présent, et qui se trouve décrit dans les paragraphes précédents, a été inspirée par des initiatives de l'Alliance ou de ses membres. La solidarité politique, la détermination à se défendre, la patience et la créativité que les Alliés ont manifestées au cours des négociations ont triomphé des obstacles initiaux et permis d'aboutir. C'est l'Alliance qui a dessiné les grandes lignes des progrès à accomplir dans les relations Est-Ouest et qui a ensuite fait en

sorte qu'ils se réalisent. En particulier, les notions de stabilité, de suffisance raisonnable, de réduction asymétrique, de concentration sur les matériels les plus offensifs, de vérification rigoureuse, de transparence, de zone unique de l'Atlantique à l'Oural et d'équilibre et de globalité du processus de la CSCE sont d'origine occidentale.

12. Les perspectives d'une amélioration durable de la qualité de ces relations sont aujourd'hui meilleures que jamais auparavant. Des signes manifestes de changement continuent à être observés dans la politique intérieure et extérieure de l'Union soviétique et de certains de ses alliés. La direction soviétique a déclaré que la compétition idéologique ne devait jouer aucun rôle dans les relations entre Etats. En reconnaissant que sa façon d'aborder les problèmes internationaux et intérieurs a été marquée, dans le passé, par de sérieuses imperfections, l'Union soviétique donne une chance de progresser sur des problèmes politiques fondamentaux.

13. Mais en même temps, de graves préoccupations demeurent. L'ambitieux programme de réforme soviétique, dont les Alliés se félicitent, prendra de nombreuses années à se réaliser, sans que le succès en soit garanti étant donné l'ampleur des problèmes qu'il rencontre et la résistance qu'il suscite. En Europe de l'Est, l'application de réformes constructives est toujours inégale. L'étendue de ces réformes reste à déterminer. Le respect des droits de l'homme fondamentaux demande encore à être fermement ancré dans les lois et les usages. même si des améliorations apparaissent dans certains pays du Pacte de Varsovie. Bien que celui-ci ait récemment annoncé et commencé à entreprendre des réductions unilatérales de certaines de ses forces, l'Union soviétique continue à déployer des forces et à soutenir un rythme de production militaire qui sont sans commune mesure avec des besoins légitimes de défense. De plus, les réalités géostratégiques avantagent le Pacte de Varsovie, bloc géographique dominé par l'Union soviétique, face à une Alliance atlantique qui se compose de démocraties géographiquement séparées. L'Union soviétique a depuis longtemps pour objectif d'affaiblir les liens unissant les membres européens et nord-américains de l'Alliance.

14. L'avenir immédiat est prometteur, mais demeure incertain. Il représente pour les Alliés et pour les pays de l'Est un défi en même temps qu'une occasion de profiter des circonstances actuelles pour accroître la sécurité mutuelle. Les progrès accomplis récemment dans le domaine des relations Est-Ouest ont donné un nouvel élan au processus de maîtrise des armements et augmenté pour l'Alliance les chances d'atteindre ses objectifs de maîtrise des armements, lesquels sont complémentaires des autres éléments de sa politique de sécurité.

III. PRINCIPES DE SECURITE DE L'ALLIANCE

15. La politique de sécurité de l'Alliance vise à préserver la paix dans la liberté par des moyens politiques et par le maintien d'un potentiel militaire suffisant pour prévenir la guerre et assurer une défense efficace. Le fait que la paix ait été sauvegardée pendant quarante ans en Europe témoigne du succès de cette politique.

16. L'amélioration des relations politiques et la mise en place progressive de structures de coopération entre pays de l'Est et de l'Ouest sont des éléments importants de notre politique. Ils peuvent accroître la confiance mutuelle, réduire les risques de malentendus, donner l'assurance qu'il existe des dispositifs de contrôle des crises assez fiables pour désamorcer les tensions, rendre la situation en Europe plus transparente et prévisible, encourager enfin une coopération plus large dans tous les domaines.

17. En soulignant le poids de ces facteurs dans la formulation de leur politique, les Alliés rappellent que, comme le précise le rapport Harmel, la recherche d'une coopération et d'un dialogue constructifs avec les pays de l'Est, y compris en matière de maîtrise des armements et de désarmement, s'appuie sur la solidarité politique et une puissance militaire suffisante.

18. La solidarité des pays de l'Alliance est un principe fondamental de leur politique de sécurité. Elle traduit le caractère indivisible de leur sécurité. Elle s'exprime dans la disposition de chaque pays à partager équitablement les risques, les charges et les responsabilités de l'effort commun, aussi bien que ses avantages. La présence en Europe de forces nucléaires et conventionnelles américaines et de forces canadiennes démontre, en particulier, que les intérêts de sécurité de l'Amérique du Nord et de l'Europe sont indissociables.

19. Dès l'origine, notre alliance de démocraties occidentales n'a eu d'autre objet que défensif. Cela ne changera pas. Aucune de nos armes ne sera employée, sauf en légitime défense. L'Alliance ne recherche pas la supériorité militaire et ne la recherchera jamais. Son but a toujours été d'éviter la guerre et de prévenir toute forme de coercition et d'intimidation.

20. Conformément au caractère défensif de l'Alliance, la stratégie de celle-ci est une stratégie de dissuasion. Son objectif est de placer l'agresseur potentiel, dès avant qu'il n'agisse, devant un risque sans rapport avec le gain attendu de son agression, si grand soit-il. La finalité de cette stratégie commande le choix des moyens que nécessite sa mise en oeuvre.

21. Pour appliquer cette stratégie, l'Alliance doit en effet être en mesure de réagir de manière appropriée à toute agression et de défendre, comme elle s'y est engagée, les frontières de ses Etats membres. Pour l'avenir prévisible, la dissuasion exige une combinaison appropriée de forces nucléaires et de forces conventionnelles efficaces et adéquates, qui seront maintenues à niveau là où ce sera nécessaire; car ces forces et ces armes n'ont un effet dissuasif que dans la mesure où elles disposent d'une capacité évidente d'emploi effectif et sont perçues comme telles.

22. Les forces conventionnelles apportent une contribution indispensable à la dissuasion. Il est clair que la suppression des asymétries des forces conventionnelles en Europe constituerait un progrès décisif, du point de vue de la stabilité et de la sécurité. Cependant, la défense conventionnelle ne peut à elle seule assurer la dissuasion. Seul l'élément nucléaire est de nature à placer l'agresseur en face d'un risque inacceptable; il joue donc un rôle indispensable dans notre stratégie actuelle de prévention de la guerre.

23. Le rôle fondamental des forces nucléaires - tant stratégiques que substratégiques - est un rôle politique : préserver la paix et prévenir toute forme de guerre; ces forces contribuent à la dissuasion en rendant manifeste que les Alliés ont la capacité militaire et la volonté politique d'utiliser, si nécessaire, leurs armes nucléaires en cas d'agression. Si une agression devait se produire, le but serait de rétablir la dissuasion en incitant l'agresseur à revenir sur sa décision, à mettre fin à son attaque et à se retirer, restaurant ainsi l'intégrité territoriale de l'Alliance.

24. Forces conventionnelles et forces nucléaires remplissent ainsi des rôles différents, mais complémentaires et qui s'épaulent mutuellement. Si l'un de ces deux éléments devait donner l'impression qu'il n'est pas adapté ou s'il apparaissait que le lien peut être rompu entre les forces conventionnelles et les forces nucléaires, ou entre les forces nucléaires substratégiques et les forces nucléaires stratégiques, l'adversaire potentiel pourrait être enclin à conclure que les risques d'une agression sont peut-être prévisibles et acceptables. Par conséquent, aucun élément ne peut être tenu comme le moyen de compenser les insuffisances d'un autre.

25. Pour l'avenir prévisible, il n'existe pas d'autre stratégie envisageable pour la prévention de la guerre. La mise en oeuvre de cette stratégie continuera de garantir la préservation intégrale des intérêts de tous les membres de l'Alliance sur le plan de la sécurité. Les principes qui sous-tendent la stratégie de dissuasion ont une valeur permanente. Cependant, la façon dont ils se traduisent concrètement en termes de volume, de structure et de déploiement des forces ne saurait être immuable. Comme dans le passé, ces éléments continueront d'évoluer en fonction des fluctuations de la conjoncture internationale, des progrès de la technologie et des changements dans l'envergure de la menace - qu'il s'agisse en particulier du dispositif ou des capacités du Pacte de Varsovie.

26. Dans ce cadre global, les forces nucléaires stratégiques représentent, pour les Alliés, la garantie ultime de la dissuasion. Elles doivent avoir la capacité d'infliger à un agresseur des dommages inacceptables, même après que celui-ci ait lancé une première frappe nucléaire. Leur nombre, leur portée, leur capacité de survie et leur pouvoir de pénétration doivent être tels que l'agresseur potentiel ne puisse espérer limiter le conflit ou tenir son propre territoire à l'abri. Les forces nucléaires stratégiques des Etats-Unis sont la pierre angulaire de la dissuasion pour l'Alliance dans son ensemble. Les forces nucléaires indépendantes du Royaume-Uni et de la France jouent un rôle dissuasif propre et contribuent au renforcement global de la dissuasion en compliquant les plans d'un agresseur potentiel et son évaluation des risques.

27. Les forces nucléaires du niveau substratégique créent un lien politique et militaire essentiel entre les forces conventionnelles et stratégiques, et aussi, avec la présence des forces du Canada et des Etats-Unis en Europe, entre les membres européens et nord-américains de l'Alliance. Les forces nucléaires substratégiques des Alliés ne sont pas destinées à compenser les déséquilibres conventionnels. Le niveau de ces forces dans la structure militaire intégrée doit néanmoins tenir compte de la menace - conventionnelle et nucléaire - qui pèse sur l'Alliance. Leur rôle est de garantir qu'en aucune circonstance, un

agresseur potentiel ne pourrait faire abstraction du risque nucléaire en cas d'action militaire. Les forces nucléaires du niveau substratégique apportent donc une contribution essentielle à la dissuasion.

28. Le fait que ces forces soient largement déployées dans les pays qui participent à la structure militaire intégrée de l'Alliance et le mécanisme de consultation mis en place dans le domaine nucléaire entre les Alliés concernés attestent la solidarité et la volonté de partager les responsabilités et les rôles nucléaires. La dissuasion s'en trouve renforcée.

29. Les forces conventionnelles contribuent à la dissuasion parce qu'elles témoignent de la volonté des Alliés de se défendre et qu'elles diminuent le risque qu'un agresseur potentiel puisse compter obtenir une victoire aisée et rapide ou des gains territoriaux limités, par des moyens uniquement conventionnels.

30. Elles doivent donc être en mesure de réagir comme il convient et de faire front instantanément et le plus loin possible vers l'avant, en opposant la résistance nécessaire pour contraindre l'agresseur à mettre fin au conflit et à se retirer, sous peine de s'exposer à l'emploi d'armes nucléaires par les Alliés. Les forces des Alliés doivent être déployées et équipées de telle manière qu'elles puissent remplir ce rôle à tout moment. De plus, le besoin qu'a l'Alliance de pouvoir compter sur des renforts en provenance du continent américain lui impose de préserver la liberté des communications maritimes et aériennes entre l'Amérique du Nord et l'Europe.

31. Tous les membres de l'Alliance sont fermement partisans d'une interdiction universelle, globale et effectivement vérifiable de la mise au point, de la fabrication, du stockage et de l'emploi d'armes chimiques. Celles-ci représentent un cas particulier, parce que la stratégie globale de prévention de la guerre de l'Alliance repose, comme cela a été indiqué précédemment, sur une combinaison appropriée d'armes nucléaires et conventionnelles. Dans l'attente d'une interdiction universelle de ce type d'armes, l'Alliance reconnaît la nécessité d'appliquer des mesures de défense passive. Un potentiel de représailles limité est maintenu du fait que l'Union soviétique possède un arsenal chimique massif.

32. Les Alliés sont résolus à ne conserver que le niveau minimal de forces qu'exige leur stratégie de dissuasion, en tenant compte de la menace. Il existe cependant un niveau de forces, tant nucléaires que conventionnelles, en deçà duquel la crédibilité de la dissuasion ne peut être préservée. C'est ainsi que les Alliés ont toujours considéré que le retrait d'Europe de toutes les armes nucléaires saperait gravement la stratégie de dissuasion et compromettrait la sécurité de l'Alliance.

33. La politique de défense de l'Alliance et sa politique de maîtrise des armements et de désarmement sont complémentaires et tendent au même but : assurer la sécurité au niveau de forces le plus bas possible. Il n'y a aucune contradiction entre la politique de défense et la politique de maîtrise des armements. C'est à partir de cette cohérence fondamentale des principes et des objectifs que le concept global de maîtrise des armements et de désarmement doit

être plus amplement élaboré, et que doivent être tirées les conclusions appropriées dans chacun des domaines de la maîtrise des armements.

IV. MAITRISE DES ARMEMENTS ET DESARMEMENT : PRINCIPES ET OBJECTIFS

34. Notre vision de l'Europe est celle d'un continent non divisé, où les forces armées n'existent que pour prévenir la guerre et assurer la légitime défense, comme c'est le cas depuis toujours pour les pays alliés, et non pour perpétrer une agression ou se livrer à l'intimidation politique ou militaire. La maîtrise des armements, en tant que partie intégrante de la politique de sécurité de l'Alliance et élément important de notre approche globale des relations Est-Ouest, peut contribuer à faire de cette vision une réalité.

35. La politique de maîtrise des armements de l'Alliance a pour but d'accroître la stabilité et la sécurité, grâce à des initiatives qui visent à instaurer un équilibre à un niveau plus bas de forces et d'armements au moyen d'accords négociés et, selon les circonstances, d'actions unilatérales, étant entendu que des accords formels de maîtrise des armements ne peuvent être conclus que si les partenaires dans la négociation partagent la volonté de parvenir à un résultat mutuellement satisfaisant. La politique des Alliés en matière de maîtrise des armements vise à supprimer les asymétries déstabilisatrices dans les forces ou les matériels. Elle vise aussi à instaurer une confiance mutuelle et à réduire le risque de conflit en favorisant une meilleure prévisibilité et une transparence accrue dans le domaine militaire.

36. En accroissant la sécurité et la stabilité, la maîtrise des armements peut également apporter d'autres avantages importants à l'Alliance. Etant donné les aspects dynamiques du processus de maîtrise des armements, les principes et les résultats concrétisés dans un accord peuvent faciliter l'adoption d'autres mesures de maîtrise des armements. Ainsi, la maîtrise des armements peut aussi rendre possibles de nouvelles réductions du niveau des forces et des armements de l'Alliance, qui soient compatibles avec la stratégie alliée de prévention de la guerre. Comme cela est indiqué au chapitre II, la maîtrise des armements peut aussi contribuer de manière significative à l'établissement de relations Est-Ouest plus constructives et fournir un cadre à la poursuite de la coopération dans un environnement international plus stable et plus prévisible. Les progrès de la maîtrise des armements sont également de nature à accroître la confiance et le soutien du public à l'égard de notre politique globale de sécurité.

Principes directeurs pour la maîtrise des armements

37. Les membres de l'Alliance seront guidés par les principes suivants :

Sécurité : La maîtrise des armements doit renforcer la sécurité de tous les Alliés. Aussi bien pendant sa mise en oeuvre qu'après, la stratégie de dissuasion des Alliés comme leur capacité de se défendre doivent rester crédibles et efficaces. Les mesures de maîtrise des armements doivent sauvegarder l'unité stratégique ainsi que la cohésion politique de l'Alliance et respecter le principe de l'indivisibilité de la sécurité de l'Alliance en évitant la création de zones de sécurité

inégale. Elles doivent tenir compte des intérêts de sécurité légitimes de tous les Etats et ne pas concourir au déplacement ou à l'intensification de menaces au détriment d'Etats ou de régions tiers.

Stabilité : Les mesures de maîtrise des armements doivent donner des résultats militairement significatifs qui renforcent la stabilité. Favoriser la stabilité, cela signifie réduire ou éliminer les moyens qui représentent la plus grande menace pour l'Alliance. Il est également possible de renforcer la stabilité par des mesures qui contribuent à plus de transparence et de prévisibilité en matière militaire. La stabilité militaire exige l'élimination des possibilités d'attaque par surprise et d'action offensive de grande envergure. La stabilité en période de crise exige qu'aucun Etat ne possède des forces d'un volume ou d'une configuration tels que, comparées à celles des autres, elles lui permettraient d'escompter obtenir un avantage décisif en recourant le premier aux armes. La stabilité exige également des mesures propres à décourager toutes tentatives déstabilisatrices pour reprendre l'avantage militaire en transférant des ressources à d'autres types d'armements. Tout accord de maîtrise des armements doit conduire à des résultats finals qui soient équilibrés et assurent en même temps l'égalité des droits en termes de sécurité.

Vérifiabilité : Une vérification efficace et fiable constitue une exigence fondamentale pour les accords de maîtrise des armements. Si la maîtrise des armements doit être efficace et développer la confiance, la vérifiabilité de toute mesure proposée doit être au premier rang des préoccupations de l'Alliance. Les progrès de la maîtrise des armements doivent se mesurer à la fidèle exécution des accords existants. Les mesures de maîtrise des armements agréées doivent exclure toute possibilité de contournement.

Objectifs de maîtrise des armements de l'Alliance

38. Conformément aux principes ci-dessus, les Alliés se sont fixé un ensemble de buts ambitieux pour les années à venir en matière de maîtrise des armements nucléaires, conventionnels et chimiques.

Forces nucléaires

39. L'accord sur les FNI représente une étape importante dans les efforts déployés par les Alliés pour accroître la sécurité en temps de paix à des niveaux d'armements plus bas. D'ici à 1991, il permettra d'éliminer totalement tous les missiles à portée intermédiaire basés à terre des Etats-Unis et de l'Union soviétique, ce qui fera disparaître la menace que les systèmes soviétiques de cette catégorie faisaient peser sur l'Alliance. Sa mise en œuvre n'affectera toutefois qu'une faible partie de l'arsenal nucléaire soviétique et l'Alliance reste confrontée à un important ensemble de systèmes nucléaires soviétiques modernes et efficaces de toutes portées. La réalisation de l'ensemble des buts de l'Alliance réclame l'adoption d'autres mesures.

Forces nucléaires stratégiques

40. Les systèmes stratégiques soviétiques continuent à faire peser une grande menace sur l'ensemble des Alliés. Il est de leur intérêt direct d'imposer à ces systèmes d'importantes réductions, qui constituent donc une priorité de l'Alliance dans le domaine nucléaire.

41. Les Alliés donnent donc leur plein appui à l'objectif que se sont fixé les Etats-Unis de parvenir, dans le cadre des négociations START, à des réductions de 50 % des armes nucléaires stratégiques américaines et soviétiques. Les propositions américaines visent à renforcer la stabilité en soumettant à des restrictions spécifiques les éléments les plus déstabilisateurs de la menace : missiles balistiques à grande vitesse, capacité d'emport et, en particulier, ICBM lourds de l'Union soviétique. Elles tiennent compte de la nécessité de maintenir la crédibilité dissuasive - et donc l'efficacité - des forces stratégiques américaines subsistantes, qui continueront d'être l'ultime garantie de sécurité pour l'Alliance dans son ensemble. D'autre part, les Etats-Unis tiennent avec l'Union soviétique, sur la défense et l'espace, des entretiens dont l'objectif est de veiller à accroître la stabilité stratégique.

Forces nucléaires substratégiques

42. Les Alliés sont résolus à ne maintenir que le nombre minimum d'armes nucléaires nécessaire à leur stratégie de dissuasion. En vertu d'un tel engagement, les pays appartenant à la structure militaire intégrée ont déjà procédé à d'importantes réductions unilatérales de leur arsenal nucléaire substratégique. Le nombre de têtes basées à terre en Europe occidentale a été réduit de plus d'un tiers depuis 1979, et se situe au plus bas niveau qui ait été atteint depuis plus de 20 ans. La modernisation, là où c'est nécessaire, des systèmes substratégiques de ces pays se traduirait par de nouvelles réductions.

43. Les Alliés demeurent confrontés à la menace que fait directement peser sur l'Europe le grand nombre de missiles nucléaires à courte portée déployés sur le territoire du Pacte de Varsovie, et qui ont été largement améliorés ces dernières années. Des réductions majeures de ces systèmes seraient au total utiles à la sécurité de l'Alliance. L'une des façons d'atteindre ce but serait d'effectuer des réductions tangibles et vérifiables des systèmes de missiles nucléaires à courte portée basés à terre des Etats-Unis et de l'Union soviétique, en vue d'aboutir à des plafonds égaux à des niveaux réduits.

44. Cependant, les forces nucléaires substratégiques déployées par des pays membres de l'Alliance ne sont pas là essentiellement pour contrebalancer les systèmes similaires mis en place par des membres du Pacte de Varsovie. Comme il est expliqué dans le chapitre III, elles jouent un rôle essentiel dans la stratégie de dissuasion globale de l'Alliance parce qu'elles assurent qu'en aucune circonstance un agresseur potentiel ne pourra négliger les représailles nucléaires que déclencherait son action militaire.

45. L'Alliance réaffirme sa position, à savoir que, pour l'avenir prévisible, la seule stratégie possible pour la prévention de la guerre est sa stratégie de dissuasion fondée sur une combinaison appropriée de forces

nucléaires et conventionnelles adéquates et efficaces, qui seront maintenues à niveau là où ce sera nécessaire. En ce qui concerne les forces nucléaires, des systèmes à lanceurs terrestres, navals et aériens, y compris des missiles basés à terre, seront, dans les circonstances actuelles et aussi loin que l'on peut le prévoir, requis en Europe.

46. Compte tenu de l'immense supériorité du Pacte de Varsovie pour ce qui est des missiles nucléaires à courte portée, l'Alliance en appelle à l'Union soviétique pour que celle-ci réduise unilatéralement son arsenal de systèmes de missiles à courte portée, en l'amenant aux niveaux actuels qui existent au sein de la structure militaire intégrée.

47. L'Alliance réaffirme que les objectifs qu'elle poursuit aux négociations sur la stabilité des armements conventionnels sont :

- l'instauration d'un équilibre stable et sûr des forces conventionnelles, à des niveaux inférieurs;
- l'élimination des disparités préjudiciables à la stabilité et à la sécurité, et
- l'élimination, à titre hautement prioritaire, des moyens permettant de lancer des attaques par surprise et de déclencher des actions offensives de grande envergure.

48. Conformément aux objectifs qu'elle s'est fixés en matière de maîtrise des armements, objectifs formulés à Reykjavik en 1987 et réaffirmés à Bruxelles en 1988, l'Alliance déclare que, dans les négociations avec l'Est, l'une de ses toutes premières priorités est d'aboutir à un accord sur des réductions des forces conventionnelles qui permettrait d'atteindre les objectifs décrits ci-dessus. Dans cet esprit, les Alliés feront tout, comme en témoignent les résultats du sommet de mai 1989, pour que ces négociations sur les armes conventionnelles aboutissent à une conclusion rapide et satisfaisante. Les Etats-Unis ont exprimé l'espoir que cela pourrait se faire dans un délai de six à douze mois. Une fois la mise en oeuvre d'un tel accord en cours, les Etats-Unis, en consultation avec les Alliés concernés, sont prêts à entamer des négociations visant à parvenir à une réduction partielle des forces américaines et soviétiques de missiles nucléaires à courte portée basés à terre, en les amenant à des niveaux égaux et vérifiables. Pour ce qui est plus spécialement des propositions occidentales avancées aux négociations de Vienne sur les FCE, propositions élargies par celles que les Etats-Unis ont faites au sommet de mai 1989, il est entendu, pour les Alliés concernés, que des réductions négociées conduisant à un niveau inférieur au niveau actuel de leurs missiles des SNF ne seront pas opérées avant que les résultats de ces négociations aient été mis en oeuvre. Il faudrait que le Pacte de Varsovie procède à des réductions de ses SNF avant cette date.

49. S'agissant des forces nucléaires substratégiques des membres de la structure militaire intégrée, leur niveau et leurs caractéristiques doivent

être tels que ces forces puissent assumer de façon crédible leur rôle de dissuasion, d'un bout à l'autre de l'éventail des portées requises, compte tenu de la menace - tant conventionnelle que nucléaire - à laquelle l'Alliance est confrontée. La question de l'introduction et du déploiement d'un successeur pour le missile Lance sera traitée en 1992, à la lumière des développements en matière de sécurité générale. Bien que la décision soit du ressort des autorités nationales, les Alliés concernés reconnaissent l'intérêt que présente la poursuite du financement, par les Etats-Unis, des activités de recherche et de développement consacrées à un successeur du missile Lance à courte portée, s'agissant de préserver les options qui, à cet égard, s'offrent à eux.

Forces conventionnelles

50. Comme le montrent le document diffusé au sommet de mars 1988 et celui que l'Alliance a publié en novembre 1988 sur les données relatives aux forces conventionnelles, la présence militaire de l'Union soviétique sur le continent européen constitue, par son ampleur qui dépasse de loin les simples nécessités de défense, un défi direct pour notre sécurité et pour nos aspirations à un ordre pacifique en Europe. Des niveaux de forces aussi excessifs risquent de donner lieu à de l'intimidation politique ou à des menaces d'agression. Tant qu'ils existent, ils constituent un obstacle à l'amélioration des relations politiques entre tous les Etats d'Europe. Au surplus, le défi pour notre sécurité ne vient pas seulement de la supériorité numérique des forces du Pacte de Varsovie. Les chars, les pièces d'artillerie et les véhicules blindés de transport de troupes du Pacte de Varsovie sont concentrés en grandes unités et sont déployés de façon à donner au Pacte la possibilité d'attaquer par surprise et de mener des opérations offensives de grande envergure. La publication récente par le Pacte de Varsovie de son évaluation de l'équilibre militaire en Europe est certes bienvenue; néanmoins, beaucoup d'incertitude et de secret demeurent au sujet des véritables moyens et intentions du Pacte.

51. Face à ces préoccupations, les Alliés ont pour principaux objectifs d'établir un équilibre stable et sûr des forces conventionnelles en Europe à des niveaux réduits, tout en instaurant davantage de transparence en ce qui concerne l'organisation et les activités militaires en Europe.

52. Dans le cadre de la négociation sur les Forces conventionnelles en Europe (FCE), à laquelle participent les 23 membres des deux alliances, les Alliés proposent :

- des réductions jusqu'à une limite globale pour l'ensemble des armements existants en Europe, en particulier pour les systèmes les plus menaçants, à savoir ceux qui permettent de s'emparer d'un territoire et de l'occuper;
- sur cet ensemble d'armements, une limite à la proportion d'armements pouvant appartenir à un même pays en Europe (étant donné que la sécurité et la stabilité de l'Europe exigent qu'aucun Etat n'aille au-delà de ce que nécessite légitimement sa défense);
- une limite concernant les forces stationnées (ce qui réduirait la concentration et le déploiement en avant des forces soviétiques en Europe de l'Est); et

- des sous-limites numériques appropriées concernant les forces et devant s'appliquer simultanément dans toute la zone de l'Atlantique à l'Oural.

Au total, ces mesures nécessiteront d'importantes réductions des forces conventionnelles du Pacte de Varsovie qui menacent le plus l'Alliance. Les réductions ainsi déterminées devront être incontournables, c'est-à-dire qu'il faudra, par exemple, veiller à ce que les armements supprimés soient détruits ou autrement éliminés. Les mesures de vérification devront donner à tous les Etats l'assurance que l'on n'ira pas au-delà des dotations autorisées.

53. Toutefois, ces seules mesures ne garantiront pas la stabilité. Le régime des réductions devra être complété par des dispositions supplémentaires devant comprendre des mesures de transparence, de notification et de contrainte appliquées au déploiement, aux dépôts, aux mouvements, à l'état de préparation et à la disponibilité des forces conventionnelles.

54. Dans les négociations sur les MDCS, les Alliés cherchent à maintenir la dynamique créée par le succès de la mise en oeuvre du document de Stockholm, en proposant un ensemble complet de mesures visant à améliorer :

- la transparence à propos de l'organisation militaire;
- la transparence et la prévisibilité des activités militaires;
- les contacts et la communication;

et ils ont également proposé un échange de vues sur la doctrine militaire dans le cadre d'un séminaire.

55. La mise en oeuvre des propositions faites par les Alliés dans le cadre des négociations sur les FCE et sur de nouvelles mesures de confiance et de sécurité permettrait de réaliser un net progrès pour la sécurité européenne. Il en découlerait des conséquences importantes et positives pour la politique de l'Alliance dans le domaine de la défense comme dans celui de la maîtrise des armements. L'issue de la négociation sur les FCE fournirait un cadre pour déterminer la structure de forces dont l'Alliance aura besoin pour remplir son objectif fondamental, qui est de préserver la paix dans la liberté. En outre, les Alliés seraient disposés à envisager d'autres mesures favorables à la stabilité et à la sécurité si les objectifs immédiats de la négociation sur les FCE étaient atteints - par exemple des mesures qui consisteraient à réduire ou à limiter encore des armements et des matériels conventionnels, ou à restructurer les forces armées de façon à accroître le potentiel défensif et à réduire davantage les moyens offensifs.

56. Les Alliés se félicitent que l'Union soviétique et d'autres membres du Pacte de Varsovie se soient déclarés disposés à réduire leurs forces et à ajuster leur dispositif militaire pour lui conférer un caractère défensif, et ils attendent la mise en oeuvre de ces mesures. Celle-ci représenterait une étape vers l'élimination du déséquilibre des niveaux de forces qui prévaut en Europe, et vers une réduction des moyens d'attaque par surprise dont dispose le Pacte de Varsovie. Les mesures annoncées montrent que l'Union soviétique et

d'autres membres du Pacte de Varsovie reconnaissent l'existence du déséquilibre conventionnel, que les Alliés désignent depuis longtemps comme un problème fondamental pour la sécurité européenne.

Armes chimiques

57. L'arsenal de guerre chimique de l'Union soviétique représente une menace massive. Les Alliés sont résolus à conclure au plus tôt, à l'échelle mondiale, un accord d'interdiction complète et effectivement vérifiable de toutes les armes chimiques.

58. Tous les Etats membres de l'Alliance adhèrent aux dispositions du Protocole de Genève concernant la prohibition d'emploi à la guerre des gaz asphyxiants, toxiques ou similaires et de moyens bactériologiques, auquel tous les Etats membres de l'Alliance sont parties. La Conférence de Paris sur l'interdiction des armes chimiques a permis de réaffirmer l'importance des engagements pris en vertu du Protocole de Genève et de traduire la volonté unanime de la communauté internationale de prévenir tout recours aux armes chimiques par l'élimination totale de celles-ci à une date rapprochée.

59. Les Alliés souhaitent interdire non seulement l'usage de ces armes horribles, mais aussi leur mise au point, leur production, leur stockage et leur transfert, et obtenir que les armes chimiques et les installations de production existantes soient détruites dans des conditions qui garantissent à tous les participants, aux diverses phases du processus, une sécurité non diminuée. Ce sont là les objectifs poursuivis à la Conférence du désarmement, à Genève. En attendant un accord sur une interdiction universelle, les Alliés exerceront des contrôles sévères sur l'exportation des produits qui sont liés à la fabrication des armes chimiques. Ils s'efforceront également d'inciter les Etats à plus de transparence en ce qui concerne les arsenaux chimiques, afin que s'instaure une confiance accrue dans l'efficacité d'une interdiction universelle.

V. CONCLUSIONS

Relations entre la maîtrise des armements et la défense

60. L'Alliance est résolue à poursuivre une approche globale de la sécurité comprenant à la fois la maîtrise des armements, le désarmement et la défense. Il importe donc de veiller à ce que soient pleinement considérées les relations qui existent entre les questions de maîtrise des armements et les impératifs de défense, ainsi qu'entre les divers domaines de la maîtrise des armements. Les propositions portant sur tel ou tel domaine de la maîtrise des armements devront tenir compte de leurs implications sur les intérêts de l'Alliance en général et sur d'autres négociations. Il s'agit d'un processus permanent.

61. Les objectifs de défense et de maîtrise des armements doivent absolument demeurer en harmonie, afin de contribuer, de façon complémentaire, à atteindre l'objectif consistant à préserver la sécurité à des niveaux de forces équilibrés les plus bas possible, compte tenu des impératifs de la stratégie alliée de prévention de la guerre, et étant entendu que l'évolution de la

menace, des technologies et des circonstances politiques ont une influence sur les options qui s'offrent dans les deux domaines. Les décisions concernant la maîtrise des armements doivent pleinement tenir compte des impératifs de la stratégie de dissuasion des Alliés. De la même façon, la maîtrise des armements doit être prise en compte dans les plans militaires, qui devront être établis en pleine connaissance des objectifs visés par les négociations sur la maîtrise des armements, et qui devront refléter les résultats obtenus dans ces négociations.

62. Dans chaque domaine de la maîtrise des armements, l'Alliance cherche à accroître la stabilité et la sécurité. Toutefois, les négociations en cours sur les systèmes nucléaires stratégiques, sur les forces conventionnelles et sur les armes chimiques sont indépendantes les unes des autres : le résultat de l'une ne dépend pas du progrès d'une autre. Elles peuvent, cependant, influencer les unes sur les autres : les critères établis et les accords conclus dans un domaine de la maîtrise des armements peuvent avoir des incidences dans d'autres domaines et faciliter ainsi la réalisation de progrès sur le plan global. Ceci pourrait avoir un effet sur les possibilités offertes en matière de maîtrise des armements et sur les forces nécessaires à la mise en oeuvre de la stratégie de l'Alliance, mais aussi contribuer de façon générale à créer un environnement militaire plus prévisible.

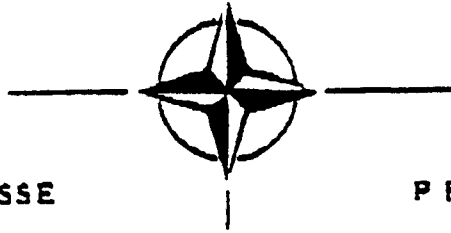
63. Les Alliés cherchent à gérer l'interaction des divers éléments de la maîtrise des armements en veillant à ce que l'élaboration, la poursuite et la réalisation de leurs objectifs dans chacun des domaines soient cohérents entre eux et conformes aux principes directeurs de l'Alliance relativement à une maîtrise des armements efficace. Par exemple, la façon dont les limites et les sous-limites START sont appliquées dans le détail pourrait avoir une incidence sur la flexibilité future des forces nucléaires substratégiques de membres de la structure militaire intégrée. Un accord sur les FCE apporterait, en lui-même, une contribution majeure à la stabilité. Ceci serait encore sensiblement amélioré par la réalisation d'une interdiction universelle des armes chimiques. Le développement de mesures de confiance et de sécurité pourrait influencer sur les mesures de stabilisation envisagées dans le cadre des négociations sur les Forces conventionnelles en Europe et vice versa. L'élimination du déséquilibre des forces conventionnelles permettrait d'envisager de nouvelles réductions des forces nucléaires substratégiques de membres de la structure militaire intégrée, sans que ces forces perdent pour autant leur caractère nécessaire. De la même façon, elle pourrait également rendre envisageables d'autres mesures de maîtrise des armements conventionnels.

64. Le présent rapport établit le cadre conceptuel global à l'intérieur duquel les Alliés s'attacheront à la réalisation de progrès dans chaque domaine de la maîtrise des armements. En cela, leur objectif fondamental sera l'accroissement de la sécurité à des niveaux moins élevés de forces et d'armements. Considéré comme un tout, le programme allié de maîtrise des armements constitue une démarche cohérente et complète en vue d'accroître la sécurité et la stabilité. C'est un programme ambitieux, mais nous croyons que - moyennant une réponse constructive des Etats du Pacte de Varsovie - il peut être intégralement réalisé dans les années à venir. En poursuivant cet objectif, l'Alliance sait qu'elle ne peut se permettre de fonder sa sécurité sur des résultats escomptés pour l'avenir en matière de maîtrise des armements.

Cependant, les Alliés seront prêts à tirer les conséquences appropriées en ce qui concerne leur propre dispositif militaire, à mesure qu'ils se rapprocheront concrètement, par la maîtrise des armements, d'une réduction quantitative et qualitative sensible de la menace militaire qui pèse sur eux. La réalisation du programme des Alliés en matière de maîtrise des armements apporterait déjà, en soi, des résultats très bénéfiques, mais elle pourrait, en outre, conduire à un élargissement de la coopération avec l'Est dans d'autres domaines. De plus, la maîtrise des armements est un processus dynamique; au fur et à mesure que des accords seront éventuellement conclus dans chacun des domaines évoqués plus haut, de nouvelles perspectives de maîtrise des armements pourront alors s'ouvrir, rendant possibles de nouveaux progrès.

65. Comme on l'a fait observer plus haut, la vision que les Alliés ont de l'Europe est celle d'un continent non divisé, où les forces armées n'existent que pour prévenir la guerre et assurer la légitime défense, un continent qui ne vive plus dans l'ombre de forces militaires massives ni sous la menace d'une guerre, un continent où la souveraineté et l'intégrité territoriale de tous les Etats soient respectées et où les droits de tous les individus - y compris leur droit au choix politique - soient protégés. Cet objectif ne peut être atteint que par étapes, et il faudra pour cela des efforts patients et créatifs. Les Alliés sont résolus à continuer de travailler dans ce sens. Atteindre les objectifs de l'Alliance en matière de maîtrise des armements représenterait une contribution majeure à la réalisation de cette vision.

N A T O



O T A N

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DECLARATION SUR LA REUNION MINISTERIELLE
DU CONSEIL DE L'ATLANTIQUE NORD
TENUÉ A REYKJAVIK
(les 11 et 12 juin 1987)

1. Nous nous sommes réunis alors que l'évolution des relations Est-Ouest laisse entrevoir la possibilité de progrès réels, surtout dans le domaine de la maîtrise des armements. Nous nous félicitons de cette évolution et nous ferons en sorte qu'elle conduise à plus de sécurité et de stabilité. Nous décelons certains signes encourageants dans la politique intérieure et extérieure de l'Union soviétique. Nous estimons que le véritable critère d'évaluation des intentions des Soviétiques sera leur comportement dans tous les domaines, des droits de l'homme à la maîtrise des armements.

Nous réaffirmons la valeur des principes complémentaires énoncés dans le rapport Harmel de 1967. L'existence d'un potentiel militaire adéquat et le maintien de la cohésion et de la solidarité de l'Alliance restent un fondement essentiel de notre politique de dialogue et de coopération qui vise à rendre progressivement plus stables et plus constructives les relations Est-Ouest.

2. La persistance d'importants déséquilibres des moyens conventionnels, chimiques et nucléaires, et le renforcement constant de la puissance militaire soviétique sont toujours préoccupants. Nous réaffirmons qu'il n'existe pas - à échéance prévisible - d'autre solution que l'approche adoptée par l'Alliance pour prévenir la guerre, c'est-à-dire la stratégie de dissuasion, fondée sur une combinaison appropriée de forces nucléaires et conventionnelles adéquates et efficaces, ces deux éléments étant indispensables. Cette stratégie continuera à reposer sur le lien entre la sécurité d'une Europe libre et celle de l'Amérique du Nord, dont les destinées sont indissociables. A ce titre, l'engagement nucléaire des Etats-Unis, la présence de forces nucléaires de ce pays en Europe ⁽¹⁾ et le déploiement de forces du Canada et des Etats-Unis en Europe demeurent essentiels.

3. La maîtrise des armements et le désarmement font partie intégrante de notre politique de sécurité; nous recherchons la conclusion d'accords de maîtrise des armements effectivement vérifiables, susceptibles de déboucher sur un équilibre plus stable et plus sûr à des niveaux de forces moins élevés.

1) La Grèce rappelle sa position sur les questions nucléaires.

4. Nous rappelons l'importance primordiale que nous attachons à l'accomplissement de progrès rapides vers des réductions dans le domaine des armes nucléaires stratégiques. Nous nous félicitons donc de voir que les Etats-Unis et l'Union soviétique poursuivent aujourd'hui le même objectif, à savoir la réduction de 50 % de leurs arsenaux stratégiques. Nous accueillons avec satisfaction la présentation par les Etats-Unis, à Genève, d'une proposition à cet effet et nous invitons instamment l'Union soviétique à y réagir de façon positive.

Nous avons examiné l'état actuel des négociations que les Etats-Unis et l'Union soviétique mènent à Genève sur des systèmes défensifs et spatiaux, qui visent à prévenir une course aux armements dans l'espace et à renforcer la stabilité stratégique. Nous continuons à soutenir ces efforts.

5. Nous prenons note de l'avancement des travaux de la conférence du désarmement, à Genève, qui a pour objectif l'interdiction générale des armes chimiques. Nous restons résolus à conclure rapidement un accord sur un traité complet, effectivement vérifiable, prévoyant, à l'échelle mondiale, la destruction de tous les stocks existants d'armes chimiques, dans un délai agréé, et l'interdiction de la production ultérieure de ces armes.

6. Reconnaisant l'importance croissante de la stabilité conventionnelle, en particulier à un moment où des réductions significatives des arsenaux nucléaires paraissent possibles, nous rappelons les initiatives prévues dans les déclarations de Halifax et de Bruxelles pour obtenir un équilibre global et stable des forces conventionnelles qui se situe à des niveaux moins élevés et qui soit vérifiable. Nous rappelons également que des négociations sur la stabilité conventionnelle doivent s'accompagner de négociations, entre les trente-cinq pays participant à la CSCE, qui exploitent et développent les mesures de confiance et de sécurité contenues dans l'Acte final d'Helsinki et l'Accord de Stockholm. Nous sommes convenus que les deux négociations futures en matière de sécurité devront s'inscrire dans le processus de la CSCE, étant entendu que les négociations sur la stabilité conventionnelle devront rester autonomes pour ce qui est de leur objet, de la participation et des procédures. Dans l'esprit de ces accords, nous avons pris les décisions nécessaires pour permettre au Groupe de travail de haut niveau sur la maîtrise des armements conventionnels, qui a été établi à la réunion ministérielle de Halifax, d'accélérer ses travaux sur les projets de mandat qui seront présentés à la CSCE et dans le cadre des entretiens concernant un mandat relatif à des négociations sur la stabilité conventionnelle, qui se tiennent actuellement à Vienne.

7. Ayant examiné les progrès accomplis dans les négociations entre les Etats-Unis et l'Union soviétique visant à un accord sur les FNI, les Alliés concernés engagent l'URSS à renoncer à exiger le maintien d'une partie de ses SS-20 et réaffirment qu'ils souhaitent l'élimination de tous les missiles à longue portée, basés à terre, ce qui correspond à un objectif que l'OTAN poursuit depuis longtemps.

Ils souscrivent à l'élimination totale et effectivement vérifiable de tous les missiles des FNI américaines et soviétiques à courte portée - c'est-à-dire de 500 à 1000 km - basés à terre, qui doit faire partie intégrante d'un accord sur les FNI.

Ils considèrent qu'un accord sur les FNI ainsi conçu tiendrait une place importante dans un concept cohérent et global de maîtrise des armements et de désarmement qui, tout en respectant la doctrine alliée de la riposte graduée, prévoirait :

- la conclusion, dans le cadre des négociations qui se déroulent actuellement à Genève, d'un accord portant sur une réduction de 50 % des armements nucléaires offensifs stratégiques des Etats-Unis et de l'Union soviétique;
- l'élimination totale des armes chimiques;
- l'instauration de niveaux de forces conventionnelles stables et sûrs, par la suppression des disparités, dans l'ensemble de l'Europe;
- parallèlement à l'établissement d'un équilibre des forces conventionnelles et à l'élimination totale des armes chimiques, des réductions sensibles et vérifiables des systèmes américains et soviétiques de missiles nucléaires à courte portée basés à terre, devant conduire à des plafonds égaux.

8. Nous (1) avons chargé le Conseil de l'Atlantique Nord en session permanente d'étudier, avec la collaboration des autorités militaires compétentes, la manière de poursuivre la mise au point d'un concept global de maîtrise des armements et de désarmement. L'Alliance rencontre, dans le domaine de la maîtrise des armements, des problèmes complexes et interdépendants qu'elle doit évaluer simultanément, en tenant compte du progrès général des négociations sur la maîtrise des armements dont il est question ci-dessus, ainsi que des impératifs de sécurité de l'Alliance et de sa stratégie de dissuasion.

9. Recherchant toutes les possibilités de nouer un dialogue de plus en plus large et constructif, qui fasse droit aux préoccupations des peuples à l'Est comme à l'Ouest, et fermement convaincus que les moyens militaires ne peuvent, à eux seuls, créer les conditions de stabilité propres à garantir la paix et la sécurité en Europe, nous attachons une grande importance au processus de la CSCE. Nous sommes donc déterminés à tirer parti de toutes les ressources qu'offre la réunion de Vienne sur les suites de cette Conférence.

La mise en œuvre intégrale de toutes les dispositions agréées par les trente-cinq Etats participant au processus de la CSCE, en particulier dans le domaine des droits de l'homme et des contacts entre les personnes, demeure l'objectif fondamental de l'Alliance et est essentielle au développement fructueux des relations Est-Ouest dans tous les domaines. Rappelant nos propositions constructives, nous poursuivrons nos efforts tendant à convaincre les pays de l'Est de tenir leurs engagements.

1) Dans ce contexte, la France a rappelé qu'elle n'était pas partie à la double décision de 1979 et qu'elle n'est donc pas engagée par ses suites ou ses implications.

Nous continuerons à faire en sorte que cette Conférence débouche, en temps voulu, sur des résultats substantiels.

10. Ceux d'entre nous qui participent aux pourparlers sur les MBFR réaffirment qu'ils souhaitent parvenir à un accord significatif prévoyant des réductions, des limitations et une vérification efficace, et ils appellent les pays participants du Pacte de Varsovie à donner une réponse positive aux propositions très importantes que l'Ouest a faites en décembre 1985 et à adopter une attitude plus constructive dans les négociations.

11. A l'occasion de la célébration du 750ème anniversaire de Berlin, nous soulignons notre solidarité avec cette ville qui continue à jouer un rôle important dans les relations Est-Ouest. L'amélioration concrète des relations interallemandes devrait bénéficier en particulier aux Berlinois.

12. Il y a juste quarante ans, M. George Marshall, Secrétaire d'Etat des Etats-Unis, prononça à Harvard un discours d'une grande hauteur de vues. Les valeurs fondamentales qu'il y exposait, que nous partageons tous et qui devaient se traduire dans le plan Marshall, demeurent aussi essentielles qu'elles l'étaient alors.

13. Nous condamnons à nouveau le terrorisme sous toutes ses formes. Réaffirmant que nous sommes résolus à le combattre, nous estimons qu'une étroite coopération internationale est un moyen essentiel d'éliminer ce fléau.

14. L'appui de représentants parlementaires librement élus et, en dernier ressort, de l'opinion publique de nos pays contribue à renforcer notablement la cohésion de l'Alliance. Aussi soulignons-nous la grande importance du débat démocratique sur les problèmes intéressant l'Alliance et accueillons-nous avec satisfaction les échanges de vues sur ces sujets entre les parlementaires de nos pays, y compris au sein de l'Assemblée de l'Atlantique Nord.

15. Nous exprimons notre gratitude au gouvernement de l'Islande, qui apporte une contribution si importante à la sécurité des approches maritimes septentrionales de l'Alliance, pour la cordiale hospitalité qu'il nous a offerte.

16. La réunion du printemps de 1988 du Conseil de l'Atlantique Nord en session ministérielle se tiendra en Espagne, au mois de juin.

GERMAN DEMOCRATIC REPUBLIC

Working Paper

ASAT components and ways of verifying their prohibition

1. A prohibition of ASAT weapons would be an important step on the road towards preventing an arms race in outer space. In 1987 the German Democratic Republic and the Mongolian People's Republic submitted a proposal on "Main Provisions of a Treaty on the Prohibition of Anti-Satellite Weapons and on Ways to Ensure the Immunity of Space Objects" (CD/777). Such a prohibition could also be implemented stage-by-stage. To that end it is necessary to arrive at a clear definition of that weapon category and to identify the pertaining components. This task should be assigned to a group of scientific experts.

2. The term "ASAT weapon" means: "any device or installation based entirely or partially on land, sea, in the air and/or in outer space which is specifically designed and intended to destroy, damage or interfere with the normal functioning of space objects" (CD/OS/WP.14/Add.1). A wide range of technologies can be used for ASAT purposes. An important group is the so-called "conventional" ASAT weapons. As their technological development is highly advanced, prohibition of these weapons is of particular urgency. This paper deals with important components of that category of ASAT weapons and with ways of verifying their prohibition. The paper is designed to promote the discussion of definition issues with a view to speeding up the elaboration of an ASAT agreement.

Limits on space-based chemical rockets and mass accelerators

1. Assemblies of small rockets on space platforms

(i) Kind of space weapons or components

Small devices (launching bodies) to be launched by rockets from space platforms to destroy other objects in space.

(ii) Required acts to prevent such weapons

Observe a lower mass limit of launching bodies.

Limit the number of such launching bodies per space platform (possibly to three).

Renounce the guiding devices on such launching bodies which could aim at other objects in space.

Launching organizations should refrain from launching space platforms containing assemblies of small rockets. If relaunches from space platforms are necessary for space exploration or application purposes, that number should be limited to possibly three per platform. The re-launching devices should have no guiding sensors which could assist in homing in on objects in outer space at high speed.

(iii) Description of weapon and stage of development

Weapons of this kind do not yet exist in outer space but are completely in reach of current technology. Small rockets to be launched from space platforms against objects in space have to be understood as the weapons part of a comprehensive system, including detection, communications and guiding components. As a weapon system, the small rockets would be installed in assemblies on steerable platforms. The platform itself would possess communications, orientation and guiding devices. The rockets would be equipped with small homing devices.

(iv) Type of verification

Verification of this type of weapon is difficult. Monitoring of manoeuvres of the space platform and inspection in orbit by national technical means (NTM) should bring some degree of confidence. Reliable verification is, however, only possible through on-site inspection of the platform and its devices on the ground before launch. Early prohibition of tests in orbit would greatly support the process to prevent weapons, development and deployment.

2. Mass drivers (rail guns) on space platforms

(i) Kind of space weapons or components

Electromagnetic mass drivers (rail guns) on space platforms using small masses as projectiles.

(ii) Required acts to prevent such weapons

Refrain from launching mass drivers into outer space. Since there is, at least currently and in the near future, no need for electromagnetic mass drivers in non-weapon applications in near-Earth space, such devices should generally be prohibited on space platforms.

(iii) Description of weapon and stage of development

Devices of this kind are still in a laboratory development stage. No space weapon capability has been reached so far. The basic principle is that of accelerating a small mass of a few grammes in an electromagnetic field. The size of the linear accelerator is of the order of meters. In weapons mode the accelerator needs precise orientation towards the target.

(iv) Type of verification

Monitoring of in-orbit manoeuvres and inspection in orbit by NTM should bring some degree of confidence. The size of the accelerator sledge as well as of the power source should give some hints on their purpose. Reliable verification is, however, only possible through on-site inspection of the space platform before launch. Monitoring of experiments in space after launch is hardly feasible.

Limit on ground-based chemical rockets and mass accelerators

1. Limits on ground-based direct ascending missiles

(i) Kind of space weapons or components

Ground-launched, sea-launched or air-launched direct ascending missiles to destroy space objects by direct collision, explosion or projectile emission.

(ii) Required acts to prevent such weapons

Refrain from developing vehicles for high delta-v interception of space objects.

Refrain from testing devices in high delta-v intercept mode.

Distinguishing between normal rocket launches to reach high altitudes and high delta-v intercept missions is not an easy monitoring task. Therefore, the flight path of rocket missions should be kept outside a minimum distance (possibly 100 Km.) of objects in space.

(iii) Description of weapon and stage of development

Ground and air-launched devices of this kind are at the most advanced development stage in a weapon mode. Tests in ASAT, ABM and ATBM modes have already been carried out. They get their weapons capability by combining the launching and aiming devices. For altitudes up to about 1,000 Km. ground or air-launched carriers may be used. The entire procedure from missile launch to intercept would take about 10 minutes. For higher altitudes large ground-launched rockets carrying the homing device are necessary. Interception of an object in geostationary orbit would take about one hour.

Missiles with homing devices for high delta-v intercept have to be understood as the weapons part of a comprehensive early detection, aiming and pointing system of space-based and land-based components with extensive communication among the system's elements.

(iv) Type of verification

Effectively monitoring compliance with a prohibition on this kind of weapon is difficult. Installation and preparation of large ground-launched rockets for high altitude intercept can, to a certain degree, be monitored by NTM. If the launching sites are known, a close on-site inspection would further reduce uncertainty.

Weapon systems using small carriers and, in particular, the air-launched missiles are, however, hardly accessible to NTM. Even on-site inspections in the vicinity of launching aircraft can easily be circumvented by covert stockpiling. Only field tests of the system can be monitored by NTM and other means. A fully developed and field-tested weapon system poses nearly insurmountable verification problems. Therefore, the most effective way to verify compliance with an effective ban is to prohibit immediately any further testing of such weapon systems, since they are not operational yet.

This is a chance for an effective monitoring system for adequate verification minimizing the residual risk. The gap between verifiability and acceptability would widen with each further field test until a threshold is skipped where effective verification is no longer feasible.

2. Ground-based mass drivers (rail guns)

(i) Kind of space weapons or components

Ground-based electromagnetic mass drivers (rail guns) using small masses as projectiles.

(ii) Required acts to prevent such weapons

Refrain from using projectiles of ground-based mass drivers against space objects.

(iii) Description of weapon and stage of development

Devices of this kind are still in a laboratory stage of development. No space weapon capability has been reached so far. The size of the linear accelerator is of the order of meters. In weapons mode, the accelerator sledge needs precise pointing towards the target.

(iv) Type of verification

Close monitoring of the surface activities using NTM could bring some confidence. The required level of security for adequate verification can, however, only be achieved by on-site inspection.

Space mines and collision bodies

1. Space mines

(i) Kind of space weapons or components

Space mines are devices which manoeuvre close to a target spacecraft and explode on command, destroying the target with the debris from the explosion.

(ii) Required acts to prevent such weapons

Refrain from:

developing devices with exploding mechanisms aimed at destroying space objects;

launching such devices;

manoeuvring such devices close to space objects.

Explosives on board of space objects should only be used in a very limited mode. Any unnecessary creation of debris should be avoided. The dedicated development of exploding mechanisms for collision purposes by debris as a result of the explosion should be strictly prohibited. Launching such devices into outer space should be avoided. Manoeuvring of such devices close to a space object and any test of the device should be strictly prohibited. A keep-out zone around the space object of a radius of several kilometres might be sufficient, say, for conventional explosives in order to prevent reliable testing.

(iii) Description of weapon and stage of development

Space mines would constitute a typical ASAT weapon. They are manoeuvrable objects deployed in space covertly or openly only for the purpose of destroying distinct space objects on command. For an attack, the space mine would change its orbit to approach the target satellite with support from ground-based and space-based tracking systems and on-board homing sensors. The technology necessary to develop this weapon system is currently available. Launching procedures and manoeuvres close to a target space object would be easily detectable by tracking systems and space sensors but could hardly be distinguished from normal orbital rendezvous procedures.

(iv) Type of verification

Effectively monitoring compliance with a prohibition agreement is a difficult task. The most promising procedure would be the observance of keep-out zones around space objects of other States incorporated in a general framework of rules of the road in outer space.

Such behaviour can be monitored by NTM.

Tests of the manoeuvring part of a space mine mission can, however, hardly be distinguished from rendezvous procedures.

A measure that would ease the verification process would be the early prohibition of space mine tests. This would prevent development and deployment of effective space mines. Prior notification of planned launches and orbital changes in conjunction with on-site inspections before launch would considerably lower the remaining risk of the verification process.

2. Manoeuvrable collision bodies

(i) Kind of space weapons or components

Collision bodies are space objects placed in orbit which are capable of changing their position and approaching other space objects at high speed. Relative velocities in excess of one meter per second would, for some space objects, be sufficient to cause irreversible damage.

(ii) Required acts to prevent such weapons

Prohibition of devices on board of space objects for homing in at high speed.

Refrain from homing-in tests at high velocity.

Strictly observe keep-out zones around space objects of other States.

Since collisions at any speed are not necessary for exploration purposes and non-weapon applications, such manoeuvres should generally be prohibited. To that end, it would be necessary neither to develop nor test devices for homing-in procedures at high speed. Approaches of space objects at high speed should be kept outside a minimum distance (possibly 100 Km.).

(iii) Description of weapon and stage of development

A manoeuvrable collision body incorporates some features of a space mine and some of a space-based or ground-based collision device. A weapon of this kind would possess a high degree of manoeuvrability and a precise homing device. Strict observance of a keep-out zone around possible target spacecraft would effectively prevent weapon mode applications. Many existing spacecraft possess, to a certain degree, the capability to be used in a weapon mode of this kind. As a weapon system, however, they are not very efficient.

(iv) Type of verification

Verification that could effectively monitor compliance with an agreement prohibiting development and deployment is difficult. Tests of such a system would only partly be amenable to NTM. Inspection of the spacecraft before launch would not considerably enhance the level of confidence. Monitoring of the observance of keep-out zones is, however, effectively feasible through NTM.

3. Forming clouds of small collision bodies

(i) Kind of space weapons or components

Clouds formed by a large number of small collision bodies (metal pellets).

(ii) Required acts to prevent such weapons

Refrain from intentional injection of pellets into outer space.

Reduce explosions in outer space to the lowest level possible in order not to create debris.

Any intentional ejection of small bodies from spacecraft in outer space should strictly be prohibited. Aiming devices for projectile emission from spacecraft should neither be developed nor deployed. The production of debris by explosion or normal operation of spacecraft should be kept to an absolute minimum.

(iii) Description of weapon and stage of development

A weapons application of this kind would consist of a spacecraft capable of emitting a large number of small metal pellets which would be directed towards a target space object in the form of a narrow beam or by spreading over a large area and would cause damage by collision. This could even be extended to endangering a whole region of orbits, such as the geostationary orbit zone. Even in relatively small quantities such collision bodies would pose potential danger to any space mission that crosses the cloud of pellets.

(iv) Type of verification

Effective verification of compliance with an agreement prohibiting application of clouds of small collision bodies would only be possible by on-site inspection of the spacecraft before launch. Deployment in space of such pellets can hardly be monitored because of their small radar and optical cross sections.

HUNGARY

WORKING PAPER

Suggested Scopes for the Prohibition of Radiological Weapons

Assessing the negotiations on the Prohibition of Radiological Weapons and on the Prohibition of Attacks on Nuclear Facilities carried on in the Ad Hoc Committee on Radiological Weapons the Delegation of Hungary considers that an adequate amount of material has been accumulated in connection with the elements on the scope of prohibition of both tracks "A" and "B". The elements which could be included into the scope of the future instrument or instruments appear at present in the form of alternatives. At an appropriate stage of negotiations it becomes inevitable to start drawing up a single formulation for the scope of both subject matters. The present working paper represents an attempt - with illustration purposes - to suggest a practical solution for working out a single formulation for the scope for track "A" and "B" respectively based on the elements appearing in the working documents under consideration in the contact groups of the Ad Hoc Committee on Radiological Weapons.

I. Track "A"

Paragraph 1

Each State Party to this Treaty undertakes never under any circumstances to employ deliberately, by its dissemination, including its dumping, any radioactive material, to cause destruction, damage, or injury through the radiation produced by the natural decay of such material.

Paragraph 2

Each State Party to this Treaty undertakes never under any circumstances to develop, produce, stockpile, otherwise acquire or possess:

(a) Any device, including any weapon or equipment, specifically designed to employ radioactive material by its dissemination, or dumping to cause destruction, damage, or injury through the radiation produced by the natural decay of such material;

(b) Any radioactive material specifically prepared, configured or designed for employment, by its dissemination or dumping, to cause destruction, damage, or injury through the radiation produced by the natural decay of such material.

Paragraph 3

Each State Party to this Treaty also undertakes not in any way to assist, encourage, or induce any person, State, group of States, or international organization to engage in any of the activities which it has undertaken not to engage in under the provisions of the Treaty.

Paragraph 4

Each State Party to this Treaty undertakes, in accordance with its constitutional procedures, to take any measures which it considers necessary anywhere under its jurisdiction or control:

(a) to prohibit and prevent any of the activities which for a State Party would constitute a violation of the obligations undertaken by it under the provisions of this Treaty;

(b) to prohibit and prevent the diversion of radioactive materials that might be used for employment prohibited under the provisions of this Treaty;

(c) to prevent the loss of radioactive materials that might be used for employment prohibited under the provisions of this Treaty.

II. Track "B"

Paragraph 1

Each State Party to this Treaty undertakes never under any circumstances to attack nuclear facilities referred to in Paragraph ... thereby causing deliberately the release of the radioactive material contained therein.

PERU

DRAFT CONVENTION ON THE PROHIBITION OF ATTACKS AGAINST NUCLEAR INSTALLATIONS

States Parties to this Convention,

Reaffirming their commitment to maintain and strengthen international peace and security and to promote friendship and co-operation in their international relations;

Reaffirming the principle of the Charter of the United Nations according to which Members shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or any other manner inconsistent with the purposes of the United Nations;

Recalling article 56, paragraph 1 of the Additional Protocol to the Geneva Conventions of 12 August 1949, which inter alia, prohibits attacks against nuclear electrical generating stations;

Conscious of the need to promote confidence-building measures between States as a means of establishing international goodwill and mutual trust;

Bearing in mind the commitment assumed in the Final Document adopted by the General Assembly at its First special session devoted to Disarmament, on 1 July 1978, to make progress towards general and complete disarmament:

Have agreed as follows:

ARTICLE I

1. Each State Party undertakes to refrain from carrying out, encouraging or authorizing, attacks against the nuclear installations or facilities of any other State Party, or from participating therein in any way.
2. Each State Party shall also refrain from threatening to attack the nuclear installations or facilities of another State Party, whatever its intention may be and whether or not there is a latent risk of destruction or damage to those installations or facilities.

ARTICLE II

1. For the purpose of this Convention, a "nuclear installation or facility" means a nuclear reactor or any other installation or facility for the production, handling, treatment, processing or storage of nuclear fuel or other nuclear material, radioactive or not, situated within the territory of any State Party or under its jurisdiction and control.

2. Each State Party shall communicate to the Depositary before 31 March of each calendar year, the geographical location (latitude and longitude) of each of its nuclear installations or facilities, indicating its function or purpose. This information will remain valid until 31 March of the following calendar year.

ARTICLE III

The Depositary of this Convention shall be the Secretary-General of the United Nations. The Depositary shall maintain an annual Register of nuclear installations or facilities covered by the provisions of this Convention and shall transmit certified copies thereof to each State Party to the Convention before 31 May every year.

ARTICLE IV

1. A State Party may lodge a complaint with the Depositary against any other State Party that has acted in breach of its obligations deriving from the provisions of the Convention. Such a complaint shall include all relevant information and all possible evidence supporting the validity of the complaint.

2. Within 48 hours of the receipt of a complaint, the Depositary shall initiate, with the co-operation of qualified experts, an investigation, including arrangements for a fact-finding mission in situ.

3. States Parties undertake to co-operate in carrying out the investigation which the Depositary may initiate on a complaint received from any other State Party.

4. The report on the investigation carried out by the Depositary will be examined by the Conference of States Parties which will adopt such measures as may be appropriate. The Depositary shall convene the Conference of States Parties at the earliest possible date, but not later than 15 days following the submission of the report.

5. For the purposes of this Article, a list of qualified experts shall be established by the Depositary as soon as the Convention enters into force. It will consist of 15 qualified experts selected on as wide a political and geographical basis as possible.

ARTICLE V

This convention may not be subject to reservations.

ARTICLE VI

A State Party may provide assistance to any State Party harmed as a result of the violation of the obligations stipulated in this Convention.

ARTICLE VII

The Convention shall be open indefinitely for signature to all States. It is subject to ratification by signatory States, in accordance with their constitutional procedures. It shall enter into force upon the deposit of the 30th instrument of ratification. For each State Party whose instrument of ratification or accession is deposited after the entry into force of the Convention, it shall enter into force on the day of the deposit of its instrument of ratification or accession.

ARTICLE VIII

This convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations. The Depositary shall notify the States Parties of the signatories and ratifications to this convention.

DONE AT THIS DAY OF, ONE THOUSAND
NINE HUNDRED AND EIGHTY

CONFERENCE ON DISARMAMENT

CD/930
12 July 1989

Original: ENGLISH

LETTER DATED 6 JULY 1989 ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT BY THE REPRESENTATIVE OF THE FEDERAL REPUBLIC OF GERMANY TRANSMITTING THE TEXT OF THE JOINT STATEMENT OF 13 JUNE 1989 SIGNED IN BONN BY THE CHANCELLOR OF THE FEDERAL REPUBLIC OF GERMANY AND THE GENERAL SECRETARY OF THE CENTRAL COMMITTEE OF THE COMMUNIST PARTY OF THE SOVIET UNION AND CHAIRMAN OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS TOGETHER WITH THE TEXT OF THE JOINT DECLARATION ADOPTED ON 14 JUNE 1989 IN BONN BY THE MINISTER FOR FOREIGN AFFAIRS OF THE FEDERAL REPUBLIC OF GERMANY AND THE MINISTER FOR FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS

I have the honour to transmit to you herewith the text of the joint statement of 13 June 1989 signed in Bonn by the Chancellor of the Federal Republic of Germany, Helmut Kohl, and the General Secretary of the Central Committee of the Communist Party of the Soviet Union and Chairman of the Supreme Soviet of the Union of Soviet Socialist Republics, Mikhail Sergeyevich Gorbachev. In addition I include the text of the joint declaration adopted on 14 June 1989 in Bonn by Mr. Hans-Dietrich Genscher, Minister for Foreign Affairs of the Federal Republic of Germany, and Mr. Eduard Shevardnadze, Minister for Foreign Affairs of the Soviet Union.

I should be grateful if you would circulate both attached texts as an official document of the Conference on Disarmament.

(Signed): Dr. Paul Joachim von Stülpnagel
Ambassador

Joint statement dated 13 June 1989 of the Chancellor of the
Federal Republic of Germany and the General Secretary of the
Central Committee of the Communist Party of the Soviet Union

I

The Federal Republic of Germany and the Union of Soviet Socialist Republics are agreed that mankind faces historic challenges on the threshold to the third millenium. Problems of vital importance to all can only be resolved jointly by all States and peoples. This calls for new political thinking.

- The individual with his inherent dignity and his rights, as well as concern for the survival of mankind, must be the central elements of politics.

- The vast reservoir of creative energies and abilities of man and modern society must be utilized for the purpose of securing peace and prosperity for all countries and peoples.

- All wars, whether nuclear or conventional, must be prevented, conflicts in various regions of the world settled, and peace preserved and shaped.

- The right of all peoples and States to determine freely their destiny and to frame sovereignly their mutual relations on the basis of international law must be guaranteed. The precedence of international law in domestic and international politics must be ensured.

- Modern economic, scientific and technological findings offer unimagined possibilities that should benefit all mankind. The resultant risks and opportunities require common answers. It is therefore important to expand co-operation in all these fields, to dismantle further the trade barriers of all kinds, to seek new forms of collaboration and to make dynamic, mutually beneficial use of them.

- For the sake of present and future generations, the natural environment must be saved through resolute action and hunger and poverty in the world must be overcome.

- New threats, including epidemics and international terrorism, must be vigorously combated.

The two sides are determined to live up to their responsibility deriving from this recognition. Persistent differences in values and in political and social systems are not an obstacle to a forward-looking policy across the frontiers between the systems.

II

Europe has a prominent part to play in shaping a peaceful future. Although the continent has been divided for decades, the awareness of Europe's identity and common assets has endured and is becoming ever stronger. This development must be encouraged.

The Federal Republic of Germany and the Soviet Union consider it a paramount objective of their policies to continue Europe's historical traditions and thus contribute towards overcoming the division of Europe. They are resolved to elaborate jointly concepts for attaining this goal through the development of a Europe marked by peace and co-operation - a peaceful European order or a common European home - in which the United States of America and Canada also have their place. The Helsinki Final Act of the Conference on Security and Co-operation in Europe (CSCE) in all its parts, as well as the Madrid and Vienna concluding documents, chart the course for realizing this goal.

Europe, which suffered most from the two world wars, must set the world an example of stable peace, good-neighbourliness and constructive co-operation, which combines the capabilities of all countries, despite their different social systems, for the sake of the common weal. The countries of Europe can and should be able to live together without mutual fear and in peaceful competition.

A Europe of peace and co-operation must include the following:

- Unqualified respect for the integrity and security of every State, which has the right to choose freely its own political and social system, as well as unqualified respect for the norms and principles of international law, especially respect for the right of peoples to self-determination;

- Vigorous continuation of the process of disarmament and arms control. In this nuclear age, efforts must be aimed not only at preventing war, but also at shaping peace and making it more secure;

- A close dialogue covering all traditional and new aspects of bilateral and multilateral relations and including regular meetings at the top political level;

- The realization of human rights and the promotion of the exchange of people and ideas. This includes the expansion of town-twinning, transport and communication links, cultural contacts, travel and sports meetings, the promotion of language instruction and the favourable treatment of humanitarian matters, including the reunification of families and travel abroad;

- The expansion of direct contacts between young people and the commitment of the emerging generations to a peaceful future;

- Comprehensive economic co-operation for mutual advantage, including new forms of collaboration. The Joint Declaration of 25 June 1988 of the European Community and the Council for Mutual Economic Assistance and the normalization of

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relations between the European Community and the European members of the Council for Mutual Economic Assistance, as well as the political dialogue initiated between the Soviet Union and the 12 States members of the European Community, open up new prospects for a pan-European development in that direction;

- The progressive advancement of pan-European co-operation in various sectors, particularly transport, energy, health, information and communication;

- Intensive ecological co-operation and the exploitation of new technologies which, for the sake of mankind, prevent above all the emergence of cross-border hazards;

- Respect for and cultivation of the historical cultures of the peoples of Europe. This cultural diversity is one of the great treasures of the continent. National minorities in Europe, with their own cultures, are part of this wealth. Their legitimate interests deserve protection.

The Federal Republic of Germany and the Soviet Union call upon all CSCE participating States to take part in forming Europe's future architecture.

III

The Federal Republic of Germany and the Soviet Union declare that one's own security must not be obtained at the expense of the security of others. They therefore pursue the goal of eliminating the causes of tension and distrust through a constructive and forward-looking policy so that the feeling of being threatened that still exists today can be replaced gradually by a state of mutual trust.

The two sides acknowledge that every State has legitimate security interests, irrespective of its size and its ideological orientation. They condemn any hankering after military superiority. War must no longer be a political instrument. Security policy and armed forces planning must exclusively serve the purpose of reducing and eliminating the danger of war and of safeguarding peace with fewer weapons. This precludes any arms race.

The two sides are striving for the elimination of existing asymmetries through binding agreements, subject to effective international control, and for the reduction of military potentials to a stable balance at a lower level, which suffices for defence but not for attack. Above all, the two sides consider it necessary to rule out the capability of armed forces for launching surprise attack and initiating large-scale offensive action.

The Federal Republic of Germany and the Soviet Union advocate:

- A 50 per cent reduction of the strategic nuclear offensive weapons of the United States and the Soviet Union;

- Agreed American-Soviet solutions at the nuclear and space talks; this also applies to observance of the ABM Treaty;

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- The establishment of a stable and secure balance of conventional forces at a lower level, as well as agreement on further confidence- and security-building measures applicable to the whole of Europe;
- A world-wide, comprehensive and effectively verifiable ban on chemical weapons at the earliest possible date;
- Agreement as soon as possible on an effectively verifiable nuclear-test ban at the Geneva Conference on Disarmament; step-by-step progress towards this goal is desirable in the ongoing talks between the United States and the Soviet Union;
- The creation of further confidence-building measures, greater transparency of military arsenals and budgets, as well as effective international mechanisms for managing crises, including ones outside Europe.

IV

The Federal Republic of Germany and the Soviet Union realize, in view of Europe's history and its position in the world, as well as the weight that each country carries within its respective alliance, that the positive development of their mutual relations is of central importance to the situation in Europe and to East-West relations as a whole. In the desire to establish a lasting relationship of reliable good-neighbourliness, they intend to take up the good traditions of their centuries-old history. Their common goal is to continue, expand and deepen their fruitful co-operation and give it a new quality.

The Moscow Treaty of 12 August 1970 continues to form the foundation for the relationship between the two countries. The two sides will fully exploit the opportunities afforded by this Treaty and other agreements.

They have decided to expand consistently - on the basis of trust, equal rights and mutual advantage - the contractual foundations of their relations as well as their co-operation conducted in a spirit of partnership in all fields.

Berlin (West) takes part in the development of their co-operation, with the Quadripartite Agreement of 3 September 1971 being strictly observed and fully applied.

V

The Federal Republic of Germany and the Soviet Union, trusting in the long-term predictability of each other's policies, are determined to develop further their relations in all fields. They want to make the upward trend in their relations become stable and lasting.

This policy takes account of each side's treaty and alliance obligations; it is not directed against anyone. It is in line with the deep, long-cherished yearning of the peoples to heal the wounds of the past through understanding and reconciliation and to build jointly a better future.

Bonn, 13 June 1989

Helmut KOHL

Mikhail GORBACHEV

Joint declaration by the Ministers for Foreign Affairs of
the Federal Republic of Germany and of the Union of Soviet
Socialist Republics adopted at Bonn on 14 June 1989

The Federal Republic of Germany and the Soviet Union regard the early conclusion and entry into force of a convention on the global, comprehensive and effectively verifiable prohibition of chemical weapons as a priority goal of their arms control and disarmament efforts. They consider the Paris Conference on the Prohibition of Chemical Weapons to be a major step towards achieving that goal and underline the importance of the final declaration of that Conference.

Both sides agreed on the urgent necessity to translate the results of the Paris Conference into progress in the current negotiations of the Geneva Conference on Disarmament so that the convention on chemical weapons will be ready for signature at the earliest date. For their part, they express the intention to be among the original signatories of the convention.

The Federal Republic of Germany and the Soviet Union attach utmost importance to the establishment of strict international control that would ensure the highest degree of confidence among all participants that the convention's provisions are being complied with. The two sides declare their readiness to support any verification measure conducive to greater security. They are in favour of thoroughly elaborated procedures of systematic verification and the system of mandatory challenge inspections being included in the convention.

The two sides advocate a solution to the question of non-production of chemical weapons in industry that ensures a balance between the need for the most careful verification and the legitimate industrial and commercial interests of the participants in the convention. In this context, they welcome national and international test inspections for trying out verification procedures on the non-production of chemical weapons with a view to developing optimum verification procedures.

The Federal Republic of Germany and the Soviet Union attach special significance to confidence-building and regard practical measures in this field as an effective means of promoting the early conclusion of the convention. The two sides have agreed to step up efforts aimed at greater openness and further exchange of the data required for progress at the negotiations.

The Federal Republic of Germany and the Soviet Union have agreed to intensify bilateral discussions on all aspects of the prohibition of chemical weapons and for this purpose have agreed to hold their expert consultations at Geneva on a regular basis.

Both sides express their deep concern at the spread of chemical weapons. They agree that the entry into force of a global and comprehensive ban would be the only lasting solution to the problem of chemical weapons. Notwithstanding the

foregoing, they consider it an important task to take effective measures in the mean time to prevent the proliferation of chemical weapons. They concur that the continued spread of chemical weapons confronts the community of nations with grave responsibility that no Government can evade.

Совместное заявление Генерального секретаря Центрального Комитета
Коммунистической партии Советского Союза и Канцлера Федеративной
Республики Германия от 13 июня 1989 года

I

Союз Советских Социалистических Республик и Федеративная Республика Германия едины в том, что в преддверии третьего тысячелетия человечество оказалось перед историческим вызовом. Проблемы, имеющие жизненно важное значение для всех, могут быть решены всеми государствами и народами только сообща. Все это требует нового политического мышления.

- В центре внимания политики должны находиться человек с его достоинством и правами, забота о выживании человечества.

- Огромный потенциал творческих сил и способностей человека и современного общества должен быть использован для обеспечения мира и благополучия всех стран и народов.

- Должна быть предотвращена любая война - как ядерная, так и обычная, урегулированы конфликты в различных районах планеты, сохранен и надежно обеспечен всеобщий мир.

- Должно быть гарантировано право всех народов и государств свободно распоряжаться своей судьбой и суверенно строить отношения друг с другом на основе международного права. Должен быть обеспечен примат международного права во внутренней и международной политике.

- Достижения современной экономики, науки и техники открывают невиданные возможности, которые должны идти на пользу всем людям. Заключенные здесь как риск, так и шансы требуют совместных ответов. Поэтому важно расширять сотрудничество во всех этих областях, продолжать сокращать всякого рода препятствия на пути развития торговли, искать и динамично использовать к обоюдной выгоде новые формы взаимодействия.

- Нужны решительные действия для сохранения окружающей природной среды в интересах нынешнего и будущих поколений, голод и нищета в мире должны быть устранены.

- Необходимо энергично бороться с новыми опасностями, включая эпидемии и международный терроризм.

Стороны исполнены решимости оказаться на высоте ответственности, проистекающей из осознания этих обстоятельств. Имеющиеся различия в представлениях о ценностях, в политических и общественных порядках не являются преградой для проведения совместной политики, формирующей будущее и выходящей за рамки одной социальной системы.

II

Европе принадлежит исключительная роль в построении мирного будущего. Несмотря на продолжавшуюся десятилетиями разобщенность континента, сознание европейской самобытности и общности живет и набирает силу. Необходимо способствовать развитию этого процесса.

Советский Союз и Федеративная Республика Германия видят первоочередную задачу своей политики в том, чтобы, опираясь на исторически сложившиеся европейские традиции, способствовать преодолению разобщенности Европы. Они исполнены решимости совместно работать над поиском путей, ведущих к созданию Европы мира и сотрудничества - европейского мирного устройства, общего европейского дома, в котором есть место для США и Канады. Хельсинкский Заключительный акт во всех своих разделах, а также итоговые документы Мадридской и Венской встреч определяют курс к реализации этой цели.

Европа, которая больше всех пострадала от двух мировых войн, обязана показать пример поддержания стабильного мира, добрососедства и конструктивного сотрудничества, способного слить воедино на общее благо возможности всех государств, независимо от различий в их общественных системах. Европейские государства могут и должны жить совместно без страха друг перед другом, мирно соревнуясь между собой.

Элементами строительства Европы мира и сотрудничества должны быть:

- Безоговорочное уважение целостности и безопасности каждого государства. Право каждого свободно выбирать свою политическую и социальную систему. Безоговорочное соблюдение принципов и норм международного права, в частности, уважение права на самоопределение народов.

- Энергичное продолжение процесса разоружения и контроля над вооружениями. В ядерный век усилия должны быть направлены не только на то, чтобы предотвратить войну, но и на то, чтобы сформировать мир и сделать его более надежным.

- Насыщенный диалог, охватывающий все - как традиционные, так и новые - темы двусторонних и международных отношений, включая регулярные встречи на высшем политическом уровне.

- Осуществление прав человека и содействие обменам между людьми и обмену идеями. Сюда же относятся развитие партнерских связей между городами, транспортных сообщений и средств связи, культурных контактов, туристского и спортивного общения, поощрение изучения языков, а также благожелательное рассмотрение гуманитарных вопросов, включая воссоединение семей и поездки за границу.

- Развитие прямых контактов между молодежью и воспитание подрастающих поколений в приверженности идее построения мирного будущего.

- Широкое, взаимовыгодное экономическое сотрудничество, которое включало бы в себя и новые формы кооперации. Совместное заявление Совета Экономической Взаимопомощи и Европейского сообщества от 25 июня 1988 года и нормализация

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отношений между европейскими государствами - членами Совета Экономической Взаимопомощи и Европейским сообществом, а также начавшийся политический диалог между Советским Союзом и 12-ю государствами - членами Европейского сообщества открывают новые перспективы для общеевропейского развития в этом направлении.

- Поэтапное создание структур общеевропейского сотрудничества в различных областях, в частности транспорта, энергетики, здравоохранения, информации и коммуникаций.

- Интенсивное экологическое сотрудничество и использование новых технологий, которые в интересах людей предупреждали бы, в частности, возникновение трансграничных опасностей.

- Уважение и бережное отношение к исторически сложившейся культуре народов Европы. Ее многообразие является одним из великих сокровищ континента. Национальные меньшинства в Европе с их культурой являются частью этого достояния и заслуживают защиты их законных интересов.

Советский Союз и Федеративная Республика Германия обращаются ко всем государствам - участникам СБСЕ с призывом включиться в общую работу над будущей архитектурой Европы.

III

Советский Союз и Федеративная Республика Германия заявляют, что никто не должен строить собственную безопасность в ущерб безопасности других. Они будут поэтому стремиться устранять причины напряженности и недоверия посредством конструктивной, направленной в будущее политики, с тем чтобы еще сохраняющееся ощущение угрозы шаг за шагом сменялось атмосферой взаимного доверия.

Стороны признают, что каждое государство, независимо от его размеров или мировоззренческой ориентации, имеет свои законные интересы обеспечения безопасности. Они осуждают стремление к военному превосходству. Война не должна быть больше средством политики. Политика в вопросах безопасности и строительства вооруженных сил должна служить только уменьшению и устранению угрозы войны, обеспечению мира с меньшим количеством оружия. Это исключает гонку вооружений.

Обе стороны стремятся к устранению существующих асимметрий посредством обязующих договоренностей под эффективным международным контролем и к уменьшению военных потенциалов до стабильного равновесия на более низком уровне, который достаточен для обороны, но не для нападения. Обе стороны считают, в частности, необходимым исключить способность вооруженных сил для осуществления внезапного нападения и для начала крупномасштабных наступательных действий.

Советский Союз и Федеративная Республика Германия выступают за:

- 50-процентное сокращение стратегических наступательных ядерных вооружений США и Советского Союза,

- Согласованные советско-американские решения на переговорах по ядерным и космическим вооружениям; это касается также соблюдения Договора по ПРО,
- Установление стабильного, надежного равновесия обычных вооруженных сил на более низком уровне, а также согласование дальнейших мер по укреплению доверия и безопасности во всей Европе,
- Глобальный, всеобъемлющий и эффективно контролируемый запрет химического оружия в кратчайший срок,
- Согласование в кратчайший срок надежно контролируемого прекращения ядерных испытаний в рамках Женевской конференции по разоружению. Они приветствуют поэтапное приближение к этой цели в ходе текущих контактов между США и Советским Союзом,
- Введение дальнейших мер по укреплению доверия, за большую транспарентность военных потенциалов и оборонных бюджетов, а также за эффективные международные механизмы противодействия кризисам, в том числе кризисам за пределами Европы.

IV

Советский Союз и Федеративная Республика Германия, учитывая европейскую историю и положение Европы в мире, а также тот вес, которым каждая из сторон располагает в соответствующем союзе, сознают, что позитивное развитие их взаимоотношений имеет центральное значение для обстановки в Европе и для отношений между Востоком и Западом в целом. Желая надежно обеспечить отношения прочного добрососедства, они будут опираться на позитивные традиции своей многовековой истории. Их совместная цель состоит в том, чтобы продолжать, развивать и углублять плодотворное сотрудничество, придавая ему новое качество.

Московский договор от 12 августа 1970 года остается фундаментом взаимоотношений двух государств. Стороны будут полностью использовать заложенные в этом Договоре и других соглашениях возможности.

Они решили последовательно расширять договорную базу своих отношений и добиваться партнерского сотрудничества во всех областях на основе доверия, равноправия и взаимной выгоды.

Берлин (Западный) участвует в развитии сотрудничества при строгом соблюдении и полном применении положений Четырехстороннего соглашения от 3 сентября 1971 года.

V

Советский Союз и Федеративная Республика Германия, уверенные в долгосрочной предсказуемости политики друг друга, преисполнены решимости развивать далее свои взаимоотношения во всех направлениях. Они будут придавать поступательному развитию отношений между ними стабильность и прочность.

Эта политика учитывает договорные и союзнические обязательства сторон, она ни против кого не направлена. Она отвечает сокровенным и давним чаяниям народов залечить путем взаимопонимания и примирения раны прошлого и совместно построить лучшее будущее.

Бонн, 13 июня 1989 года

М. ГОРБАЧЕВ

Г. КОЛЬ

Совместное заявление министров иностранных дел Союза Советских Социалистических Республик и Федеративной Республики Германия, принятое в Бонне 14 июня 1989 года

Союз Советских Социалистических Республик и Федеративная Республика Германия рассматривают скорейшее заключение и вступление в силу Конвенции о полном, глобальном и поддающемся эффективному контролю запрещении химического оружия в качестве одной из приоритетных целей своих усилий по ограничению вооружений и разоружению. Они оценивают Парижскую конференцию по запрещению химического оружия как важный шаг к достижению этой цели и подчеркивают важное значение Заключительной декларации этой Конференции.

Обе стороны согласны в отношении срочной необходимости перевести результаты Парижской конференции в прогресс на ведущихся переговорах на Женевской конференции по разоружению с тем, чтобы Конвенция была подготовлена к подписанию в самое ближайшее время. Со своей стороны они выражают намерение войти в число государств, первоначально подписавших Конвенцию.

Советский Союз и Федеративная Республика Германия придают важнейшее значение установлению строгого международного контроля, обеспечивающего самую высокую степень уверенности всех участников Конвенции в том, что положения Конвенции соблюдаются. Стороны заявляют о своей готовности поддержать любую меру контроля, создающую большую безопасность. Они высказываются за включение в Конвенцию тщательно разработанных процедур систематического контроля и системы обязательных инспекций по запросу.

Стороны выступают за такое решение вопроса непроизводства химического оружия в промышленности, при котором был бы найден баланс между необходимостью в самом тщательном контроле и законными промышленными и коммерческими интересами участников Конвенции. В этом контексте они приветствуют национальные и международные эксперименты по опробованию процедур контроля за непроизводством химического оружия с целью нахождения наиболее оптимальных контрольных процедур.

Советский Союз и Федеративная Республика Германия придают особое значение укреплению доверия и считают практические меры в этой области действенным средством, содействующим скорейшему заключению Конвенции. Стороны договорились активизировать усилия в пользу расширения открытости и дальнейшего обмена данными, необходимыми для прогресса на переговорах.

Советский Союз и Федеративная Республика Германия договорились интенсифицировать двусторонние обсуждения по всем аспектам запрещения химического оружия и с этой целью условились проводить экспертные консультации в Женеве на регулярной основе.

Стороны выразили свою глубокую озабоченность расползанием химического оружия. Они согласились в том, что вступление в силу глобального и всеобъемлющего запрета на химическое оружие даст единственно прочное решение проблемы химического оружия. Вместе с этим они считают важной задачей принятие в промежуточный период эффективных мер с целью предотвращения распространения химического оружия. Они едины в том, что продолжающееся расползание химического оружия требует от сообщества наций высокой ответственности, от которой не может уклониться ни одно правительство.

CONFERENCE ON DISARMAMENT

CD/931
12 July 1989

ENGLISH
Original: RUSSIAN

LETTER DATED 5 JULY 1989 FROM THE REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE JOINT STATEMENT SIGNED AT BONN ON 13 JUNE 1989 BY M.S. GORBACHEV, GENERAL SECRETARY OF THE CENTRAL COMMITTEE OF THE CPSU AND PRESIDENT OF THE USSR SUPREME SOVIET, AND H. KOHL, CHANCELLOR OF THE FEDERAL REPUBLIC OF GERMANY, AND THE TEXT OF THE JOINT DECLARATION BY THE MINISTERS FOR FOREIGN AFFAIRS OF THE USSR AND THE FEDERAL REPUBLIC OF GERMANY ADOPTED AT BONN ON 14 JUNE 1989

I have the honour to transmit herewith the text of the Joint Statement that was signed at Bonn on 13 June 1989 by M.S. Gorbachev, General Secretary of the Central Committee of the Communist Party of the Soviet Union and President of the USSR Supreme Soviet, and H. Kohl, Chancellor of the Federal Republic of Germany, and the text of the Joint Declaration by E.A. Shevardnadze, Minister for Foreign Affairs of the Soviet Union, and H.-D. Genscher, Minister for Foreign Affairs of the Federal Republic of Germany, that was adopted at Bonn on 14 June 1989.

I should be grateful if you would take the appropriate steps to have these texts circulated as official documents of the Conference on Disarmament.

(Signed)

S. Batsanov
Representative of the USSR to the
Conference on Disarmament

Joint statement dated 13 June 1989 of the Chancellor of the
Federal Republic of Germany and the General Secretary of the
Central Committee of the Communist Party of the Soviet Union

I

The Federal Republic of Germany and the Union of Soviet Socialist Republics are agreed that mankind faces historic challenges on the threshold to the third millenium. Problems of vital importance to all can only be resolved jointly by all States and peoples. This calls for new political thinking.

- The individual with his inherent dignity and his rights, as well as concern for the survival of mankind, must be the central elements of politics.

- The vast reservoir of creative energies and abilities of man and modern society must be utilized for the purpose of securing peace and prosperity for all countries and peoples.

- All wars, whether nuclear or conventional, must be prevented, conflicts in various regions of the world settled, and peace preserved and shaped.

- The right of all peoples and States to determine freely their destiny and to frame sovereignly their mutual relations on the basis of international law must be guaranteed. The precedence of international law in domestic and international politics must be ensured.

- Modern economic, scientific and technological findings offer unimagined possibilities that should benefit all mankind. The resultant risks and opportunities require common answers. It is therefore important to expand co-operation in all these fields, to dismantle further the trade barriers of all kinds, to seek new forms of collaboration and to make dynamic, mutually beneficial use of them.

- For the sake of present and future generations, the natural environment must be saved through resolute action and hunger and poverty in the world must be overcome.

- New threats, including epidemics and international terrorism, must be vigorously combated.

The two sides are determined to live up to their responsibility deriving from this recognition. Persistent differences in values and in political and social systems are not an obstacle to a forward-looking policy across the frontiers between the systems.

II

Europe has a prominent part to play in shaping a peaceful future. Although the continent has been divided for decades, the awareness of Europe's identity and common assets has endured and is becoming ever stronger. This development must be encouraged.

The Federal Republic of Germany and the Soviet Union consider it a paramount objective of their policies to continue Europe's historical traditions and thus contribute towards overcoming the division of Europe. They are resolved to elaborate jointly concepts for attaining this goal through the development of a Europe marked by peace and co-operation - a peaceful European order or a common European home - in which the United States of America and Canada also have their place. The Helsinki Final Act of the Conference on Security and Co-operation in Europe (CSCE) in all its parts, as well as the Madrid and Vienna concluding documents, chart the course for realizing this goal.

Europe, which suffered most from the two world wars, must set the world an example of stable peace, good-neighbourliness and constructive co-operation, which combines the capabilities of all countries, despite their different social systems, for the sake of the common weal. The countries of Europe can and should be able to live together without mutual fear and in peaceful competition.

A Europe of peace and co-operation must include the following:

- Unqualified respect for the integrity and security of every State, which has the right to choose freely its own political and social system, as well as unqualified respect for the norms and principles of international law, especially respect for the right of peoples to self-determination;
- Vigorous continuation of the process of disarmament and arms control. In this nuclear age, efforts must be aimed not only at preventing war, but also at shaping peace and making it more secure;
- A close dialogue covering all traditional and new aspects of bilateral and multilateral relations and including regular meetings at the top political level;
- The realization of human rights and the promotion of the exchange of people and ideas. This includes the expansion of town-twinning, transport and communication links, cultural contacts, travel and sports meetings, the promotion of language instruction and the favourable treatment of humanitarian matters, including the reunification of families and travel abroad;
- The expansion of direct contacts between young people and the commitment of the emerging generations to a peaceful future;
- Comprehensive economic co-operation for mutual advantage, including new forms of collaboration. The Joint Declaration of 25 June 1988 of the European Community and the Council for Mutual Economic Assistance and the normalization of

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relations between the European Community and the European members of the Council for Mutual Economic Assistance, as well as the political dialogue initiated between the Soviet Union and the 12 States members of the European Community, open up new prospects for a pan-European development in that direction;

- The progressive advancement of pan-European co-operation in various sectors, particularly transport, energy, health, information and communication;

- Intensive ecological co-operation and the exploitation of new technologies which, for the sake of mankind, prevent above all the emergence of cross-border hazards;

- Respect for and cultivation of the historical cultures of the peoples of Europe. This cultural diversity is one of the great treasures of the continent. National minorities in Europe, with their own cultures, are part of this wealth. Their legitimate interests deserve protection.

The Federal Republic of Germany and the Soviet Union call upon all CSCE participating States to take part in forming Europe's future architecture.

III

The Federal Republic of Germany and the Soviet Union declare that one's own security must not be obtained at the expense of the security of others. They therefore pursue the goal of eliminating the causes of tension and distrust through a constructive and forward-looking policy so that the feeling of being threatened that still exists today can be replaced gradually by a state of mutual trust.

The two sides acknowledge that every State has legitimate security interests, irrespective of its size and its ideological orientation. They condemn any hankering after military superiority. War must no longer be a political instrument. Security policy and armed forces planning must exclusively serve the purpose of reducing and eliminating the danger of war and of safeguarding peace with fewer weapons. This precludes any arms race.

The two sides are striving for the elimination of existing asymmetries through binding agreements, subject to effective international control, and for the reduction of military potentials to a stable balance at a lower level, which suffices for defence but not for attack. Above all, the two sides consider it necessary to rule out the capability of armed forces for launching surprise attack and initiating large-scale offensive action.

The Federal Republic of Germany and the Soviet Union advocate:

- A 50 per cent reduction of the strategic nuclear offensive weapons of the United States and the Soviet Union;

- Agreed American-Soviet solutions at the nuclear and space talks; this also applies to observance of the ABM Treaty;

/...

- The establishment of a stable and secure balance of conventional forces at a lower level, as well as agreement on further confidence- and security-building measures applicable to the whole of Europe;
- A world-wide, comprehensive and effectively verifiable ban on chemical weapons at the earliest possible date;
- Agreement as soon as possible on an effectively verifiable nuclear-test ban at the Geneva Conference on Disarmament; step-by-step progress towards this goal is desirable in the ongoing talks between the United States and the Soviet Union;
- The creation of further confidence-building measures, greater transparency of military arsenals and budgets, as well as effective international mechanisms for managing crises, including ones outside Europe.

IV

The Federal Republic of Germany and the Soviet Union realize, in view of Europe's history and its position in the world, as well as the weight that each country carries within its respective alliance, that the positive development of their mutual relations is of central importance to the situation in Europe and to East-West relations as a whole. In the desire to establish a lasting relationship of reliable good-neighbourliness, they intend to take up the good traditions of their centuries-old history. Their common goal is to continue, expand and deepen their fruitful co-operation and give it a new quality.

The Moscow Treaty of 12 August 1970 continues to form the foundation for the relationship between the two countries. The two sides will fully exploit the opportunities afforded by this Treaty and other agreements.

They have decided to expand consistently - on the basis of trust, equal rights and mutual advantage - the contractual foundations of their relations as well as their co-operation conducted in a spirit of partnership in all fields.

Berlin (West) takes part in the development of their co-operation, with the Quadripartite Agreement of 3 September 1971 being strictly observed and fully applied.

V

The Federal Republic of Germany and the Soviet Union, trusting in the long-term predictability of each other's policies, are determined to develop further their relations in all fields. They want to make the upward trend in their relations become stable and lasting.

This policy takes account of each side's treaty and alliance obligations; it is not directed against anyone. It is in line with the deep, long-cherished yearning of the peoples to heal the wounds of the past through understanding and reconciliation and to build jointly a better future.

Bonn, 13 June 1989

Helmut KOHL

Mikhail GORBACHEV

Joint declaration by the Ministers for Foreign Affairs of
the Federal Republic of Germany and of the Union of Soviet
Socialist Republics adopted at Bonn on 14 June 1989

The Federal Republic of Germany and the Soviet Union regard the early conclusion and entry into force of a convention on the global, comprehensive and effectively verifiable prohibition of chemical weapons as a priority goal of their arms control and disarmament efforts. They consider the Paris Conference on the Prohibition of Chemical Weapons to be a major step towards achieving that goal and underline the importance of the final declaration of that Conference.

Both sides agreed on the urgent necessity to translate the results of the Paris Conference into progress in the current negotiations of the Geneva Conference on Disarmament so that the convention on chemical weapons will be ready for signature at the earliest date. For their part, they express the intention to be among the original signatories of the convention.

The Federal Republic of Germany and the Soviet Union attach utmost importance to the establishment of strict international control that would ensure the highest degree of confidence among all participants that the convention's provisions are being complied with. The two sides declare their readiness to support any verification measure conducive to greater security. They are in favour of thoroughly elaborated procedures of systematic verification and the system of mandatory challenge inspections being included in the convention.

The two sides advocate a solution to the question of non-production of chemical weapons in industry that ensures a balance between the need for the most careful verification and the legitimate industrial and commercial interests of the participants in the convention. In this context, they welcome national and international test inspections for trying out verification procedures on the non-production of chemical weapons with a view to developing optimum verification procedures.

The Federal Republic of Germany and the Soviet Union attach special significance to confidence-building and regard practical measures in this field as an effective means of promoting the early conclusion of the convention. The two sides have agreed to step up efforts aimed at greater openness and further exchange of the data required for progress at the negotiations.

The Federal Republic of Germany and the Soviet Union have agreed to intensify bilateral discussions on all aspects of the prohibition of chemical weapons and for this purpose have agreed to hold their expert consultations at Geneva on a regular basis.

Both sides express their deep concern at the spread of chemical weapons. They agree that the entry into force of a global and comprehensive ban would be the only lasting solution to the problem of chemical weapons. Notwithstanding the

foregoing, they consider it an important task to take effective measures in the mean time to prevent the proliferation of chemical weapons. They concur that the continued spread of chemical weapons confronts the community of nations with grave responsibility that no Government can evade.

CONFERENCE ON DISARMAMENT

CD/932
12 July 1989

Original: ENGLISH

LETTER DATED 11 JULY 1989 ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT FROM THE PERMANENT REPRESENTATIVE OF FINLAND TRANSMITTING A DOCUMENT ENTITLED "STANDARD OPERATING PROCEDURES FOR THE VERIFICATION OF CHEMICAL DISARMAMENT, D.2, SECOND PROPOSAL FOR PROCEDURES SUPPORTING THE REFERENCE DATABASE" 1/

I have the honour to enclose herewith the 14th volume of the research reports of the Finnish Project on the Verification of Chemical Disarmament entitled "Standard Operating Procedures for the Verification of Chemical Disarmament, D.2, Second Proposal for Procedures Supporting the Reference Database".

I would kindly request you to circulate this letter as an official document of the Conference on Disarmament with the research report attached to it.

(Signed): Olli Mennander
Ambassador
Permanent Representative
of Finland

1/ A limited distribution of this document in English only has been made to the members of the Conference on Disarmament. Additional copies are available from the Permanent Mission of Finland at Geneva.

CONFERENCE ON DISARMAMENT

CD/933
CD/OS/WP.34
13 July 1989

Original: ENGLISH

LETTER DATED 13 JULY 1989 FROM THE PERMANENT REPRESENTATIVE OF THE
THE GERMAN DEMOCRATIC REPUBLIC ADDRESSED TO THE SECRETARY-GENERAL
OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A WORKING PAPER
ENTITLED "SURVEY OF INTERNATIONAL LAW RELEVANT TO IMMUNITY AND
PROTECTION OF OBJECTS IN SPACE AND TO OTHER BASIC PRINCIPLES OF
OUTER SPACE ACTIVITIES"

On behalf of the German Democratic Republic, Bulgaria and Hungary, I have the honour to submit to you herewith the enclosed text of a working paper, entitled "Survey of international law relevant to immunity and protection of objects in space and to other basic principles of outer space activities", on item 5 of the agenda of the Conference on Disarmament.

I should be grateful if you would arrange for the distribution of this working paper as an official document of the Conference on Disarmament and of the Ad hoc Committee on Prevention of an Arms Race in Outer Space.

(Signed) Peter Dietze
Ambassador

GERMAN DEMOCRATIC REPUBLIC, BULGARIA AND HUNGARY

Working Paper

Survey of international law relevant to immunity and protection
of objects in space and to other basic principles of outer
space activities

I

The legal protection of space objects is a matter of interest for all States participating in the exploration and use of outer space. It would be an important confidence-building measure and contribute to the strengthening of stability and international security.

The presented survey of international law relevant to immunity and protection of space objects indicates that the existing legal régime for outer space is adding to the protection of space objects. It is of essential importance that all States strictly comply with these agreements and apply all its specific provisions.

The survey also shows that the existing legal régime does not guarantee an all-embracing protection of objects in outer space. The most serious threat to these objects would result from the deployment of weapons in space. Additional measures are needed. They could include, inter alia,

- confidence-building measures, including obligations regarding the enlarged exchange of information and appropriate mechanisms for consultation, inspection and control;
- multilaterally binding obligations on granting immunity to objects in outer space, including "rules of the road" and/or a "code of conduct";
- prohibition of the "weaponization" of outer space and of certain space activities, as the deliberate destruction, the interference with the normal functioning of space objects and the change of their trajectories; the testing of all space weapons; the utilization of space objects for weapons purposes.

Further codification and development of existing rules of international law relating to the protection of space objects would be an essential step towards preventing an arms race in outer space.

Finally, it should be mentioned that a precise definition of the term "space object" reached by multilateral agreement could be very helpful in regard to any issue which might arise relating to the topic in question.

II

The following conclusions can be drawn from the review of international law regarding immunity and protection of objects in outer space (see Annex):

(1) The threat or use of force against an object in outer space is prohibited by generally accepted norms of international law, which are explicitly outlined in special outer space agreements.

(Article 2 United Nations Charter; Declaration on Principles;
Article 3 Outer Space Treaty; Article 2 Moon Treaty)

(2) States have to carry on activities in the exploration and use of outer space in the interest of maintaining international peace and security. Emplacement and testing of any kind of weapons of mass destruction is prohibited. The moon and other celestial bodies should not be used for other than exclusively peaceful purposes.

(Article 1 Partial Test-Ban Treaty;
Articles 3, 4 Outer Space Treaty; Article 3 Moon Treaty)

(3) Special objects in outer space suitable to improve international confidence and political stability through verification in the military field are especially protected only on the bilateral level by agreements between the United States and the Soviet Union.

(Article 12 ABM Treaty; Article 5 SALT I; Article 15 SALT II)

(4) Existing multilateral treaties include some essential provisions aimed at guaranteeing the rights of a State with respect to objects it has launched into outer space, in particular norms regulating:

- the relation between registration of a space object by the launching State, on the one hand, and rights of national ownership and jurisdiction, on the other.

(Article 9 Outer Space Treaty; Article 2 Convention on Registration);

- duties relating to the return of a space object or component parts to the State on whose registry they are enlisted, including special rules on rescue and return of astronauts in the case of accident or any technical disturbance.

(Articles 5, 8 Outer Space Treaty; Articles 1-6 Rescue Agreement;
Articles 10, 12 Moon Treaty);

- conditions regarding international responsibility and liability of a State for damage caused to other space objects.

(Articles 6, 7 Outer Space Treaty; Articles 3-6 Convention on
Liability; Article 14 Moon Treaty);

(5) The protection of objects in outer space is supported by rules of conduct upon which States have agreed in order to prevent any conflict or misunderstanding in connection with space activities, as for instance:

- the duty to carry out such activities in the interest of all countries without discrimination;
- the duty to furnish to a special register of the Secretary-General of the United Nations information regarding objects launched into outer space to the extent practicable;
- the duty not to interfere with the activities of other States on celestial bodies.

(Articles 1, 9-12 Outer Space Treaty; Articles 3-5 Convention on Registration; Articles 5, 8, 9, 13, 15 Moon Treaty)

The United States and the Soviet Union have established detailed notification mechanisms aimed at reducing the risk of nuclear war.

(Articles 3, 4 Agreement to reduce the Nuclear Risk;
Articles 2, 3 Agreement on Nuclear Risk Reduction Centres;
Articles 1, 3 Agreement on Notification of Launches)

ANNEX

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Notes

List of international agreements

- Charter of the United Nations
(signed at 26 June 1945, entered into force at
24 October 1945) 1/
and its authentic interpretation in the
Resolution 2625 (XXV) of the United Nations
General Assembly Approving the Declaration on
Principles of International Law Concerning Friendly
Relations and Co-operation Among States in Accordance
with the Charter of the United Nations
(adopted at 24 October 1970) 2/
UN Charter

Declaration
on
Principles
- Treaty Banning Nuclear Weapon Tests in the Atmosphere,
in Outer Space and under Water
(opened for signature at 8 August 1963
entered into force at 10 October 1963) 3/
Partial
Test-Ban
Treaty
- Treaty of Principles Governing the Activities
of States in the Exploration and Use of Outer Space,
including the Moon and Other Celestial Bodies
(opened for signature at 27 January 1967
entered into force at 10 October 1967) 4/
Outer
Space
Treaty
- Agreement on the Rescue of Astronauts, the Return of
Astronauts and Return of Objects Launched into Outer
Space (opened for signature at 22 April 1968
entered into force at 3 December 1968) 5/
Rescue
Agreement
- 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 at 30 September 1971,
entered into force at 30 September 1971) 6/
Agreement
to Reduce
the Nuclear
Risk
- Convention on International Liability for Damage
Caused by Space Objects
(opened for signature at 29 March 1972,
entered into force at 1 September 1972) 7/
Convention
on
Liability
- Treaty Between the United States of America and the
Union of Soviet Socialist Republics on the Limitation
of Anti-Ballistic Missile Systems
(signed at 26 May 1972,
entered into force at 3 October 1972) 8/
ABM
Treaty
- Interim Agreement Between the United States of America
and the Union of Soviet Socialist Republics on Certain
Measures with Respect to the Limitation of Strategic
Offensive Arms (signed at 26 May 1972,
entered into force at 2 October 1972) 9/
SALT I

- Convention on Registration of Objects Launched into Outer Space
(opened for signature at 14 January 1975,
entered into force at 15 September 1976) 10/ Convention
on
Registration
- Treaty Between the United States of America and
the Union of Soviet Socialist Republics on the
Limitation of Strategic Offensive Arms
(signed at 18 June 1979) 11/ SALT II
- Agreement Governing the Activities of States on the Moon
and Other Celestial Bodies
(opened for signature at 18 December 1979,
entered into force at 11 July 1984) 12/ Moon
Treaty
- Convention internationale des Télécommunications
(opened for signature at 6 November 1982,
entered into force at 1 January 1984) 13/ ITU
Convention
- Agreement Between the United States of America and
the Union of Soviet Socialist Republics on the
Establishment of Nuclear Risk Reduction Centres
(signed at 15 September 1987),
entered into force at 15 September 1987) 14/ Agreement on
Nuclear Risk
Reduction
Centres
- Agreement Between the United States of America and
the Union of Soviet Socialist Republics on
Notifications of Launches of Intercontinental
Ballistic Missiles and Submarine-Launched Ballistic
Missiles
(signed at 31 May 1988,
entered into force at 31 May 1988) 15/ Agreement on
Notifications
of Launches

I. Basic norms

(a) United Nations Charter

Article 2

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall 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.

(b) Declaration on Principles

... Every State has the duty to refrain in its international relations from the threat or use of force ... in any ... manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues ...

All States shall comply in good faith with their obligations under the generally recognized principles and rules of international law with respect to the maintenance of international peace and security, ...

States parties to an international dispute, as well as other States, shall refrain from any action which may aggravate the situation so as to endanger the maintenance of international peace and security, and shall act in accordance with the purposes and principles of the United Nations. ...

(c) Partial Test-Ban Treaty

Article 1

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.

...

(d) Outer Space Treaty

Article 1

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 3

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 4

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, install 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.

(e) Moon Treaty

Article 1

1. The provisions of this Agreement relating to the moon shall also apply to other celestial bodies within the solar system, other than the earth, except in so far as specific legal norms enter into force with respect to any of these celestial bodies.

2. For the purposes of this Agreement reference to the moon shall include orbits around or other trajectories to or around it. ...

Article 2

All activities on the moon, including its exploration and use, shall be carried out in accordance with international law, in particular the Charter of the United Nations, and taking into account the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, in the interest of maintaining international peace and security and promoting international co-operation and mutual understanding, and with due regard to the corresponding interests of all other States Parties.

Article 3

1. The moon shall be used by all States Parties exclusively for peaceful purposes.
2. Any threat or use of force or any other hostile act or threat of hostile act on the moon is prohibited. It is likewise prohibited to use the moon in order to commit any such act or to engage in any such threat in relation to the earth, the moon, spacecraft, the personnel of spacecraft or man-made space objects. ...

II. Norms concerning national jurisdiction over, and ownership of relating to objects after their launch into outer space

General rules

(a) Outer Space Treaty

Article 8

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.

(b) Convention on Registration

Article 2

1. When a space object is launched into earth orbit or beyond, the launching State shall register the space object by means of an entry in an appropriate registry which it shall maintain. Each launching State shall inform the Secretary-General of the United Nations of the establishment of such a registry.
2. Where there are two or more launching States in respect of any such space object, they shall jointly determine which one of them shall register the object in accordance with paragraph 1 of this article, bearing in mind the

provisions of article VIII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and without prejudice to appropriate agreements concluded or to be concluded among the launching States on jurisdiction and control over the space object and over any personnel thereof.

3. The contents of each registry and the conditions under which it is maintained shall be determined by the State of registry concerned.

(c) Rescue Agreement

Article 6

For the purposes of this Agreement, the term "launching authority" shall refer to the State responsible for launching, or, where an international intergovernmental organization is responsible for launching, that organization, provided that that organization declares its acceptance of the rights and obligations provided for in this Agreement and a majority of the States members of that organization are Contracting Parties to this Agreement and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

(d) Moon Treaty

Article 12

1. States Parties shall retain jurisdiction and control over their personnel, vehicles, equipment, facilities, stations and installations on the moon. The ownership of space vehicles, equipment, facilities, stations and installations shall not be affected by their presence on the moon.

Special rules regarding astronauts

(a) Outer Space Treaty

Article 5

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.

(b) Moon Treaty

Article 10

1. States Parties shall adopt all practicable measures to safeguard the life and health of persons on the moon. For this purpose they shall regard any person on the moon as an astronaut within the meaning of article V of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies and as part of the personnel of a spacecraft within the meaning of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.

2. States Parties shall offer shelter in their stations, installations, vehicles and other facilities to persons in distress on the moon.

Article 12

...

3. In the event of an emergency involving a threat to human life, States Parties may use the equipment, vehicles, installations, facilities or supplies of other States Parties on the moon. Prompt notification of such use shall be made to the Secretary-General of the United Nations or the State Party concerned. ...

International responsibility and liability

(a) Outer Space Treaty

Article 6

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 authorization 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 organization, responsibility for compliance with this Treaty shall be borne both by the international organization and by the States Parties to the Treaty participating in such organization.

Article 7

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 or in outer space, including the moon and other celestial bodies.

(b) Convention on Liability

Article 3

In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, the latter shall be liable only if the damage is due to its fault or the fault of persons for whom it is responsible.

Article 4

1. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, and of damage thereby being caused to a third State or to its natural or juridical persons, the first two States shall be jointly and severally liable to the third State, to the extent indicated by the following:

(a) If the damage has been caused to the third State on the surface of the earth or to aircraft in flight, their liability to the third State shall be absolute;

(b) If the damage has been caused to a space object of the third State or to persons or property on board that space object elsewhere than on the surface of the earth, their liability to the third State shall be based on the fault of either of the first two States or on the fault of persons for whom either is responsible.

2. In all cases of joint and several liability referred to in paragraph 1 of this article, the burden of compensation for the damage shall be apportioned between the first two States in accordance with the extent to which they were at fault; if the extent of the fault of each of these States cannot be established, the burden of compensation shall be apportioned equally between them. Such apportionment shall be without prejudice to the right of the third State to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

Article 5

1. Whenever two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused.

2. A launching State which has paid compensation for damage shall have the right to present a claim for indemnification to other participants in the joint launching. The participants in a joint launching may conclude agreements regarding the apportioning among themselves of the financial obligation in respect of which they are jointly and severally liable. Such agreements shall be without prejudice to the right of a State sustaining damage to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

3. A State from whose territory or facility a space object is launched shall be regarded as a participant in a joint launching.

Article 6

1. Subject to the provisions of paragraph 2 of this article, exoneration from absolute liability shall be granted to the extent that a launching State establishes that the damage has resulted either wholly or partially from gross negligence or from an act or omission done with intent to cause damage on the part of a claimant State or of natural or juridical persons it represents.

2. No exoneration whatever shall be granted in cases where the damage has resulted from activities conducted by a launching State which are not in conformity with international law including, in particular, the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

(c) Moon Treaty

Article 14

1. States Parties to this Agreement shall bear international responsibility for national activities on the moon, 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 this Agreement. States Parties shall ensure that non-governmental entities under their jurisdiction shall engage in activities on the moon only under the authority and continuing supervision of the appropriate State Party. ...

Additional guarantees to national technical means of verification

(a) ABM Treaty/SALT I/SALT II

Articles 12/5/15

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.

(b) ITU Convention

Article 38

Installations for National Defence Services

1. Members retain their entire freedom with regard to military radio installations of their army, naval and air forces.
2. Nevertheless, these installations must, so far as possible, observe statutory provisions relative to giving assistance in case of distress and to the measure to be taken to prevent harmful interference, and the provisions of the Administrative Regulations concerning the types of emission and the frequencies to be used, according to the nature of the services performed by such installations.

...

(The full freedom to use military radio communication means is guaranteed to the members.)

So far as possible they have to respect the rules regarding help in case of disaster, measures to prevent disturbances and relating to special frequencies which have to be used.)

III. Other main principles of activities in outer space

(a) Outer Space Treaty

Article 9

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 10

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 11

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 12

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.

(b) Agreement to reduce the nuclear risk

Article 3

The Parties undertake to notify each other immediately in the event of detection by missile warning systems of unidentified objects, or in the event of signs of interference with these systems or with related communications facilities, if such occurrences could create a risk of outbreak of nuclear war between the two countries.

Article 4

Each Party undertakes to notify the other Party in advance of any planned missile launches if such launches will extend beyond its national territory in the direction of the other Party.

(c) Convention on Registration

Article 3

1. The Secretary-General of the United Nations shall maintain a Register in which the information furnished in accordance with article IV shall be recorded.
2. There shall be full and open access to the information in this Register.

Article 4

1. Each State of registry shall furnish to the Secretary-General of the United Nations, as soon as practicable, the following information concerning each space object carried on its registry:
 - (a) Name of launching State or States;
 - (b) An appropriate designator of the space object or its registration number;
 - (c) Date and territory or location of launch;
 - (d) Basic orbital parameters, including:
 - (i) Nodal period,
 - (ii) Inclination,
 - (iii) Apogee,
 - (iv) Perigee;
 - (e) General function of the space object.
2. Each State of registry may, from time to time, provide the Secretary-General of the United Nations with additional information concerning a space object carried on its registry.
3. Each State of registry shall notify the Secretary-General of the United Nations, to the greatest extent feasible and as soon as practicable, of space objects concerning which it has previously transmitted information, and which have been but no longer are in earth orbit.

Article 5

Whenever a space object launched into earth orbit or beyond is marked with the designator or registration number referred to in article IV, paragraph 1 (b), or both, the State of registry shall notify the Secretary-General of this fact when submitting the information regarding the space object in accordance with article IV. In such case, the Secretary-General of the United Nations shall record this notification in the Register.

(d) Moon Treaty

Article 5

1. States Parties shall 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 their activities concerned with the exploration and use of the moon. Information on the time, purposes, locations, orbital parameters and duration shall be given in respect of each mission to the moon as soon as possible after launching, while information on the results of each mission, including scientific results, shall be furnished upon completion of the mission. In the case of a mission lasting more than 60 days, information on conduct of the mission, including any scientific results, shall be given periodically, at 30-day intervals. For missions lasting more than six months, only significant additions to such information need be reported thereafter.

2. If a State Party becomes aware that another State Party plans to operate simultaneously in the same area of or in the same orbit around or trajectory to or around the moon, it shall promptly inform the other State of the timing of and plans for its own operations.

Article 8

1. States Parties may pursue their activities in the exploration and use of the moon anywhere on or below its surface, subject to the provisions of this Agreement.

2. For these purposes States Parties may, in particular:

(a) Land their space objects on the moon and launch them from the moon;

(b) Place their personnel, space vehicles, equipment, facilities, stations and installations anywhere on or below the surface of the moon.

Personnel, space vehicles, equipment, facilities, stations and installations may move or be moved freely over or below the surface of the moon.

3. Activities of States Parties in accordance with paragraphs 1 and 2 of this article shall not interfere with the activities of other States Parties on the moon. Where such interference may occur, the States Parties concerned shall undertake consultations in accordance with article 15, paragraphs 2 and 3, of this Agreement.

Article 9

1. States Parties may establish manned and unmanned stations on the moon. A State Party establishing a station shall use only that area which is required for the needs of the station and shall immediately inform the Secretary-General of the United Nations of the location and purposes of that station. Subsequently, at annual intervals that State shall likewise inform the Secretary-General whether the station continues in use and whether its purposes have changed.

2. Stations shall be installed in such a manner that they do not impede the free access to all areas of the moon of personnel, vehicles and equipment of other States Parties conducting activities on the moon in accordance with the provisions of this Agreement or of article I of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Article 13

A State Party which learns of the crash landing, forced landing or other unintended landing on the moon of a space object, or its component parts, that were not launched by it, shall promptly inform the launching State Party and the Secretary-General of the United Nations.

Article 15

1. Each State Party may assure itself that the activities of other States Parties in the exploration and use of the moon are compatible with the provisions of this Agreement. To this end, all space vehicles, equipment, facilities, stations and installations on the moon shall be open to other States Parties. Such States Parties 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. In pursuance of this article, any State Party may act on its own behalf 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 the Charter.

2. A State Party which has reason to believe that another State Party is not fulfilling the obligations incumbent upon it pursuant to this Agreement or that another State Party is interfering with the rights which the former State has under this Agreement may request consultations with that State Party. A State Party receiving such a request shall enter into such consultations without delay. Any other State Party which requests to do so shall be entitled to take part in the consultations. Each State Party participating in such consultations shall seek a mutually acceptable resolution of any controversy and shall bear in mind the rights and interests of all States Parties. The Secretary-General of the United Nations shall be informed of the results of the consultations and shall transmit the information received to all States Parties concerned.

3. If the consultations do not lead to a mutually acceptable settlement which has due regard for the rights and interests of all States Parties, the Parties concerned shall take all measures to settle the dispute by other peaceful means of their choice appropriate to the circumstances and the nature of the dispute. If difficulties arise in connection with the opening of consultations or if consultations do not lead to a mutually acceptable settlement, any State Party may seek the assistance of the Secretary-General, without seeking the consent of any other State Party concerned, in order to resolve the controversy. A State Party which does not maintain diplomatic relations with another State Party concerned shall participate in such consultations, at its choice, either itself or through another State Party or the Secretary-General as intermediary.

(e) Agreement on Nuclear Risk Reduction Centres

Article 2

The Parties shall use the Nuclear Risk Reduction Centres to transmit notifications identified in Protocol I which constitutes an integral part of this Agreement.

Protocol I

Article 1

The Parties shall transmit the following types of notifications through the Nuclear Risk Reduction Centres:

(a) Notifications of ballistic missile launches under article 4 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 of 30 September 1971;

(b) Notifications of ballistic missile launches under paragraph 1 of article VI of 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 of 25 May 1972.

Article 3

Each Party also may, at its own discretion as a display of goodwill and with a view to building confidence, transmit through the Nuclear Risk Reduction Centres communications other than those provided for under article 1 of this Protocol.

Article 3

The Parties shall establish a special facsimile communications link between their national Nuclear Risk Reduction Centres in accordance with Protocol II which constitutes an integral part of this Agreement.

(f) Agreement on Notifications of Launches

Article 1

Each Party shall provide the other Party notification, through the Nuclear Risk Reduction Centres of the United States of America and the Union of Soviet Socialist Republics, no less than 24 hours in advance, of the planned date, launch area, and area of impact for any launch of a strategic ballistic missile: an intercontinental ballistic missile (hereinafter "ICBM") or a submarine-launched ballistic missile (hereinafter "SLBM").

Article 3

...

3. For all launches of ICBMs or SLBMs, the notification shall indicate the geographic co-ordinates of the planned impact area or areas of the re-entry vehicles. Such an area shall be specified either by indicating the geographic co-ordinates of the boundary points of the area, or by indicating the geographic co-ordinates of the centre of a circle with a radius specified in kilometres or nautical miles. The size of the impact area shall be determined by the notifying Party at its discretion.

Notes

- 1/ No. 67, United Kingdom Treaty Series, Cmd. 7015.
- 2/ English text in: Arangio-Ruiz, G., The United Nations Declaration on Friendly Relations and the System of the Sources of International Law, Germantown (1979).
- 3/ English text in: Status of Multilateral Arms Regulation and Disarmament Agreements, United Nations, New York, 1988.
- 4/ 610 United Nations Treaty Series 206.
- 5/ 672 United Nations Treaty Series 119.
- 6/ 807 United Nations Treaty Series 57.
- 7/ No. 16, United Kingdom Treaty Series, Cmd. 5551.
- 8/ Treaties and Other International Acts, Series 7503 (Washington: US Department of State, 1973).
- 9/ Id. Series 7504.
- 10/ No. 70, United Kingdom Treaty Series, Cmd. 7271.
- 11/ CD/28, 29.
- 12/ United Nations document A/RES/34, 68, 14 December 1979.
- 13/ BGBI. II No. 11 (1985), pp. 426-530.
- 14/ CD/815.
- 15/ CD/847.

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CONFERENCE ON DISARMAMENT

CD/934
19 July 1989

ENGLISH
Original: FRENCH/RUSSIAN

LETTER DATED 13 JULY 1989 ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT BY THE PERMANENT REPRESENTATIVE OF THE SOCIALIST REPUBLIC OF ROMANIA TRANSMITTING THE TEXT OF A COMMUNIQUE OF THE MEETING OF THE POLITICAL CONSULTATIVE COMMITTEE OF THE WARSAW TREATY STATES TOGETHER WITH THE TEXT OF A DOCUMENT ENTITLED "FOR A STABLE AND SECURE EUROPE FREE OF NUCLEAR AND CHEMICAL WEAPONS, FOR A SUBSTANTIAL REDUCTION OF ARMED FORCES, ARMAMENTS AND MILITARY SPENDING"

I have the honour to inform you that a meeting of the Political Consultative Committee of the States parties to the Warsaw Treaty of Friendship, Co-operation and Mutual Assistance was held at Bucharest on 7 and 8 July 1989.

A communiqué was adopted along with a document entitled "For a Stable and Secure Europe Free of Nuclear and Chemical Weapons, for a Substantial Reduction of Armed Forces, Armaments and Military Spending".

You will find annexed hereto the texts of those documents in Russian, English, French and Spanish.

As representative of the meeting's host country, I request you to arrange for their distribution as official documents of the Conference on Disarmament.

Gheorghe Dolgu

Ambassador
Permanent Representative of the
Socialist Republic of Romania
to the United Nations Office at Geneva

Communiqué of the Meeting of the Political Consultative Committee
of the States Parties to the Warsaw Treaty

A meeting of the Political Consultative Committee of the States parties to the Warsaw Treaty of Friendship, Co-operation and Mutual Assistance was held at Bucharest on 7 and 8 July.

The Meeting was attended:

For the People's Republic of Bulgaria (PRB) - by Todor Zhivkov, General Secretary of the Central Committee of the Bulgarian Communist Party (BCP), President of the Council of State of the People's Republic of Bulgaria, head of the delegation; Georgi Atanasov, member of the Political Bureau of the Central Committee of the BCP, Chairman of the Council of Ministers of the PRB; Dobri Dzhurov, member of the Political Bureau of the Central Committee of the BCP, Minister of National Defence; Petur Mladenov, member of the Political Bureau of the Central Committee of the BCP, Minister for Foreign Affairs; Dimitur Stanishev, Secretary of the Central Committee of the BCP;

For the Czechoslovak Socialist Republic (CSSR) - by Milos Jakes, General Secretary of the Central Committee of the Communist Party of Czechoslovakia (CPC), head of the delegation; Gustav Husak, member of the Presidium of the Central Committee of the CPC, President of the Czechoslovak Socialist Republic; Ladislav Adamec, member of the Presidium of the Central Committee of the CPC, Prime Minister of the CSSR; Josef Lenart, member of the Presidium, Secretary of the Central Committee of the CPC; Jaromir Johanes, Minister for Foreign Affairs of the CSSR; Milan Vaclavik, member of the Central Committee of the CPC, Minister of National Defence of the CSSR;

For the German Democratic Republic (GDR) - by Erich Honecker, General Secretary of the Central Committee of the Socialist Unity Party of Germany (SED), Chairman of the Council of State of the German Democratic Republic, head of the delegation; Willi Stoph, member of the Political Bureau of the Central Committee of the SED, Chairman of the Council of Ministers of the GDR; Hermann Axen, member of the Political Bureau, Secretary of the Central Committee of the SED; Heinz Kessler, member of the Political Bureau of the Central Committee of the SED, Minister of National Defence of the GDR; Egon Krenz, member of the Political Bureau, Secretary of the Central Committee of the SED, Vice-Chairman of the GDR Council of State; Günter Mittag, member of the Political Bureau, Secretary of the Central Committee of the SED, Vice-Chairman of the Council of State of the GDR; Oskar Fischer, member of the Central Committee of the SED, Minister for Foreign Affairs of the GDR;

For the Hungarian People's Republic (HPR) - by Reszö Nyers, President of the Hungarian Socialist Workers' Party, head of the delegation; Miklós Németh, Chairman of the Council of Ministers of the Hungarian People's Republic; Gyula Horn, Minister for Foreign Affairs of the HPR; Ferenc Kárpáti, Minister of Defence of the HPR;

For the Polish People's Republic (PPR) - by Wojciech Jaruzelski, First Secretary of the Central Committee of the Polish United Workers' Party (PUWP); Chairman of the Council of State of the Polish People's Republic, head of the delegation; Mieczyslaw Rakowski, member of the Political Bureau of the Central

Committee of the PUWP, Chairman of the Council of Ministers of the PPR; Józef Czyrek, member of the Political Bureau, Secretary of the Central Committee of the PUWP; Czesław Kiszczak, member of the Political Bureau of the Central Committee of the PUWP, Minister of Internal Affairs of the PPR; Florian Siwicki, member of the Political Bureau of the Central Committee of the PUWP, Minister of National Defence of the PPR; Tadeusz Olechowski, Minister for Foreign Affairs of the PPR;

For the Socialist Republic of Romania (SRR) - by Nicolae Ceaușescu, General Secretary of the Romanian Communist Party (RCP), President of the Socialist Republic of Romania, head of the delegation; Constantin Dăscălescu, member of the Executive Political Committee of the Central Committee of the RCP, Prime Minister of the SRR; Ion Stoian, Alternate Member of the Executive Political Committee, Secretary of the Central Committee of the RCP; Vasile Milea, Alternate Member of the Executive Political Committee of the Central Committee of the RCP, Minister of National Defence of the SRR; Ioan Totu, Alternate Member of the Executive Political Committee of the Central Committee of the RCP, Minister for Foreign Affairs of the SRR;

For the Union of Soviet Socialist Republics - by M.S. Gorbachev, General Secretary of the Central Committee of the Communist Party of the Soviet Union (CPSU), President of the Supreme Soviet of the USSR, head of the delegation; N.I. Ryzhkov, member of the Political Bureau of the Central Committee of the CPSU, Chairman of the Council of Ministers of the USSR; E.A. Shevardnadze, member of the Political Bureau of the Central Committee of the CPSU, Minister for Foreign Affairs of the USSR; A.N. Yakovlev, member of the Political Bureau, Secretary of the Central Committee of the CPSU; D.T. Yazov, candidate member of the Political Bureau of the Central Committee of the CPSU, Minister of Defence of the USSR.

The Meeting was also attended by Army General P.G. Lushev, Commander-in-Chief of the Joint Armed Forces of the States parties to the Warsaw Treaty, and Constantin Oancea, Secretary-General of the Political Consultative Committee, Deputy Minister for Foreign Affairs of the Socialist Republic of Romania.

The Meeting's participants exchanged views on developments in the international situation and discussed the main directions of mutual action by the allied States in the interests of peace and stability in Europe, of disarmament, and of intensifying international co-operation and dialogue.

It was noted that owing to the active policy of the Socialist countries, to the activities of all peace-loving and realistically-minded forces, there have been certain positive developments in international affairs, the lessening of tension and confrontation, confidence-building, developing political dialogue and intensifying inter-State contacts at various levels. The first steps in disarmament have been taken, a control mechanism has been created and is functioning effectively. The beginning of the Vienna negotiations is encouraging. Co-operation in the economic, scientific-technical and human rights fields has broadened. Progress has been made in the political settlement of regional conflicts. There is a growing readiness of the international community to co-operate in the field of security and in solving global issues.

Nevertheless, the world situation continues to be complex and contradictory, since the favourable processes have still not become irreversible. The build-up of weapons and their modernization has not stopped. Nuclear tests continue, as does work on the militarization of outer space. The concepts of confrontation, of reliance on force, born in the years of the "cold war" are being overcome with difficulty. The nuclear-deterrence strategy, reaffirmed at the recent session of NATO, remains a dangerous anachronism which runs counter to the interests of universal security. The practice of interference in the domestic affairs of States and attempts to destabilize them, as well as human rights violations, continue.

The Meeting's participants confirmed the attachment of their States to the ideal of ridding mankind of the threat of war by doing away with nuclear and chemical weapons and drastically reducing conventional weapons. They consider disarmament the cardinal issue of our time, the decisive factor for strengthening peace, security and confidence, deepening détente, developing broad international co-operation and solving global problems.

The Warsaw Treaty States attach paramount importance to the development of the common-Europe process in all areas, to bringing the continent to a new level of security and co-operation, to progress along the path of building an indivisible Europe of lasting peace and co-operation, of a common European home of countries having different social and State structures, of respect for today's territorial and political realities, of inviolability of existing frontiers, of every people's sovereignty and right freely to determine its destiny. Determination was expressed to promote in every possible way the implementation of the arrangements arrived at in the Vienna Meeting aimed at strengthening peace and security, better understanding and co-operation on the continent.

The position of the allied States on ensuring European and universal security and on the disarmament process is described in the document "For a Stable and Secure Europe free of Nuclear and Chemical Weapons, for a Substantial Reduction of Armed Forces, Armaments and Military Spending" adopted by the Meeting.

The Meeting's participants called for shifting the relations between the Warsaw Treaty and the North Atlantic Alliance into a non-confrontational channel, for the establishment of a constructive dialogue between them on political and military policies, for transforming such dialogue into a factor of security and co-operation on the continent. At the same time, the Warsaw Treaty States maintain their position of principle in favour of ridding Europe of military blocs, the simultaneous disbanding of both alliances and, as a first step, the elimination of their military organizations.

The States represented at the Meeting strongly urged the peaceful settlement of the regional conflicts in the Middle East, Africa, Asia and Central America. Life has shown that negotiations are a productive procedure and that there is no rational alternative to it. They will continue to contribute to the political settlement of crisis situations in the world and to the further enhancement of the role of the United Nations in this respect.

In that connection, the States parties to the Warsaw Treaty called for the holding, without delay, of an international conference on the Middle East under the auspices of the United Nations, with the participation of all the parties concerned, including the Palestine Liberation Organization, and of a comprehensive Middle East Settlement on the basis of recognition of the Palestinian people's right to self-determination and to the existence of an independent State of Palestine, as well as the right to independence, sovereignty and territorial integrity of all the States in the region, including Israel. The Meeting's participants voiced their support for the leadership of the Republic of Afghanistan, for a just settlement of the situation in that country on the basis of national reconciliation, for a united, independent and non-aligned Afghanistan whose people is entitled to determine its own destiny without any outside interference.

Expressing concern over the serious economic problems being encountered by mankind, the deepening gap between developed and developing countries, the incessant increase in external debts and in the national resources required for their repayment, the States represented at the Meeting called for concerted efforts by all countries to solve these problems on an equitable basis, and on an equal footing, with the active participation of the United Nations, and for the establishment of a new international economic order. The Meeting underscored the need to eliminate the continuing discriminatory restrictions on the growth of trade, economic and scientific-technical relations based on the equal rights of the parties, and restrictions on access to modern technology. Economic relations must not be conditional upon political or other considerations.

In examining questions of collaboration in the preservation and restoration of the environment, the Meeting's participants reaffirmed the position of their countries as set forth in the document of the 1988 Warsaw Meeting of the Political Consultative Committee, entitled "The consequences of the arms race for the environment and other aspects of ecological security". The participants expressed their readiness actively to work together with other countries, both multilaterally and bilaterally, in the solution of ecological problems and to promote the success of the Meeting on Protection of the Environment to be held at Sofia this autumn so that it may mark an important step in strengthening international co-operation in this area, and in the preparation of the United Nations Conference on the Environment and Development planned for 1992.

Noting the important role of the non-aligned movement in international life, the Meeting's participants expressed the hope that the forthcoming summit of the non-aligned countries would serve to increase the contribution of the movement to the solution of the key questions of our time, and to enhance its prestige and influence. The States represented at the Meeting attach great importance to the further development of relations with the non-aligned countries and to collaboration with them in international affairs.

The States parties to the Warsaw Treaty will promote in every possible way the fuller exploitation of the peace-making potential of the United Nations, with the participation of all countries, irrespective of size and social structure, in the solution of world problems. They favour

enhancing the effectiveness of the United Nations and wider use of the Organization's peacekeeping operations. They stressed the importance of active involvement of the United Nations in efforts to prevent international crises.

The Meeting's participants informed one another of domestic developments in their countries, on the course and the problems of socialist construction, noting the growing interdependence of domestic and foreign policies. They underlined the strong influence of socialist ideas, the importance of the transformations taking place in the allied States aimed at improving and renewing socialist society, making its political systems continuously dynamic, developing their democracy, promoting the people's well-being, improving the quality of life, bringing out the aptitudes of every individual, and ensuring fundamental human rights and freedoms. They base themselves on the fact that there are no universal models of socialism, that no one has a monopoly of the truth. The construction of the new society is a creative process and is carried out in each country in keeping with its conditions, traditions and needs.

The Meeting reaffirmed their common effort to work in the interests of socialism, of improving the collaboration of the allied States and of unequivocally ensuring their security. Confidence was expressed in the ability of the socialist States, of the leading forces of society, to solve the problems that have arisen at the present stage of their development. The necessity was also stressed of developing relations among them on a basis of equality, independence and the right of each of them separately to work out its own political policy, strategy and tactics without outside interference.

The Meeting's participants were unanimous in considering that the Warsaw Treaty is reliably serving the security of the States parties to it and is an important factor for peace and stability in Europe and the world at large. The constructive activities - individual and collective - of the allied countries are having a positive influence on world processes and are stimulating the development of international relations on democratic principles and in the spirit of the new political thinking.

The common opinion favoured strengthening the solidarity and interaction of the allied States and further development of their many-sided collaboration on the basis of equal rights and mutual respect for the benefit of their fraternal peoples and in the interests of universal peace.

It was decided to continue efforts to strengthen the political character of the Warsaw Treaty and to improve the mechanism of co-operation within its framework on democratic principles.

The activities of the Committee of Foreign Ministers and the Committee of Defence Ministers were assessed as positive and their further tasks were defined.

The Political Consultative Committee adopted a decision on the report of the Commander-in-Chief of the Joint Armed Forces of the States parties to the Warsaw Treaty.

The Socialist Republic of Romania, as the host country of the Meeting, will be responsible for distributing the Committee's documents among other States and international organizations.

The representative of the Union of Soviet Socialist Republics, I.P. Aboimov, Deputy Minister for Foreign Affairs of the USSR, was appointed General Secretary of the Political Consultative Committee for the next period.

The Meeting was held in an atmosphere of friendship and co-operation.

The next meeting of the Political Consultative Committee of the States parties to the Warsaw Treaty will be held in Moscow.

FOR A STABLE AND SECURE EUROPE FREE OF NUCLEAR AND
CHEMICAL WEAPONS, FOR A SUBSTANTIAL REDUCTION OF
ARMED FORCES, ARMAMENTS AND MILITARY SPENDING

The representatives, at the highest level, of the People's Republic of Bulgaria, the Czechoslovak Socialist Republic, the German Democratic Republic, the Hungarian People's Republic, the Polish People's Republic, the Socialist Republic of Romania, and the Union of Soviet Socialist Republics assembled at Bucharest on 7 and 8 July 1989 for a meeting of the Political Consultative Committee of the States parties to the Warsaw Treaty, basing themselves upon the realities of today's world and guided by the desire of their States to ensure stable security in Europe, to achieve further progress in disarmament, actively to promote the restructuring of international relations along new lines and the passage of mankind to a new stage of development in a context of peace and co-operation, declared the following:

I.

The States parties to the Warsaw Treaty consider as the supreme goal of their foreign policy the consolidation of peace, the liberation of mankind from the threat of war and the development of broad, mutually advantageous international co-operation. They intend to continue to contribute in every way to ensuring comprehensive and equal security.

The States represented at the Meeting reaffirm their determination to do their utmost to reach new understandings in the field of disarmament and to make the process of disarmament continuous and irreversible. They also call for overcoming underdevelopment, for the firm establishment of a new international economic order, and for the urgent solution of ecological and other global problems.

The solution of the problems on which the survival of mankind and the progress of its civilization depend requires the joint efforts and active participation of all countries and peoples. In this connection, the States represented at the Meeting stress the need to strengthen the role of the United Nations and their readiness to contribute thereto by every means.

The States parties to the Warsaw Treaty declare themselves resolutely in favour of ensuring security not by military but by political means, of confirming the primacy of international law in inter-State relations, of maintaining normal relations between States irrespective of their social and political systems, of renouncing confrontation and hostility in favour of policies of partnership, mutual understanding, confidence and good-neighbourliness, of mutual consideration of the interests of all States and peoples, of co-operation in the field of human rights and in the humanitarian field in keeping with the obligations they have assumed.

Indispensable requirements for a policy of security, mutual understanding and co-operation among States are strict respect for the national independence, sovereignty and equal rights of all States, the equal rights of peoples and the right of each people to self-determination, the free choice of the path of their social and political development; non-interference in internal affairs; unconditional renunciation of the use or threat of force in whatever form; strict respect for today's territorial and political realities, inviolability of existing borders and the territorial integrity of States;

settlement of any disputes between States exclusively by peaceful means; implementation in every country of human rights and fundamental freedoms in their entirety for all, irrespective of race, sex, language, religion or nationality; development of co-operation between States in various fields on the basis of mutual advantage; conscientious fulfilment of obligations under international law; observance of all the purposes and principles of the United Nations Charter, the principles of the Helsinki Final Act and of the other generally accepted norms of international relations.

In the context of the growing interdependence of today's world the implementation of all these principles will help to consolidate common human values and rules of conduct in international relations.

The States parties to the Warsaw Treaty reaffirm their willingness to extend and intensify dialogue with all States, and to co-operate with them constructively for the solution of the problems facing Europe and the world. Such dialogue and such co-operation are especially necessary at this key moment in the evolution of the international situation.

II.

Considering the elimination of the threat of nuclear or conventional war and the strengthening of international security as the objective prerequisite for the survival and progress of mankind, the States parties to the Warsaw Treaty regard the cessation of the arms race and disarmament as the principal task of today's world.

The growing awareness of governments and peoples of their common interest in security has made it possible to take the first steps towards reducing military confrontation. The possibility has emerged of moving from senseless and dangerous military rivalry to the peaceful collaboration of States. In this connection, the Meeting's participants note the special importance of the Treaty on the Elimination of Medium- and Shorter-range Missiles, the conclusion of which has started a process of physical destruction of nuclear weapons, as well as the businesslike atmosphere lately being manifested in a number of disarmament forums.

Nevertheless, a radical reversal in the matter of disarmament has as yet not occurred. Despite the recognition by both alliances of the inadmissibility of a new war, the level of military confrontation remains extremely high and dangerous. NATO's efforts to continue the policy of operating from a position of strength and to follow the strategy of nuclear deterrence cannot but arouse concern.

The States parties to the Warsaw Treaty consider that such a situation requires the active efforts of all countries and of all peace-loving, realistically-minded forces. Basing themselves on the concept of mutual and indivisible security, they resolutely call for achieving it through the maintenance of the military balance at the lowest level sufficient only for defence and excluding the possibility of sudden attack or the conduct of large-scale offensive operations. Their objective is the reduction of armaments to a level which completely eliminates the threat of an outbreak of war. That objective can be attained only through the efforts of both sides, involving the comprehensive strengthening of the political, and not the military, factors of security and stability.

They reaffirm that they are ready to continue to seek, together with all interested countries, understandings leading to the staged reduction and subsequent complete elimination of nuclear weapons, the prohibition and destruction of chemical weapons, the radical reduction of conventional armed forces, the prevention of extension of the arms race to outer space, the gradual curtailment of military production, and the substantial reduction of military spending. In that connection, they proceed from the assumption that disarmament measures must ensure equal security for all States with full respect for the sovereignty, independence and territorial integrity of every State in its existing borders, and must exclude the possibility of the use of force or the threat of force in inter-State relations.

Expressing their satisfaction at the resumption of Soviet-United States negotiations on major disarmament issues, the allied States express the hope that they will soon lead to practical results.

As one of the priority objectives, they consider completion of work on the treaty for a 50 per cent reduction in the offensive strategic arms of the USSR and the United States subject to observance of the Anti-ballistic Missile Treaty as it was signed in 1972.

The States represented at the Meeting call for the immediate cessation of nuclear weapon tests, for detailed examination of this question including examination at the multilateral level, in particular at the Geneva Conference on Disarmament. They call for the rapid finalization of the verification protocols to the USSR-United States Agreements of 1974 and 1976 and the entry into force of those agreements as a step towards the complete cessation of nuclear tests. As one of the ways of speedily achieving the prohibition of all nuclear tests, the States parties to the Warsaw Treaty support the idea of the possible extension to underground testing of the applicability of the 1963 Moscow Treaty banning nuclear weapon tests in three environments.

The agenda includes the task of cessation and, later on, of prohibition of the production of fissionable materials for weapons, the prevention of proliferation of nuclear weapons, as well as of missile technology for military purposes. Another major task is the protection of peaceful nuclear projects from attack.

The Meeting's participants are concerned by the danger to peace and international security represented by the threat of use of chemical weapons as long as they exist and are disseminated, and propose the adoption of a set of measures to remove that threat. They call for the speedy preparation of an international convention on the general and complete prohibition of chemical weapons and the destruction of their stockpiles.

A key question of security and stability in Europe is the reduction of conventional armed forces, the reduction and subsequent elimination of tactical nuclear weapons, and confidence-building on the continent.

As the most immediate objective of talks on conventional armed forces in Europe, the Meeting's participants consider, already as the result of a preliminary agreement, the arrival at a collective ceiling, which will be the same for both the NATO and Warsaw Treaty States, on the number of troops and the quantity of main types of armaments in Europe and its various regions.

The new levels would be significantly lower than the lowest levels of either side at present. The proposals made in this regard by the allied socialist countries at Vienna provide for a drastic mutual reduction of troops and armaments. This would also solve the problem of eliminating the imbalances in the field of conventional weapons. The reduction and limitation of armed forces and armaments would take place under strict international control.

At the Meeting it was noted that the additional proposals put forward at the recent summit meeting of the NATO Council on the subject of conventional weapons and conventional armed forces in Europe constitute a movement towards the position of the allied socialist countries. The Meeting's participants expect that those proposals will be detailed and placed on the table of the Vienna negotiations in the near future. The Meeting reaffirmed the determination of the Warsaw Treaty member countries to do everything possible for the speedy achievement of positive results at the Vienna talks and expressed the view that the situation at the talks is now such that, given a constructive approach by all participants, it would be possible to arrive at initial arrangements as early as 1990. Experts will be instructed to work out the relevant proposals in operational terms.

The practical steps taken by the States Parties to the Warsaw Treaty in implementation of their defensive doctrine, for unilateral reduction of their armed forces and armaments, giving them an obvious non-offensive structure and reducing armaments production and military spending, are aimed at the creation of favourable material and political prerequisites for a steady continuation of the arms limitation process and a lowering of the level of military confrontation.

The States parties to the Warsaw Treaty expect the NATO countries to take reciprocal steps to reduce their armed forces, armaments, military expenditure and military activities.

The Meeting's participants called for the strict observance of the Stockholm arrangements, the adoption at negotiations of the 35 States participating in the CSCE of new confidence- and security-building measures to develop them, the extension of notification, observation and limitation measures to all types of military activities of States, including those of their naval and air forces.

The creation of a Centre for reducing the danger of war and preventing a surprise attack in Europe, a body with informational and consultative functions, is bound to become an important contribution to confidence- and security-building and stability enhancement on the continent.

Other proposals put forward at the talks by the State parties to the Warsaw Treaty are also aimed at achieving the purposes of confidence- and security-building.

A major step, capable of raising the process of disarmament and of strengthening European security to a qualitatively new level can be the convening of a meeting of leaders of the 35 States participating in the CSCE, at which the results attained in these fields would be examined and future tasks determined.

The allied socialist countries express the hope that consideration of military doctrines, their character, their political and military-technical aspects and their future development will facilitate the transition to military concepts and doctrines based on strictly defensive principles.

Stability and security in Europe cannot be complete and sufficiently reliable without a solution of the problem of tactical nuclear equipment. Moreover, as conventional armaments are reduced, the destabilizing role of tactical nuclear weapons will inevitably grow. In that connection, NATO's plans to modernize tactical nuclear weapons are causing great concern.

Having noted a certain development in the position of the NATO countries regarding talks on tactical nuclear weapons in Europe, the States parties to the Warsaw Treaty call on the NATO countries to solve the problem of tactical nuclear weapons not by modernization but by separate negotiations aimed at their step-by-step reduction, and reaffirm their proposals in that regard.

The Meeting's participants expressed support for the Soviet Union's intention, in case the NATO countries are prepared to begin negotiations on tactical nuclear weapons, to proceed to further unilateral reductions of tactical nuclear missiles stationed in Europe.

They also support the decision of the Soviet Union taken earlier this year unilaterally to withdraw from the territories of allied socialist countries 500 warheads of tactical nuclear missiles, as well as its declaration that it is prepared to withdraw during 1989-1991 all nuclear ammunition from the territories of its allies on condition of a similar reciprocal step on the part of the United States.

The States parties to the Warsaw Treaty are convinced that a step-by-step reduction, and later elimination, of tactical nuclear weapons in Europe, along with a drastic reduction of armed forces and conventional armaments would constitute an effective means of lowering the danger of war and strengthening mutual confidence.

Solutions of the problem of ensuring security and stability and an ever lower level of the military balance cannot ignore the significance of naval forces and their armament as well as naval activities capable of exerting a destabilizing influence on the situation and of creating a threat to security in Europe and other regions. The Meeting's participants advocate an active dialogue on this problem area and consider it necessary to begin separate negotiations for their consideration between the States concerned and, first of all, the major naval Powers.

The meeting emphasized that a reduction of military standing allows the resources economized to be directed to the needs of social and economic development. In that connection, the effective solution of the problem of converting military production acquires major importance and this might become a subject of international consultations, including consultations in the framework of the United Nations.

Also mentioned was the great importance of joint and individual initiatives for promoting the solution of security problems as they affect various regions of the continent, in particular, for creating a nuclear-free corridor and a zone free of chemical weapons in central Europe; for armaments reduction and confidence building in central Europe; for creating along the line of contact of the States of the two alliances a zone of confidence, co-operation and good-neighbourly relations; for creating in the Balkans a zone free of nuclear and chemical weapons; for converting the Mediterranean into a zone of peace and co-operation; and for a drastic reduction of the level of military confrontation in northern Europe. They support multilateral and bilateral practical steps for the implementation of those initiatives.

The States parties to the Warsaw Treaty consider that disarmament measures must be accompanied by strict appropriate measures of control. They are prepared to join in the most effective solutions leading to the creation of a comprehensive disarmament-control system. In this connection, the United Nations could play a constructive role.

The States parties to the Warsaw Treaty reiterate their recent appeal to the States members of the North Atlantic alliance calling on them to utilize the opportunities now emerging for completely overcoming the consequences of the "Cold War" in Europe and worldwide. They reaffirm their position of principle in favour of disbanding both of the military-political alliances.

III.

The focus of the efforts of the States parties to the Warsaw Treaty continues to be the task of ensuring stability and security in Europe, the consolidation of relations there of a new type based on overcoming confrontation, and strengthening confidence and good-neighbourliness. They advocate the development of broad mutually advantageous co-operation on an equal footing in various fields, the participation of all countries and peoples in settling the pressing problems of the continent. The main foundation for building the new Europe must continue to be the common European process.

Expressing their firm intention to foster by every means intensification of the Helsinki process, the meeting's participants base themselves on the principle that the creation of a Europe of peace and co-operation is not possible in isolation from all that has been achieved on the continent both over the centuries and during recent decades. Differences between particular States or groups of States must not hinder mutual understanding and interaction. On the contrary, the diversity of experience of the European peoples can become a source of mutual enrichment. In this connection, it is important for the processes taking place in different parts of the continent to facilitate the development of inter-State relations on a bilateral, multilateral, and common European basis.

The States participating in the Meeting attach great importance to the build-up of mutually advantageous economic and scientific-technical co-operation among the countries participating in the CSCE. This would enable each country to make optimum use of its material and human resources, and the

possibilities offered by the international division of labour in the interests of their social and economic development. It is necessary to remove the obstacles and restrictions on the path of development of trade, scientific, technical and production links, and to broaden mutual access to modern technologies.

The question of expanding and intensifying multilateral and bilateral co-operation in the solution of pressing ecological problems has acquired particular urgency. Europe could set an example in this respect.

An inseparable part of efforts to normalize the situation in Europe is the expansion of co-operation in the humanitarian field, the encouragement of human contacts, the development of collaboration in information exchanges and the flow of information as well as in culture and education.

One of the first requisites for ensuring peace and co-operation in Europe is that all human rights and fundamental freedoms contained in the Universal Declaration of Human Rights, in the International Covenants on Economic and Social, and Civil and Political Rights, in the Helsinki Final Act and in other United Nations and CSCE documents should be achieved in each country. The Warsaw Treaty States call for the full achievement of the civil, political, economic, social, cultural and other rights in their interdependence.

The strengthening of peace and security in Europe would contribute to solving many serious social problems with which the peoples of the continent are confronted, would ensure the right to life and to work.

The Meeting's participants stress that a firm rebuff must be given to any manifestations of revanchism and chauvinism, any form of sowing hatred among peoples. They share the concern of public opinion in the western European countries about growing manifestations of neo-fascism.

The allied socialist States attach a primordial importance to ensuring military, political and territorial stability in Europe. They start from the fact that each people decides the fate of its country, and has the right to choose its sociopolitical and economic system, the State system it thinks fit. There can be no single standard for the organization of society.

Stability presupposes renunciation of confrontational doctrines, of reliance on force, inadmissibility of direct or indirect interference in the domestic affairs of States. No country may dictate events in another country, claim the position of judge or arbiter.

IV

The People's Republic of Bulgaria, the Czechoslovak Socialist Republic, the German Democratic Republic, the Hungarian People's Republic, the Polish People's Republic, the Socialist Republic of Romania and the Union of Soviet Socialist Republics are ready to develop their collaboration with the other States participating in the common European process, with all the States concerned, to work together with these States with a view to reaching

understandings on deep arms cuts and on disarmament, the strengthening of security and stability in Europe, the transition from confrontation to collaboration in relations among States, the building of a Europe of lasting peace, good-neighbourliness and collaboration. They will be receptive to and support any step or constructive proposal in this direction.

For the People's Republic of Bulgaria
TODOR ZHIVKOV
General Secretary of the Central Committee of the
Bulgarian Communist Party,
President of the State Council
of the People's Republic of Bulgaria

For the Czechoslovak Socialist Republic
MILOS JAKES
General Secretary of the Central Committee
of the Communist Party of Czechoslovakia

For the German Democratic Republic
ERICH HONECKER
General Secretary of the Central Committee
of the Socialist Unity Party of Germany
Chairman of the Council of State
of the German Democratic Republic

For the Hungarian People's Republic
REZSO NYERS
President of the Hungarian Socialist Workers' Party

For the Polish People's Republic
WOJCIECH JARUZELSKI
First Secretary of the Central Committee
of the Polish United Workers' Party,
President of the Council of State of the
Polish People's Republic

For the Socialist Republic of Romania
NICOLAE CEAUȘESCU
General Secretary of the Romanian Communist Party,
President of the Socialist Republic of Romania

For the Union of Soviet Socialist Republics
MIKHAIL SERGEYEVICH GORBACHEV
General Secretary of the Central Committee of the
Communist Party of the Soviet Union
President of the Supreme Soviet of the
Union of Soviet Socialist Republics

Bucharest, 8 July 1989

NORWAY

Verification of a Comprehensive Nuclear Test Ban:

THE NORWEGIAN SEISMIC VERIFICATION PROGRAMME

SUMMARY OF RESEARCH RESULTS 1988/89

Introduction

In a series of documents (CD/310, CD/395, CD/507, CD/599, CD/714, CD/763, CD/862), Norway has since 1982 presented contributions to the work of the Conference on Disarmament on seismological verification measures for a Comprehensive Nuclear Test Ban. In particular, these documents have addressed various aspects of a future global system for international exchange of seismic data as envisaged by the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events.

Norway has consistently maintained that such a global system must take advantage of the rapid and ongoing technological developments in seismic instrumentation, data communication and computer systems.

Norway therefore welcomes the consensus that now has been established in the Group of Scientific Experts (GSE) on this issue, as reflected in the recent Fifth Report by that Group (CD/903). This report, which marks yet another important step in the work of the GSE, describes how recent technological and scientific developments can be applied in designing a modern international seismic data exchange system; the aim of this work being to improve the confidence with which a future comprehensive nuclear test ban treaty could be monitored.

The Group of Scientific Experts' Second Technical Test (GSETT-2)

The GSE has stated that the development of technical concepts for the proposed system needs to be a purposeful and ongoing process, whereby it will be necessary to test the proposed concepts in practical experiments and later evaluate and adjust the system design in view of this experience.

The Group's Second Technical Test (GSETT-2), which is now in its initial phase, will be an important step in this process. Norway will participate fully in the conduct of GSETT-2, by providing data and information from Norwegian seismic array facilities. In addition, Norwegian scientists will contribute toward the evaluation of the results from the test, with the purpose to further elaborate the new concepts for a global system.

The recently established NORESS and ARCESS arrays are important in this regard. These two arrays, which are located in southern and northern Norway, respectively, incorporate the most recent achievements in seismology, signal processing and data communication, using modern technology.

The NORESS and ARCESS arrays have shown outstanding capabilities in detecting small seismic events, both at close distances and in remote areas. Thus, small nuclear explosions have been detected as far away as the French test site at the Mururoa atoll, at a distance of approximately 15,000 km. GSETT-2 will mark the first time that the recordings of these advanced arrays will be systematically combined with those of traditional seismograph stations worldwide. Norway has previously proposed (CD/714) that the global network should, in so far as practicable, incorporate such small-aperture seismic arrays. The outcome of GSETT-2 will give important indications as to how the capabilities of a global network might be improved by establishing additional arrays of this type around the globe.

An integrated processing system for networks of arrays

While each of the two arrays - NORESS and ARCESS - individually has been shown to provide excellent capabilities, the most important perspective lies in the possibilities that have now been opened up for using data from several such arrays in an integrated processing scheme. Initial results from joint NORESS/ARCESS data analysis have demonstrated that these two arrays complement each other by providing significantly improved precision in estimating source parameters of seismic events.

A large-scale research effort has for some years been under way to apply artificial intelligence techniques in developing a knowledge-based computer system for analysing data jointly recorded by NORESS and ARCESS, with possibilities of including additional such arrays as well. This advanced programme, which is being conducted in co-operation between United States and Norwegian scientists, is expected to enhance significantly the capabilities for detecting, locating and identifying small seismic events at local and regional distances on the basis of such array data.

The first prototype of such a system is currently being installed at the NORSAR data center, with a direct wide band satellite link to a similar system in the United States. Results from this research programme will be made available to the GSE in due time, and this type of processing is expected to make an important contribution to the GSETT-2.

The Norwegian National Data Center (NDC)

In pursuance of recommendations by the Group of Scientific Experts, Norway has recently established a National Data Center (NDC), conforming to the preliminary specifications given by the Group. This NDC is located at the premises of the NORSAR processing center at Kjeller, and is built around a SUN-3 computer with specially developed software.

The Norwegian NDC is based on the "open station" concept originally introduced by the Federal Republic of Germany. Any GSE participant can establish a direct computer connection, using standard digital communications protocols, to this center. All data of interest can be accessed directly, and retrieved using various file transfer protocols. Among the data that are currently available on-line are complete lists of phase detections from the Norwegian arrays, any Level II (waveform) data recorded during the last 72 hours as well as Level I and Level II data for seismic events of special interest.

The Norwegian NDC will be the gateway used by Norway to contribute data to the GSETT-2. In addition, experience accumulated in establishing and operating this NDC will be shared with other GSE participants.

Conclusions

- The small aperture arrays NORESS and ARCESS have shown outstanding capabilities in detecting small seismic events, both at close distances and in remote areas.

- The possibilities of using data from several small aperture arrays open important perspectives. Initial results from joint NORESS/ARCESS data analyses have demonstrated that these two arrays complement each other by providing significantly improved precision in estimating source parameters of seismic events.

- The application of artificial intelligence techniques in developing a knowledge-based computer system for analysing data is expected to enhance significantly the capabilities for detecting, locating and identifying small seismic events at local and regional distances. The first prototype of such a system is currently being installed at the NORSAR data center.

- The research results from 1988/89 underline the importance of the Norwegian proposal that the global network should, in so far as practicable, incorporate small-aperture seismic arrays.

NORWAY

VERIFICATION OF ALLEGED USE OF CHEMICAL WEAPONS

A NEW APPROACH FOR VERIFICATION PROCEDURES

1. Introduction

In 1981 the Norwegian Government started a research programme on verification of alleged use of chemical weapons. This programme is being carried out by the Division for Environmental Toxicology of the Norwegian Defence Research Establishment at Kjeller, near Oslo. The research findings have been presented to the Conference on Disarmament in annual reports and working papers, which have been compiled in the publication Contributions by Norway to the Conference on Disarmament 1982-1987, published by the Royal Norwegian Ministry of Foreign Affairs in March 1988 (document CD/813 of 7 March 1988). The 1988 report was presented to the Conference in document CD/857 of 12 August 1988 and in Working Paper CD/861 of 22 August 1988.

The Norwegian research programme is directly linked to the negotiations on Article IX of the Chemical Weapons Convention. Together with Canada, Norway has submitted a proposal for a text concerning procedures as an Annex to this Article (document CD/766 of 2 July 1987).

In 1988-1989 the Norwegian Defence Research Establishment introduced a new technique of analysis for verification of alleged use of chemical weapons. It is called the headspace gas chromatography technique, which permits analysis directly on samples without prior cleaning procedures. Based on this simplified method, research is being continued with a view to further developing the procedures to be followed by an international inspection team. In 1988-1989, the research has been focused on the application of this new method and its consequences for sampling, handling and transport of samples.

The verification procedure

The verification procedure developed as part of the Norwegian research programme is based on a method applying absorption of chemical warfare agents from aqueous solutions to porous polymers. This involves extracting solid sample material with water before this extract is passed through a cartridge filled with a porous polymer. The advantage of this method is, firstly, that the amount of sample which has to be carried back to the laboratory is dramatically reduced and, secondly, that the same procedure may be used for several types of sample material.

The complete verification procedure also includes a method for analysing various sample materials where no preliminary preparation of the samples is necessary. This technique is known as headspace gas chromatography and has not been described previously in connection with verification of alleged use of chemical warfare agents. The great advantage of this technique is that almost all kinds of sample materials may be used. Samples are collected in small glass vials, which are sealed with stoppers and transported to the laboratory for analysis. The vials can then be inserted directly into the headspace instrument where the sample is heated to generate a vapour concentration of any volatile chemical contaminant present in the sample. Finally, a gas sample is injected onto the gas chromatograph connected to the headspace instrument. This can be automated after the conditions for analysis have been decided. The probability of positive analysis by this technique will depend on the type of sample material and the chemical agent to be analysed, and optimal analytical conditions will have to be evaluated in each individual case. Optimal conditions for the heating block with regard to temperature and time are important factors in order to obtain a positive analysis by means of the headspace technique.

Laboratory experiments

Laboratory experiments have been carried out using the headspace technique to develop optimal analytical procedures for analysing the nerve agents tabun, sarin and soman, the blister agent mustard gas, and a production by-product of sarin, diisopropyl methylphosphonate. Analytical procedures have also been developed and tested for 10 different sample materials, including water, soil, sand, grass, neoprene, silicone, butyl rubber, paper, polyester/cotton fabric and polyurethane foam with activated charcoal.

Field trials

The headspace method was tested in two field exercises during the winter of 1988-1989 and the spring of 1989. The first exercise took place in February during a period when the temperature varied between 0 and +10°C, while the second was carried out in April-May with temperatures varying between +5 and +30°C. In both trials, samples were spiked with chemical warfare agents and placed outdoors in order to expose them to the prevailing weather conditions.

In the first exercise a limited number of samples were tested in order to get an idea of the usefulness of the technique. The sample materials used were water, soil, butyl rubber and polyester/cotton fabric. All samples were contaminated with 1 mg of each of the nerve agents sarin and soman. The samples were then left outdoors for exposure to the prevailing weather conditions. Samples were collected after 1, 2, 5, 7, 14 and 28 days and analysed in the laboratory by the headspace method. Such frequent intervals were chosen in order to get an idea of the deterioration rate of chemical agents in environmental samples.

In the second exercise the number of agents was increased to five and included tabun, sarin, soman, mustard gas, and diisopropyl methylphosphonate. Furthermore, the number of sample materials in the exercise was increased to 10, including water, soil, sand, grass, neoprene, silicone, butyl rubber,

paper, polyester/cotton fabric and polyurethane foam with activated charcoal. The size of the samples and the amount of agent were the same as during the first exercise. Analysis was carried out after two and four weeks.

Sample handling

The possibility of achieving a positive verification will inter alia depend on the conditions for handling and transporting samples. A separate exercise has therefore been carried out to evaluate the influence of various temperatures during the transport of headspace vials. Temperatures of +20, 0 and -20°C were chosen, simulating room temperature and the approximate temperatures of a refrigerator and of a freezer respectively. As in the second field trial, 5 different chemical agents and 10 different sample materials were used in the experiment. The various samples were spiked with 1 mg of each agent. The headspace vials were immediately sealed with the appropriate stopper and stored for 24 hours under the various temperatures. They were then analysed according to standard procedure.

Analytical method

A screening method to be used on samples suspected of containing one or more of the chemical agents tabun, sarin, soman, mustard gas and diisopropyl methylphosphonate has been developed. The optimal method for each of the agents depends on the agent, the sample matrix, the thermostating time and temperature as well as on the standard gas chromatographic conditions. The gas chromatogram was recorded with a Carbowax 20M column and a flame ionization detector with a temperature programme starting at 140°C for 2 minutes, rising by 10°C/minute to 160°C, and continuing at this temperature for 6 minutes. The samples were thermostatted in the heating block at 100°C for 12 minutes.

Results

The results of the field exercise under winter conditions, in which sarin and soman were used, clearly show that headspace gas chromatography can be a valuable method in verification of alleged use of chemical warfare agents. How much of the agent is detected depends both on the agent and on the type of sample it is recovered from. The amount of agent recovered seems to decline very rapidly during the first 2-5 days of outdoor exposure, but after that the deterioration is much slower. As expected, the amount of sarin declined faster than the amount of soman. After 7 days, the recovery in percentage of applied amount of sarin varied from 0 in polyester/cotton fabric and butyl rubber to 6.5 in polyurethane foam with activated charcoal. After 14 and 28 days, sarin was found only in silicone (0.3 per cent and 0.02 per cent) and polyurethane foam (3.3 per cent and 0.8 per cent). Soman was recovered in all samples after 7 and 14 days in percentages of applied amounts ranging from 0.2 to 27.8 after 7 days and from 0.02 to 15.6 after 14 days. After 28 days soman was detected in all samples except water in percentages varying from 0.04 to 6.0. Silicone gave the best results for soman in all these periods, while polyester/cotton fabric and water gave the poorest results. Both sarin and soman were recovered in silicone and polyurethane foam with activated charcoal, which indicates that polymers such as these are preferable as sample materials in verification of alleged use of chemical warfare agents.

The second exercise, which was conducted under summer conditions, showed that sarin was found in 7 of the 10 types of sample materials after 14 and 28 days of exposure, in all cases in amounts ranging from 0.2 per cent to 0.4 per cent of the applied amount of agent. No sarin was recovered from water, soil and grass.

Soman was found in 6 of the 10 types of sample materials after 28 days in percentages of applied amounts varying from 0.04 in paper to 3.5 in silicone. In this case no agent was found in the water, soil, grass or sand samples. After 14 days soman was also found in the sand sample, and more than 1 per cent was recovered in samples of paper, silicone, neoprene and polyurethane foam with activated charcoal. The highest recovery was again obtained with silicone, with 11.2 per cent of the applied amount.

Tabun is difficult to detect in samples exposed to prevailing weather conditions for periods of up to 28 days. In this exercise tabun was found only in the silicone sample after 28 days, but in this case the recovery was as high as 6.9 per cent of the applied amount. After 14 days tabun was found not only in silicone (8.3 per cent), but also in the paper sample (0.4 per cent).

The results of the experiments with mustard gas were quite similar to the results using soman, since mustard gas was found in all samples except water, soil, grass and sand after both 14 and 28 days, in percentages varying from 0.01 to 8.3 after 28 days, and 0.1 to 13.8 after 14 days. The polymer materials silicone, neoprene, butyl rubber and polyurethane foam with activated charcoal all contained more than 1 per cent of the applied amount of mustard gas after 28 days and seem to be good absorbents of mustard gas.

Diisopropyl methylphosphonate, which is a production impurity of sarin, is a stable chemical compound and was found in large quantities in all types of materials both after 14 and after 28 days of exposure. Water, grass, silicone and polyurethane foam with activated charcoal gave the best results with more than 10 per cent recovered after 28 days.

The results of the sample-handling experiments show that the samples should be transported at low temperature in order to enhance the possibility of positive verification of alleged use of chemical warfare agents. A positive verification will depend both on the chemical agent and on the sample matrix.

The results of 24 hours' storage at -20°C in a freezer show that all the agents were verified in all the various kinds of samples except tabun in water and grass. Tabun was found in percentages of applied amount ranging from 6.9 in sand to 64.5 in polyester/cotton fabric, sarin from 1.2 in grass to 93.7 in polyester/cotton fabric, soman from 6.5 in grass to 84.6 in butyl rubber, mustard gas from 8.2 in grass to 100 in polyester/cotton fabric and diisopropyl methylphosphonate from 9.9 in sand to 98.7 in grass.

In the samples stored for 24 hours at 0°C in a refrigerator, all agents were verified except tabun in water, grass and soil and sarin in grass. The recovered amounts were less than at -20°C , especially as regards tabun and mustard gas, but to some extent also as regards sarin, soman and diisopropyl methylphosphonate.

The results of 24 hours' storage at room temperature (+20°C) show lower recoveries than storage at the other temperatures, but all agents could be verified in all sample materials except tabun in water, soil, grass and sand and sarin in grass. Tabun was found in percentages of applied amount ranging from 0.8 in polyester/cotton fabric to 15.5 in polyurethane foam with activated charcoal, sarin from 3.2 in soil to 64.7 in polyurethane foam with activated charcoal, soman from 1.4 in grass to 45.8 in polyurethane foam with activated charcoal, mustard gas from 2.9 in grass to 78.2 in polyester/cotton fabric and diisopropyl methylphosphonate from 2.7 in sand to 93.5 in water.

Conclusions

Headspace gas chromatography in combination with a simple detection device such as flame ionization has been extensively tested in laboratory and field exercises and has proved to be an important additional tool in verification of alleged use of chemical warfare agents. A combination of headspace gas chromatography and mass spectrometry would have improved these results substantially. This means that headspace gas chromatography represents a useful technique for verification of alleged use of chemical weapons. This technique should be incorporated in the procedures to be followed by an international inspection team.

The exercises have shown that chemical agents can be identified in samples exposed to prevailing weather conditions for periods of up to 28 days. The main advantage of this technique is that no preliminary clean-up or preparation is necessary before analysis in the laboratory. The stability is dependent on the absorption properties of the different matrices. Absorption into polymers obviously protects the agent from degradation and improves the chances of a positive verification. The experiments showed that the results are dependent on the water content of the samples. The present information makes it possible to evaluate which sample material should be preferred.

After collection of samples, the vials are sealed and transported to the laboratory for analysis. The stability of the tested agents in 10 different matrices has shown that in most cases, no precautions in storing the samples should be necessary. However, it should be borne in mind that in all cases, the recoveries are higher when samples are stored at low temperatures. By taking precautions in storing the samples, the possibility of positive verification is enhanced.

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CONFERENCE ON DISARMAMENT

CD/937
CD/OS/WP.35
21 July 1989

ENGLISH
Original: FRENCH

LETTER DATED 20 JULY 1989 FROM THE REPRESENTATIVE OF FRANCE
ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON
DISARMAMENT TRANSMITTING A WORKING PAPER ENTITLED "PREVENTION
OF AN ARMS RACE IN OUTER SPACE: PROPOSALS CONCERNING
MONITORING AND VERIFICATION AND SATELLITE IMMUNITY"

I have the honour to transmit to you herewith in connection with item 5 of the agenda of the Conference on Disarmament a working paper entitled "Prevention of an arms race in outer space: proposals concerning monitoring and verification and satellite immunity".

I should be grateful if you would arrange for its circulation in all the languages of the Conference as an official document of the Conference on Disarmament and the Ad hoc Committee on Prevention of an Arms Race in Outer Space.

(Signed)

Pierre Morel
Ambassador
Representative of France
to the Conference on Disarmament

FRANCE

Working Paper

Prevention of an arms race in outer space: proposals concerning
monitoring and verification and satellite immunity

By this document, France, in addition to providing a reminder of a number of points that have emerged from the work of the Ad hoc Committee on Prevention of an Arms Race in Outer Space, wishes to amplify its proposals on the use of outer space for monitoring and verification and on satellite immunity and to propose in this latter respect the creation of an international trajectography centre.

I. THE CONDITIONS FOR PREVENTION OF AN ARMS RACE IN OUTER SPACE

The very special nature of space questions explains in large measure the slowness of progress in this field and makes it one with which it is very hard to deal:

Unlike in other fields of disarmament, the devices concerned, which only a few States possess, operate in a geographical area that is common to all and unappropriated;

Once launched, these unmanned vehicles travel constantly at very high speeds under very limited control from the ground: being generally only slightly manoeuvrable, even those of the most peaceful intent have a potential destructive capacity in the event of collision;

Finally and above all, most of the technologies in question are still evolving. A state of continuing uncertainty as to their future development prevents us from weighing all the strategic implications and thus limits the possibility of negotiating on such systems. It is, after all, very difficult to distinguish in advance in terms of security what is important from what is secondary and what is dangerous from what is effective.

In the face of the complexity of this problem, we must avoid over-simplification and look the facts clearly in the face. Four points at least must be borne in mind when studying the question of the prevention of the arms race in outer space:

- (1) First of all, military systems today account for the great majority of space activities and many of those systems - for example, observation

or early-warning satellites - have a manifestly stabilizing function. It would therefore be both illusory and inopportune to envisage complete demilitarization of outer space;

(2) Next, whatever its merits, the present legal régime for outer space is not adequate by itself to prevent an arms race there. This régime, comprising a series of partial agreements of which the most important are often bilateral and giving rise on occasion to intractable differences of interpretation, seems particularly deficient in that there is no provision concerning, for example, anti-satellite systems that are ground-based or that do not involve the use of nuclear weapons or weapons of mass destruction;

(3) Thirdly, operational anti-satellite systems already exist and numerous space objects not designed for the purpose have a potential ASAT capacity by mere collision. Consequently, an absolute ban on anti-satellite systems would seem unverifiable in practice; furthermore, it would be too broad if it was to include stabilizing systems because they might provoke collisions, and if, on the other hand, it was more restrictive, it would allow certain dangers to persist and could no longer be termed an absolute ban;

(4) Finally, the ASAT and ABM problems are closely linked: no multilateral regulation exercise aimed at prohibiting the permanent placing of weapons in space could advance independently of the United States-Soviet bilateral negotiations or, a fortiori, more rapidly than those negotiations.

These few considerations thus suffice to rule out measures which, while attractive in appearance, would in reality be delusive or unsuitable for multilateral treatment for the moment.

It is clear moreover that, in the current state of discussions within the Conference on Disarmament, there is no consensus as to what coercive measures would be appropriate to prevent an arms race in outer space.

But does this mean that we should give up? Certainly not. The multilateral bodies, and first and foremost the Conference on Disarmament, have a special role to play, alongside the bilateral efforts, in promoting further thought on these subjects and resolving the deadlock that we now see. They should first of all work to improve the technical knowledge of the issues and constraints of disarmament in space. Without that deeper knowledge, no agreement will be possible on the means to be applied.

The Conference on Disarmament can also identify pragmatically the fields in which a consensus seems possible here and now. From this standpoint, France notes a welcome change of attitude in two important fields: there is increasing recognition of the usefulness of space for verification and growth in many countries' interest in the subject of the legal immunity of satellites. It is these two subjects that the present working paper is intended to develop.

II. THE PROSPECTS OFFERED BY SPACE OBSERVATION

Space is not just an area for disarmament; it is also a potential tool of disarmament, thanks to the possibility of satellite verification of agreements. Whereas the very concept of verification was long a stumbling block for disarmament efforts, the context has now changed profoundly and the means of verification that are currently envisaged or already in use are substantially more sophisticated and diverse. Moreover, there is now universal recognition of the need to provide an appropriate verification régime for each future agreement.

Similarly, the recent past has been marked by the growing recognition of the stabilizing role of observation satellites and the appearance of high-resolution satellites other than those of the United States and the Soviet Union.

These developments mean that it is now possible to envisage a greater contribution by space to the verification of disarmament agreements and confirm a posteriori the validity of the course France has been proposing since 1978.

After introducing at SSOD-I a proposal for an international satellite monitoring agency (ISMA), which was thoroughly studied by a United Nations group of experts from 1979 to 1981, France proposed at SSOD-III in June 1988 the implementation of the first phase envisaged for ISMA, in the form of an agency for the processing of satellite images (APSI).

This agency would:

Collect, process and disseminate data obtained by means of existing satellites;

Study satellite configurations for civilian purposes (natural disasters, development) or military purposes (verification and crises);

Train photo interpreters.

With regard to the first phase of ISMA, APSI introduces a civilian dimension aimed at allowing, on the one hand, for the lesser precision of data due to the civilian nature of the supplying satellites and, on the other, for the needs of developing countries.

For France, it is important to distinguish very clearly between monitoring and verification. The latter can only be undertaken within the context of a specific agreement, in order to ensure that the agreement is being complied with, and can only be carried out by the countries parties to the agreement.

The result as regards the use of satellites is a natural distinction between the general collection of data, which can be effected by multi-purpose observation satellites, and verification proper, the requirements of which can justify the development of new equipment specific to a particular treaty, to be employed solely by the parties to that treaty and, perhaps, linked to ground facilities.

It would therefore be conceivable, in the long term, to build, for the benefit of the entire international community or of the parties to a particular treaty, either general observation satellites or satellites specializing in the verification of a particular provision. That is one of the things envisaged for the third phase of ISMA.

But it seems to us preferable at the present stage to set as the objective for the initial phase the pooling of the existing data. APSI - a low-cost mechanism - would make possible both the essential training of national experts in the interpretation of space images and, above all, the assessment of what could actually be achieved with satellites in the fields of verification and monitoring. Only from this preliminary phase could the requirements for new systems and the possibilities of specific applications in the future be defined.

It must however be clear that such an agency would be a confidence-building device and would not be intended to be the embryo of a verification system with universal competence attached to the United Nations. The principle of the specificity of verification in fact argues against the entire international community's being responsible for the verification of every disarmament agreement whatever its nature and whoever the parties and seeking to employ one single instrument for that purpose.

III. THE LEGAL IMMUNITY OF SATELLITES: THE PRINCIPLE AND ITS APPLICATION

Our common goal is to guarantee the security of satellites and of space activities that deserve to be protected.

The means to be employed may, naturally, be national, through the active or passive protection of the satellites themselves:

"Active" protection by means of on-board defensive systems would, however, merely make the problem more complex, for such systems would be hard to distinguish from offensive systems;

"Passive" protection through shielding or hardening would, in reality, be costly and penalize the satellites in terms of weight.

But the desired protection can also be ensured multilaterally by providing legal protection through the medium of immunity.

We should continue our efforts to arrive at a consensus on measures acceptable to everyone. But the present difficulties show clearly that it is the legal approach, through satellite immunity, that best corresponds to the capacity for action of the Conference on Disarmament. Moreover, France observes with interest that this topic is being brought up more and more often in the statements made at this Conference.

The idea of immunity is at the heart of the proposals that France has put forward in recent years. This approach is based on a principle, non-interference, and on rules aimed at facilitating compliance with that principle, i.e. a "space code of conduct". For their application, France is today proposing the creation of an appropriate instrument in the form of a trajectography centre.

1. The principle of non-interference

For identifying satellites deserving protection there would seem to be only one effective criterion: whether or not they have the capacity to interfere actively with another satellite.

Deriving naturally from this is a principle: non-interference with non-aggressive space activities, i.e. with devices that do not themselves have a capacity for active interference.

This principle may seem to be already present implicitly in space law and therefore to be pointless or superfluous.

However, it is precisely because it already constitutes in a way a customary practice that it seems to France a likely object of consensus.

Above all, however, this principle is expressly mentioned only in United States-Soviet bilateral agreements and covers more specific situations and concepts than the general principle of the non-use of force laid down in the Charter of the United Nations.

It therefore deserves more explicit recognition by the international community as a whole. Such a more formal statement of the principle might not be sufficient on its own to ensure absolute protection, but it would at least provide an opportunity for a specific commitment by States to a common rule.

In addition, the efforts at definition that will be required for the adoption of this principle will help to clarify the issues in our discussions.

Generally speaking, by instituting an obligation of result and not of means, the approach we are proposing will avoid a number of technical difficulties and provides a way of covering effectively dangers that have been left out of account in most proposals, especially dangers emanating from ground-based devices.

The adoption of a principle of the kind in question would not, however, suffice without the elaboration at the same time of rules facilitating compliance with that principle.

2. A space code of conduct

In various statements in this chamber, France has described the two components of this concept.

First, implementation of the principle of non-interference requires better knowledge of the characteristics of space objects, and hence a strengthening of the 1975 Registration Convention.

One of the tasks for our Committee might therefore be to look into the question what are the typical features of a space object, those that enable it to be identified and a minimum of knowledge to be acquired concerning its principal functions.

Similarly, better knowledge is required of the trajectories of each object. For the moment, trajectories are known only thanks to the use of space tracking devices, most of which are owned by the United States or the Soviet Union.

Consequently, in order to increase confidence and knowledge of all space activities, consideration might be given to the declaration, at the time of the registration of each object, of characteristics such as the orbital elements, the manoeuvrability and the energy sources available or of functional data relating to the on-board equipment.

What would be an adequate degree of precision remains to be determined and the list I have just given is not exhaustive. The legal framework to be adopted for the new régime has also yet to be determined: is what is needed a revision of the 1975 Convention or the adoption of a new text or a resolution of the United Nations General Assembly? It is still too early to decide. On the other hand, we should, as a first step, define the possible content of the new régime so that it contributes as well as possible towards security for space activities.

Secondly, however reliable the future registration régime may be, it will have to be accompanied by rules of behaviour for space vehicles in order to reduce the risk of incidents and above all to avoid their misinterpretation.

The reason is that ignorance of the space environment and the diversity of possible kinds of interference with equipment in orbit might, at a time of tension, cause cessation of the operation of a device to be interpreted as being the result of hostile action justifying retaliation. It is essential, therefore, to be able to distinguish at any time between a breakdown or an involuntary collision and a deliberate attack.

The rules of conduct that might be envisaged would concern manoeuvres and the prevention of incidents. They would aim at minimizing the risk of accidental collisions, preventing the close-range co-orbital pursuit that is an essential feature of space-mine systems and generally ensuring better knowledge of space traffic.

These rules of conduct might provide, in particular for:

The regular updating, in the event of deliberate manoeuvres or drifting, of the orbital elements declared at the time of registration;

The keeping of a minimum distance between any two satellites placed in the same orbit;

Monitoring of close-range passing.

The aim is to be better aware at all times of the immediate environment of every space object and hence of the risks to which it is exposed.

These two components, the registration system and the rules of behaviour, would constitute a sort of embryo "rules of the road". In addition to the value of enhancing security in the absence of any agreement to limit the systems deployed, this pragmatic approach, in the form of confidence-building measures, ought to prove an acceptable working basis for all States:

It does not prejudice their willingness to subscribe to prohibition or limitation agreements later on and does not in any way impede the bilateral negotiations;

It does not seek to achieve, by different means, an effect equivalent to that of an interdictory régime;

It would none the less, by expanding technical knowledge and increasing confidence, facilitate the elaboration of more binding measures if States came to want them.

This strengthened registration system and code of conduct must, however, be based on an appropriate instrument that would facilitate their day-to-day implementation.

3. A management tool: a trajectography centre

Keeping to the kind of system of trust proposed would be more difficult for States that do not have their own high-performance tracking devices. Constant awareness of the environment of a given satellite requires substantial computing capacity and, above all, knowledge of the orbits of all other satellites.

That implies a régime of total transparency, which would seem incompatible with the constraints inherent in the preservation of technological and military secrets. In particular, the efficiency of the régime would depend in part on the constant updating of orbits and thus on the systematic notification of manoeuvres; to give, say, the precise position of an observation satellite is, however, to disclose thereby the precise object of its monitoring function.

How, then, to reconcile the constraints of confidentiality with the gathering of all the requisite information concerning satellites' trajectories? After an initial consideration of this question, France is of the view that the grouping of that information in a computer system operating on the "black box" principle could constitute an appropriate solution.

The kind of centre we have in mind would receive and store, without publishing it, the orbital data declared at the time of registration and updated in the event of any subsequent change of trajectory.

By calculating permanently in place of all States all the trajectories of the objects on record, the trajectography centre could fulfil a double role without needing to publish the confidential data entrusted to it:

It would spontaneously warn the parties concerned where objects were too close in the same orbit or expected to pass too close;

It would serve, through consultation machinery, to provide proof of good faith in the event of allegations of deliberate collision (failure to declare a manoeuvre in advance would, for example, be a telltale sign).

Such a trajectography centre, which could be run discreetly and at low cost, could, like APSI, be attached to the United Nations international Secretariat. It would be open to all interested States possessing or using satellites.

It would not, however, under any circumstances be any kind of regulatory body laying down rules applicable to space, but merely the instrument of a confidence-building régime to which States would subscribe on a voluntary basis.

Moreover, it would, like APSI, be dependent on the data provided by each of those States concerning its own satellites or the satellites it had detected. Provision could be made for consultation machinery to deal with any disputes as to the identities or positions of particular objects.

This kind of relatively modest mechanism would be an invaluable tool for resolving difficulties associated with the notification of space manoeuvres that is an essential condition for the effective prevention of incidents.

Ad Hoc Committee on Effective International Arrangements to Assure Non-nuclear-weapon States against the Use or Threat of Use of Nuclear Weapons

Report to the Conference on Disarmament

I. Introduction

1. At its 484th plenary meeting on 7 February 1989 the Conference on Disarmament decided to re-establish for the duration of its 1989 session, an ad hoc committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It further decided that the Ad Hoc Committee would report to the Conference on the progress of its work before the conclusion of 1989 (CD/885).

II. Organization of work and documents

2. At its 485th plenary meeting on 9 February 1989, the Conference on Disarmament appointed Ambassador Ali Shams Ardekani of the Islamic Republic of Iran as Chairman of the Ad Hoc Committee. Mr. J. Gerardi-Siebert, Political Affairs Officer, United Nations Department for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

3. The Ad Hoc Committee held 10 meetings between 15 February and 27 July 1989.

4. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee during the 1989 session: Austria, Finland, Ghana, Greece, Ireland, New Zealand, Norway, Oman, Portugal, Spain, Switzerland, Syrian Arab Republic, Tunisia and Zimbabwe.

5. The following new document was submitted to the Conference in connection with the item during the 1989 session:

The Chairman presented a "non-paper": "Reflexions on Negative Security Assurances".

III. Substantive Work

6. In the general exchange of views, a number of delegations reiterated their belief that the most effective guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the prohibition of nuclear weapons. In their view, the non-nuclear-weapon States have voluntarily renounced the nuclear option in the expectation that States possessing nuclear weapons would follow suit. It was therefore necessary that the concerned nuclear-weapon States should respond in a positive manner to the repeated call of the non-nuclear-weapon States for security assurances which were necessary for an effective non-proliferation régime. These delegations felt that there was agreement among the majority of the United Nations States to the idea of an international Convention to provide effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, as was reflected in resolution 43/69 of the General Assembly adopted with no vote against it. This resolution appealed, inter alia, to all States, especially the nuclear-weapon States, to demonstrate the political will to reach an agreement on a common formula that could be included in an international instrument of a legally binding character. These delegations were of the view that this resolution, as well as those previously adopted by the General Assembly on this issue, should be the starting point of the Committee negotiations. They also felt that the general consensus on the common formula approach should not be undermined and efforts should be made to resume the search for a situation agreeable to all, in particular, a review of position was required by the nuclear-weapon States, who should realize the necessity of responding positively to the legitimate concerns of security of the non-nuclear-weapon States.

7. A number of delegations, including a nuclear-weapon State, shared the belief that the most effective and reliable guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the complete elimination of nuclear weapons. They held the view that pending the achievement of that objective, various interim measures should be taken to strengthen the security of non-nuclear-weapon States, such as the prohibition of the use of nuclear weapons by an appropriate international convention, the assumption of a policy of non-first use that would preclude the use of nuclear weapons against all States, including the non-nuclear-weapon States, and the establishment of nuclear-weapon-free zones as an effective means of ensuring the necessary prerequisites for all nuclear-weapon States to assume obligations not to use nuclear weapons against States belonging to such zones. They referred to the unilateral declaration of non-first use of nuclear weapons made by two nuclear-weapon States. These delegations maintained their strong support, as reflected in resolution 43/68 of the General Assembly of the conclusion of an international legally-binding instrument to assure effectively the non-nuclear-weapon States against the use or threat of use of nuclear weapons. The nuclear-weapon State belonging to this group of delegations reaffirmed the continuing validity of its guarantee of non-use of nuclear weapons with respect to non-nuclear-weapon States which do not have these weapons in their territory, regardless of their adherence to an alliance. These delegations reaffirmed their readiness to participate, together with other delegations, in the search for a solution to the problem of negative security assurances based on a common formula which was to be included in an international legally-binding document. They hoped that all nuclear-weapon States, as well as other States, would be willing to show the required flexibility in order to find an acceptable solution to the issues involved.

8. A number of delegations, including three nuclear-weapon States recalled their comprehensive views set forth previously in the Ad Hoc Committee. They welcomed the high level of interest of the international community in the question of assurances for non-nuclear-weapon States against the use or threat of use of nuclear weapons, and in this context noted the continued willingness of all to search for further improvements to the existing situation. They noted however that negative security assurances touch upon the fundamental security of all States and that, consequently, decisions in this area cannot be taken lightly. Given the wide range of security concerns faced by States and the variety of measures available to confront them, the search for a single solution has eluded the Committee so far. None the less, these delegations pointed out their readiness to continue that search, although they did not accept the premise that without a single common formula nothing had been achieved. In this regard, they recalled that all five nuclear-weapon States had given solemn assurances about the non-use of nuclear weapons against non-nuclear-weapon States. They observed that most non-nuclear-weapon States, in practice, should find themselves covered by all five negative security assurances, even though the different concerns of the nuclear-weapon States had obliged them to word their assurances differently, and to vary the qualifications they had applied. While some of those delegations expressed particular sympathy for the view of members of the Committee who are parties to the Treaty on the Non-proliferation of Nuclear Weapons, that their own renunciation of nuclear weapons called for a response in an equally binding form, they pointed out that one of the difficulties in coming to a single common formula for negative security assurances is that the same assurances would be offered to all States, including those who refuse to give a binding form to their non-proliferation undertakings. These States reiterated that the existing assurances, whilst not enshrined in a treaty or convention, nevertheless were solemnly given and are not to be considered as having no weight; they stand as firm, credible and reliable commitments.

9. A number of delegations drew attention to the Second Protocol of the South Pacific Nuclear-Free Zone Treaty (Treaty of Rarotonga) which contains negative security assurances, and expressed the hope that all nuclear-weapon States that had not done so would adhere to it without reservation.

10. One nuclear-weapon State was of the view that the most effective guarantee of the security of non-nuclear-weapon States was the complete and total elimination of nuclear weapons and pending the achievement of this goal, all nuclear-weapon States should assume obligations not to be the first to use nuclear weapons under any circumstances and undertake unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. The same State considered it entirely reasonable and legitimate for the non-nuclear-weapon States to demand that nuclear-weapon States undertake not to use or threaten to use nuclear weapons against them, since they are committed themselves not to possess nuclear weapons in various ways. It endorsed the suggestion to conclude an international convention on the non-use or threat of use of nuclear weapons against non-nuclear-weapon States and supported the search for a common formula which met the needs of security of the non-nuclear-weapon States. This same State reiterated its unconditional guarantee not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. Further, it expressed the idea that the substantive element in any solution to this

problem must be the effective guarantee that takes into consideration the reasonable demand for security of non-use or threat of use of nuclear weapons by non-nuclear-weapon States. It stated that it would welcome any constructive initiative agreeable to non-nuclear-weapon States.

11. Discussions on the conclusions that could be drawn from the work of the Committee this session of the possibilities of reaching agreement on a common formula to guarantee non-nuclear-weapon States against the use or threat of use of nuclear weapons had again proven inconclusive. Some delegations underlined the importance of making progress on these issues, in the light of the forthcoming Fourth Review Conference of the States parties to the Treaty on the non-proliferation of nuclear weapons.

IV. Conclusions and recommendations

12. The Ad Hoc Committee reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. Work on the substance of the effective arrangements and discussion on various aspects and elements of a solution, however, revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear-weapon States persisted and that the complex nature of the issues involved continued to prevent agreement on a "common formula". At the same time, the discussion underlined that all delegations supported and expressed their readiness to continue the search for a common approach on the substance of negative security assurances and, in particular, on such a "common formula".

13. Against the aforementioned background the Ad Hoc Committee recommends to the Conference on Disarmament that ways and means should continue to be explored to overcome the difficulties encountered in its work in carrying out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Accordingly, it was generally agreed that the Ad Hoc Committee should be re-established at the beginning of the 1990 session.

PERU

Proposal for Amendment of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies

I. REASONS

1. The 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies is an international instrument which to a great extent met the challenges raised by the development of space technology during the decade of the 1960s. Today, however, it does not seem completely satisfactory for dealing with the growing dangers resulting from the possibility of a shift of the arms race to outer space.
2. Apart from the fact that the 1967 Treaty lacks a juridically defined and politically unquestionable sphere of application, the States Parties, which postulate the recognition of outer space as the common heritage of mankind, are now faced with a de facto situation resulting from the development of new weapon systems which, although said to be based on the desire to assemble an impenetrable defence, could also serve as a basis for aspirations to hegemony or to supremacy in all environments.
3. Some thought they saw a sufficient guarantee against any use of force in the limitations established by article III of the 1967 Treaty, since that article subjects the outer-space activities of the States Parties to international law and the Charter of the United Nations. This, however, circumvents the fact that what is being sought is not to confirm a new type of deterrent applicable to outer space and based on proven and deployed weapon systems but rather to hinder or prevent precisely such a scenario from happening.
4. As we know, article IV of the 1967 Treaty makes a distinction between the status applied to outer space and that relating to the moon and other celestial bodies. In the first case, covered by the first paragraph of article IV, the States Parties undertake not to place in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, and not to station such weapons in outer space in any other manner. In the second case, covered by the second paragraph of article IV, the undertaking of the States Parties is of much greater scope, in that it specifies that the moon and other celestial bodies shall be used exclusively for peaceful purposes.

5. To refer only to the first paragraph of article IV, the main problem that arises is that because of the express prohibition of the placing in orbit of a particular kind of weapons, it might be inferred, contrario sensu, that the placing of other kinds of weapons is permitted. What is more, if it is assumed that placing in orbit implies at least one complete circling of the earth, the possibility is left open for the development, production and use in outer space of weapons systems which fail to meet that minimum requirement.

6. This is why it was deemed appropriate to submit the amendment proposal indicated below, without any other intention than to contribute to the improvement of the 1967 Treaty and thereby ensure the future use of outer space for exclusively peaceful purposes.

II. PROPOSAL FOR AMENDMENT

7. Without prejudice to the necessary confidence-building measures that may precede or coincide with the adoption of relevant amendments, article IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies might be amended as follows:

"Article IV

The States Parties to the Treaty undertake not to place in orbit around the earth any objects carrying any kinds of weapons, install such weapons on celestial bodies, or station such weapons in outer space in any other manner."

The second paragraph of article IV would remain as it now appears in the 1967 Treaty.

8. Inasmuch as the proposed amendment refers only to weapons placed in orbit, it is also desirable to contemplate the negotiation of an Additional Protocol for the purpose of prohibiting the development, production, storage and deployment of antisatellite weapon-systems which are not stationed in outer space. Also, the same Protocol will have to contain supplementary provisions relating to the limitation of antiballistic-missile systems, whatever their nature.

9. A second Additional Protocol will have to deal with the verification system necessary for guaranteeing faithful compliance with the obligations assumed by the States Parties, which may be a mixed system based principally on a multinational or international approach and on a national approach in accordance with the means of verification available to each State Party.

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CONFERENCE ON DISARMAMENT

CD/940
31 July 1989

Original: ENGLISH

LETTER DATED 31 JULY 1989 ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT FROM THE CHARGE D'AFFAIRES A.I. OF NORWAY TRANSMITTING A RESEARCH REPORT ENTITLED "VERIFICATION OF A CHEMICAL WEAPONS CONVENTION. HEADSPACE GAS CHROMATOGRAPHY. A NEW TECHNIQUE IN VERIFICATION OF ALLEGED USE OF CHEMICAL WARFARE AGENTS. PART VIII" */

I have the honour to transmit to you a research report entitled Verification of a Chemical Weapons Convention. Headspace Gas Chromatography. A New Technique in Verification of Alleged Use of Chemical Warfare Agents. Part VIII, published by the Royal Norwegian Ministry of Foreign Affairs.

I would appreciate if the report would be circulated as an official CD document.

(Signed) Torbjørn Aalbu
Chargé d'Affaires a.i.

*/ A limited distribution of the document in English only has been made to the members of the Conference on Disarmament. Additional copies are available from the Permanent Mission of Norway at Geneva.

CONFERENCE ON DISARMAMENT

CD/941
CD/OS/WP.38
1 August 1989

Original: ENGLISH

LETTER DATED 1 AUGUST 1989 ADDRESSED TO THE SECRETARY-GENERAL OF THE
CONFERENCE ON DISARMAMENT BY THE PERMANENT REPRESENTATIVE OF THE
POLISH PEOPLE'S REPUBLIC TRANSMITTING A WORKING PAPER ENTITLED
"CONFIDENCE-BUILDING MEASURES RELATED TO ITEM 5"

I have the honour to transmit to you herewith in connection with item 5
of the agenda of the Conference on Disarmament a working paper entitled
"Confidence-building measures related to item 5".

I should be grateful if you would arrange for its circulation in all the
languages of the Conference as an official document of the Conference on
Disarmament and Ad hoc Committee on Prevention of an Arms Race in Outer Space.

(Signed): Dr. Bogumil SUJKA
Ambassador
Representative of Poland
to the Conference on Disarmament

POLAND

Working paper

"Confidence-building measures related to item 5"

1. The principal aim of the Conference on Disarmament is to elaborate new agreements establishing international legal obligations upon States. This basic approach need not, however, prevent the Conference from undertaking other measures, particularly in situations where a stage of negotiations or other considerations could make them advisable and the only ones feasible. Different situations may require different approaches and responses. One of these responses could be confidence-building measures.

The CD Rules of Procedure provide that negotiations can be carried on draft treaties and other draft texts. They provide also that reports of the Conference can contain inter alia conclusions, decisions and other relevant documents. Thus, there is nothing that can prevent the Conference from agreeing on some documents not intended to be yet treaties, but reflecting political commitment and providing political guidance which, if followed, would prompt further co-operation in matters under consideration and facilitate further discussions.

2. Taking into account present difficulties in reaching new agreements for the prevention of an arms race in outer space the Conference could adopt measures aimed at strengthening existing international legal régimes applicable to outer space and at increasing transparency of outer space activities, particularly having military or military-related functions.

Proposed measures would express political will to facilitate further work and contribute to building confidence.

It is assumed that at this stage of discussion on item 5 States should have a certain room of sovereign discretion in the implementation of the proposed measures. Their intended flexibility is stressed by expressions like "State consider", "on a voluntary basis", "in the spirit of reciprocity". The intention is, first of all, to create appropriate procedures which if used would demonstrate co-operative behaviour and contribute to better mutual understanding and confidence.

3. These measures would not have the character of legal obligations but they would be adopted by the Conference as a part of its report on the work on item 5.

A corresponding part of the report could be as follows:

Conference on Disarmament:

Taking into account general concern in preventing an arms race in outer space,

Determined to contribute to further work of the Conference on item 5 of its agenda by strengthening existing international law related to outer space and building confidence with respect to activities carried out in outer space, particularly in situations where States lack clear and timely information about the nature of such activities,

1. Reaffirms the importance of international treaties and agreements related to activities of States in outer space;
2. Calls on all States to act in conformity with those international instruments and on those States, which have not yet done so, to consider the possibility of acceding to those instruments;
3. Suggests - in order to assure uniformity in application of those international standards - that all States parties to multilateral treaties and agreements related to activities of States in outer space - consider the possibility of accepting the jurisdiction of the International Court of Justice in all disputes concerning interpretation and application of those multilateral instruments;
4. Suggests further that States consider - as a result of their political decisions and upon a voluntary basis - exchange of information on their outer space activities, particularly having military or military-related functions. This exchange of information may include prior notification of launching of space objects and supply of other information which they may consider useful for building confidence and reduction of misunderstanding.
They will supply this information to other members of the Conference on Disarmament through usual diplomatic channels or through the Secretary-General of the Conference on Disarmament. This information will be open to all States.
Any exchange of information carried out as a result of this document will not affect the obligations or practice of States following from the Convention on Registration of Objects Launched into Outer Space (1975) or from any other agreements or arrangement providing information on or notification of outer space activities;
5. Recognizes that States can contribute further to strengthening confidence by inviting other States voluntarily, on bilateral or other basis,

and in the spirit of reciprocity and goodwill to send observers to launching of space objects or to preparation of or participation in other outer space activities, particularly having military or military-related functions.

The inviting States will determine in each case the number of observers, the procedure and conditions of their participation. It will provide appropriate facilities and hospitality.

The invitation will be transmitted through usual diplomatic channels or through the Secretary-General of the Conference;

6. Urges all States particularly those with outer space capabilities to consider and, where possible, undertake other measures by which mutual understanding and confidence can be increased;

7. The Conference recognizes that the experience gained by the implementation of suggested measures as well as of other measures which States might undertake at their own discretion could lead to further consideration of other means of building confidence and reduction of misunderstanding in the activities of States in outer space.

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CONFERENCE ON DISARMAMENT

CD/942
4 August 1989

ENGLISH
Original: RUSSIAN

LETTER DATED 1 AUGUST 1989 FROM THE REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON THE PREVENTION OF DANGEROUS MILITARY ACTIVITIES SIGNED AT MOSCOW ON 12 JUNE 1989 */

I have the honour to transmit herewith the text of the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on the Prevention of Dangerous Military Activities signed at Moscow on 12 June 1989.

I should be grateful if you would arrange for the circulation of the text of this Agreement as an official document of the Conference on Disarmament.

(Signed) S. Batsanov
Representative of the USSR to
the Conference on Disarmament

*/ The official English text of the above-mentioned "Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America" is to be found in CD/943.

CONFERENCE ON DISARMAMENT

CD/943
4 August 1989

Original: ENGLISH

LETTER DATED 1 AUGUST 1989 ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT BY THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TRANSMITTING THE TEXT OF THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE PREVENTION OF DANGEROUS MILITARY ACTIVITIES, TOGETHER WITH ITS ANNEXES AND THE AGREED STATEMENTS IN CONNECTION WITH THE AGREEMENT, SIGNED IN MOSCOW ON
12 JUNE 1989 */

I have the honour to transmit herewith the text of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Prevention of Dangerous Military Activities, together with its Annexes and the Agreed Statements in connection with the Agreement, signed in Moscow on 12 June 1989.

I would request that you make arrangements for the Agreement to be issued as an official document of the Conference on Disarmament.

(Signed) Max L. Friedersdorf
United States Representative to
the Conference on Disarmament

*/ The official Russian text of the above-mentioned "Agreement between the United States of America and the Union of Soviet Socialist Republics" is to be found in CD/942.

**AGREEMENT
BETWEEN THE GOVERNMENT OF
THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF THE UNION
OF SOVIET SOCIALIST REPUBLICS ON THE
PREVENTION OF DANGEROUS MILITARY ACTIVITIES**

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Confirming their desire to improve relations and deepen mutual understanding,

Convinced of the necessity to prevent dangerous military activities, and thereby to reduce the possibility of incidents arising between their armed forces,

Committed to resolving expeditiously and peacefully any incident between their armed forces which may arise as a result of dangerous military activities,

Desiring to ensure the safety of the personnel and equipment of their armed forces when operating in proximity to one another during peacetime, and

Guided by generally recognized principles and rules of international law,

Have agreed as follows:

ARTICLE I

For the purposes of this Agreement:

1. "Armed forces" means, for the United States of America: the armed forces of the United States, including the United States Coast Guard; for the Union of Soviet Socialist Republics: the armed forces of the USSR, and the Border Troops of the USSR.
2. "Personnel" means any individual, military or civilian, who is serving in or is employed by the armed forces of the Parties.
3. "Equipment" means any ship, aircraft or ground hardware of the armed forces of the Parties.
4. "Ship" means any warship or auxiliary ship of the armed forces of the Parties.
5. "Aircraft" means any military aircraft of the armed forces of the Parties, excluding spacecraft.
6. "Ground hardware" means any materiel of the armed forces of the Parties designed for use on land.
7. "Laser" means any source of intense, coherent, highly directional electromagnetic radiation in the visible, infrared, or ultraviolet regions that is based on the stimulated radiation of electrons, atoms or molecules.
8. "Special Caution Area" means a region, designated mutually

by the Parties, in which personnel and equipment of their armed forces are present and, due to circumstances in the region, in which special measures shall be undertaken in accordance with this Agreement.

9. "Interference with command and control networks" means actions that hamper, interrupt or limit the operation of the signals and information transmission means and systems providing for the control of personnel and equipment of the armed forces of a Party.

ARTICLE II

1. In accordance with the provisions of this Agreement, each Party shall take necessary measures directed toward preventing dangerous military activities, which are the following activities of personnel and equipment of its armed forces when operating in proximity to personnel and equipment of the armed forces of the other Party during peacetime:

- (a) Entering by personnel and equipment of the armed forces of one Party into the national territory of the other Party owing to circumstances brought about by force majeure, or as a result of unintentional actions by such personnel;
- (b) Using a laser in such a manner that its radiation

could cause harm to personnel or damage to equipment of the armed forces of the other Party;

(c) Hampering the activities of the personnel and equipment of the armed forces of the other Party in a Special Caution Area in a manner which could cause harm to personnel or damage to equipment; and

(d) Interfering with command and control networks in a manner which could cause harm to personnel or damage to equipment of the armed forces of the other Party.

2. The Parties shall take measures to ensure expeditious termination and resolution by peaceful means, without resort to the threat or use of force, of any incident which may arise as a result of dangerous military activities.

3. Additional provisions concerning prevention of dangerous military activities and resolution of any incident which may arise as a result of those activities are contained in Articles III, IV, V and VI of this Agreement and the Annexes thereto.

ARTICLE III

1. In the interest of mutual safety, personnel of the armed forces of the Parties shall exercise great caution and prudence while operating near the national territory of the other Party.

2. If, owing to circumstances brought about by force majeure or as a result of unintentional actions, as set forth in Article II, subparagraph 1(a) of this Agreement, personnel and equipment of the armed forces of one Party enter into the national territory of the other Party, such personnel shall adhere to the procedures set forth in Annexes 1 and 2 to this Agreement.

ARTICLE IV

1. When personnel of the armed forces of one Party, in proximity to personnel and equipment of the armed forces of the other Party, intend to use a laser and that use could cause harm to personnel or damage to equipment of the armed forces of that other Party, the personnel of the armed forces of the Party intending such use of a laser shall attempt to notify the relevant personnel of the armed forces of the other Party. In any case, personnel of the armed forces of the Party intending use of a laser shall follow appropriate safety measures.

2. If personnel of the armed forces of one Party believe that personnel of the armed forces of the other Party are using a laser in a manner which could cause harm to them or damage to their equipment, they shall immediately attempt to establish communications to seek termination of such use. If the personnel of the armed forces of the Party having received such notification are actually using a laser in proximity to the area indicated in the

notification, they shall investigate the relevant circumstances. If their use of a laser could in fact cause harm to personnel or damage to equipment of the armed forces of the other Party, they shall terminate such use.

3. Notifications with respect to the use of a laser shall be made in the manner provided for in Annex 1 to this Agreement.

ARTICLE V

1. Each Party may propose to the other Party that the Parties agree to designate a region as a Special Caution Area. The other Party may accept or decline the proposal. Either Party also has the right to request that a meeting of the Joint Military Commission be convened, in accordance with Article IX of this Agreement, to discuss such a proposal.

2. Personnel of the armed forces of the Parties present in a designated Special Caution Area shall establish and maintain communications, in accordance with Annex 1 to this Agreement, and undertake other measures as may be later agreed upon by the Parties, in order to prevent dangerous military activities and to resolve any incident which may arise as a result of such activities.

3. Each Party has the right to terminate an arrangement with respect to a designated Special Caution Area. The Party intending to exercise this right shall provide timely notification of such

intent to the other Party, including the date and time of termination of such an arrangement, through use of the communications channel set forth in paragraph 3 of Article VII of this Agreement.

ARTICLE VI

1. When personnel of the armed forces of one Party, in proximity to personnel and equipment of the armed forces of the other Party, detect interference with their command and control networks which could cause harm to them or damage to their equipment, they may inform the relevant personnel of the armed forces of the other Party if they believe that the interference is being caused by such personnel and equipment of the armed forces of that Party.

2. If the personnel of the armed forces of the Party having received such information establish that this interference with the command and control networks is being caused by their activities, they shall take expeditious measures to terminate the interference.

ARTICLE VII

1. For the purpose of preventing dangerous military activities, and expeditiously resolving any incident which may arise as a result of such activities, the armed forces of the Parties shall establish and maintain communications as provided for in Annex 1 to this Agreement.

2. The Parties shall exchange appropriate information on instances of dangerous military activities or incidents which may arise as a result of such activities, as well as on other issues related to this Agreement.

3. The Chairman of the Joint Chiefs of Staff of the United States shall convey information referred to in paragraph 2 of this Article through the Defense Attache of the Union of Soviet Socialist Republics in Washington, D.C. The Chief of the General Staff of the Armed Forces of the Union of Soviet Socialist Republics shall convey such information through the Defense Attache of the United States in Moscow.

ARTICLE VIII

1. This Agreement shall not affect the rights and obligations of the Parties under other international agreements and arrangements in force between the Parties, and the rights of individual or collective self-defense and of navigation and overflight, in accordance with international law. Consistent with the foregoing, the Parties shall implement the provisions of this Agreement, taking into account the sovereign interests of both Parties.

2. Nothing in this Agreement shall be directed against any Third Party. Should an incident encompassed by this Agreement occur in the territory of an ally of a Party, that Party shall have the right to consult with its ally as to appropriate measures to be taken.

ARTICLE IX

1. To promote the objectives and implementation of the provisions of this Agreement, the Parties hereby establish a Joint Military Commission. Within the framework of the Commission, the Parties shall consider:

- (a) Compliance with the obligations assumed in this Agreement;
- (b) Possible ways to ensure a higher level of safety for the personnel and equipment of their armed forces; and
- (c) Other measures as may be necessary to improve the viability and effectiveness of this Agreement.

2. Meetings of the Joint Military Commission shall be convened annually or more frequently as may be agreed upon by the Parties.

ARTICLE X

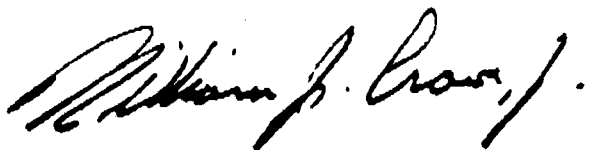
1. This Agreement, including its Annexes, which form an integral part thereof, shall enter into force on January 1, 1990.

2. This Agreement may be terminated by either Party six months after written notice thereof is given to the other Party.

3. This Agreement shall be registered in accordance with Article 102 of the Charter of the United Nations.


Done at Moscow on the twelfth of June, 1989, in two copies,
each in the English and Russian languages, both texts being equally
authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA



Chairman of the Joint
Chiefs of Staff

FOR THE GOVERNMENT OF THE
UNION OF SOVIET SOCIALIST REPUBLICS



Chief of the General Staff of
the Armed Forces of the USSR

ANNEX 1

PROCEDURES FOR ESTABLISHING AND MAINTAINING COMMUNICATIONS

Section I

Communications Channels

For the purpose of implementing this Agreement, the armed forces of the Parties shall provide for establishing and maintaining, as necessary, communications at the following levels:

- (a) The Task Force Commander of the armed forces of one Party present in a Special Caution Area and the Task Force Commander of the armed forces of the other Party in the same Area;
- (b) Commander* of a ship, aircraft, ground vehicle or ground unit of the armed forces of one Party and the Commander* of a ship, aircraft, ground vehicle or ground unit of the armed forces of the other Party;
and
- (c) Commander* of an aircraft of the armed forces of one Party and an air traffic control or monitoring facility of the other Party.

* "Commander" means the individual with authority to command or lead a ship, aircraft, ground vehicle or ground unit.

Section II

Radio Frequencies

1. To establish radio communication, as necessary, the following frequencies shall be used:

- (a) between aircraft of the Parties or between an aircraft of one Party and an air traffic control or monitoring facility of the other Party: on VHF band frequency 121.5 MHz or 243.0 MHz, or on HF band frequency 4125.0 KHz (alternate 6215.5 KHz); after initial contact is made, the working frequency 130.0 MHz or 278.0 MHz, or 4125.0 KHz should be used;
- (b) between ships of the Parties and ship-to-shore: on VHF band frequency 156.8 MHz, or on HF band frequency 2182.0 KHz;
- (c) between a ship of one Party and an aircraft of the other Party: on VHF band frequency 121.5 MHz or 243.0 MHz; after initial contact is made, the working frequency 130.0 MHz or 278.0 MHz shall be used; and
- (d) between ground vehicles or ground units of the armed forces of the Parties: on VHF band frequency 44.0 MHz (alternate 46.5 MHz), or on HF band frequency 4125.0 KHz (alternate 6215.5 KHz).

2. The Parties agree to conduct necessary testing to ensure reliability of the communications channels agreed by the Parties.

Section III

Signals and Phrases

1. The Parties recognize that the lack of radio communication can increase the danger to the personnel and equipment of their armed forces involved in any incident which may arise as a result of dangerous military activities. Personnel of the armed forces of the Parties involved in such incidents who are unable to establish radio communication, or who establish radio communication but cannot be understood, shall try to communicate using those signals referred to in this Section. In addition, such personnel shall attempt to establish communications with other personnel of their armed forces, who in turn shall take measures to resolve the incident through communications channels set forth in this Agreement.

2. Ship-to-ship and ship-to-shore communications shall be conducted using signals and phrases as set forth in the International Code of Signals of 1965 and the Special Signals developed in accordance with 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 of 1972. Aircraft-to-aircraft communications shall be conducted using signals and phrases for intercepting and

intercepted aircraft contained in the Rules of the Air, Annex 2 to the 1944 Convention on International Civil Aviation (Chicago Convention). The additional signals and phrases contained in paragraph 4 of this Section may also be used.

3. Whenever aircraft of the Parties come into visual contact with each other, their aircrews shall monitor the frequency 121.5 MHz or 243.0 MHz. If it is necessary to exchange information, but communications in a common language are not possible, attempts shall be made to convey essential information and acknowledgement of instructions by using phrases referred to in paragraphs 2 and 4 of this Section. If radio communication is not possible, then visual signals shall be used.

4. The following table contains additional signals and phrases for communications between aircraft, ships, ground vehicles or ground units, in accordance with this Agreement:

ADDITIONAL SIGNALS, PHRASES
AND APPROPRIATE RESPONSES

<u>A. MEANING OF SIGNAL/PHRASE</u>	<u>B. VISUAL SIGNALS FOR AIRCRAFT</u>	<u>C. PHRASE</u>	<u>D. PRONUNCIATION</u>	<u>E. APPROPRIATE RESPONSE</u>
1 You are in close proximity to our national territory.	Day and Night - The intercepting aircraft, flying ahead and parallel to the intercepted aircraft, rocking wings, and flashing navigation lights at slow regular intervals, followed by a series of shallow bank "S" turns, in the horizontal plane, approximately 10 degrees either side of line of flight.	"CLOSE TO TERRITORY"	CLOSE-TO TERR-I-TORY	Intercepted aircraft turns away from national territory.
2 You have entered into our national territory.	Day and Night - The intercepting aircraft, flying ahead and parallel to the intercepted aircraft, rapidly flashing navigation lights while rocking wings, followed by a shallow turn executed in the horizontal plane, with a 15-20 degree bank in the direction of the intercepted aircraft. The approach shall be accomplished with great caution and not closer than one wing span. Repeat until intercepted aircraft acknowledges or radio contact is established.	"TERRITORY ENTERED"	TERR-I-TORY EE-TERR	Intercepted aircraft shall follow the appropriate instructions of the intercepting aircraft.
3 I need to land.	Day and Night - The aircraft flashes its navigation lights repeatedly and rapidly while rocking wings, followed by a gentle porpoising of the aircraft.	"REQUEST LANDING"	RE-QUEST LAN-DEING	Intercepting aircraft assists intercepted aircraft.
4 I request radio communications on 130.0 MHz or 270.0 MHz. (Initial contact is established on 121.5 MHz or 243.0 MHz.)	Day and Night - If 121.5 MHz and 243.0 MHz are inoperative, aircraft continuously alternates one long with one short flash of navigation lights while rocking wings.	"RADIO CONTACT"	RA-OI-O CCB-TAC	Acknowledge requesting aircraft, ship, or air traffic control or monitoring facility with phrase "RADIO CONTACT." After contact is made, tune to 130.0 MHz or 270.0 MHz.
5 My aircraft requests radio contact with your ship on 121.5 MHz or 243.0 MHz.	Day and Night - Aircraft circling the ship, in a left hand turn, at a safe distance and altitude until radio contact is established.	"RADIO CONTACT"	RA-OI-O CCB-TAC	The aircraft and ship establish radio contact by exchanging the phrase "RADIO CONTACT"; then both shall switch to 130.0 MHz or 270.0 MHz, as appropriate, for further radio communication.
6 I am experiencing a dangerous level of interference with my command and control network. (Transmit PHRASE on contact frequency.)	None	"STOP INTERFERENCE"	STOP IN-TERR-TERR-ENCE	Investigate the circumstances and, as appropriate, terminate any activities which may be causing the dangerous interference.
7 My planned use of a laser may create danger in this area. (Transmit PHRASE on contact frequency.)	None	"LASER DANGER"	LAS-ER DAN-GER	Take appropriate measures to prevent harm to personnel or damage to equipment.
8 I am experiencing a dangerous level of laser radiation. (Transmit PHRASE on contact frequency.)	None	"STOP LASER"	STOP LA-SEER	Investigate the circumstances and, as appropriate, terminate any use of a laser that could cause harm to personnel or damage to equipment.

ANNEX 2

PROCEDURES FOR THE RESOLUTION OF
INCIDENTS RELATED TO ENTERING INTO NATIONAL TERRITORY

This Annex sets forth the procedures for the expeditious resolution, by peaceful means, of any incident which may arise during entry being made by personnel and equipment of the armed forces of one Party into the national territory of the other Party owing to circumstances brought about by force majeure or as a result of unintentional actions, as set forth in Article II, subparagraph 1(a) of this Agreement.

Section I

Entering Into National Territory
Owing To Circumstances Brought About By Force Majeure

1. When personnel of the armed forces of one Party are aware that, owing to circumstances brought about by force majeure, they may enter or have entered into the national territory of the other Party, they shall continuously attempt to establish and maintain communications with personnel of the armed forces of the other Party, as provided for in Annex 1 to this Agreement.

2. Upon receiving a communication from personnel of the armed forces of a Party who are aware that they may enter or have entered into the national territory of the other Party, personnel of the armed forces of that other Party shall provide them appropriate

instructions as to subsequent actions, and assistance to the extent of existing capabilities.

3. If personnel and equipment of the armed forces of a Party enter into the national territory of the other Party, the personnel shall take into consideration any instructions received from the personnel of the armed forces of the other Party that are appropriate to the existing circumstances and, subject to the provisions of Article VIII, paragraph 1 of this Agreement, shall either depart the national territory or proceed to a designated location.

4. Personnel of the armed forces of a Party having entered into the national territory of the other Party, upon arrival at the location designated by personnel of the armed forces of that other Party, shall be:

- (a) Accorded an opportunity to contact their Defense Attache or consular authorities as soon as possible;
- (b) Cared for properly and their equipment protected; and
- (c) Assisted in repairing their equipment in order to facilitate their departure from the national territory, and in departing at the earliest opportunity.

Section II

Entering Into National Territory As A Result Of Unintentional Actions Of Personnel

1. When the personnel of the armed forces of one Party establish that personnel and equipment of the armed forces of the other Party may enter into their national territory as a result of unintentional actions or that such an entry has already taken place, the personnel who have made this determination shall continuously attempt to establish and maintain communications with the personnel of the armed forces of that other Party, as provided for in Annex 1 to this Agreement. The purpose of such communications is: to alert personnel of the armed forces of that other Party of the possibility of entry or the fact of entry into national territory; to clarify the reasons for and circumstances of their actions; to recommend that they take measures to prevent such an entry, if possible; or, to render them assistance as appropriate.

2. Personnel of the armed forces of a Party, having been alerted that they may enter into the national territory of the other Party, shall, if possible, undertake measures so that their actions do not result in such an entry.

3. If personnel and equipment of the armed forces of a Party enter into the national territory of the other Party, the personnel shall take into consideration any instructions received from the personnel of the armed forces of the other Party that are

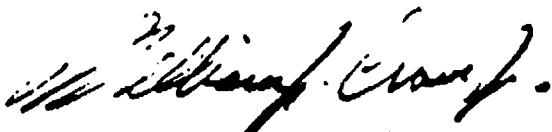
appropriate to the existing circumstances and, subject to the provisions of Article VIII, paragraph 1 of this Agreement, shall either depart the national territory or proceed to a designated location. With respect to personnel and equipment which have arrived at a designated location, the procedures provided for in Section I, paragraph 4 of this Annex shall be applicable.

**AGREED STATEMENTS
IN CONNECTION WITH 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 DANGEROUS MILITARY ACTIVITIES**

In connection with 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 Dangerous Military Activities, the Parties have agreed as follows:

First agreed statement. In the case of any entry by personnel and equipment of the armed forces of one Party into the national territory of the other Party owing to circumstances brought about by force majeure or as a result of unintentional actions by such personnel, as set forth in Article II, subparagraph 1(a) of 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 Dangerous Military Activities, the procedures set forth in Annexes 1 and 2 to this Agreement shall apply regardless of whether that other Party has been made aware of the circumstances of such entry.

Second agreed statement. As indicated in Article VIII of 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 Dangerous Military Activities, this Agreement does not affect rights of navigation under international law, including the right of warships to exercise innocent passage.



Chairman of the Joint
Chiefs of Staff



Chief of the General Staff of
the Armed Forces of the USSR