

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1988 Nr. 2

A. TITEL

Overeenkomst tussen de Verenigde Staten van Amerika en het Koninkrijk België, de Bondsrepubliek Duitsland, de Republiek Italië, het Koninkrijk der Nederlanden en het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland inzake de inspecties die verband houden met het Verdrag tussen de Verenigde Staten van Amerika en de Unie van Socialistische Sovjetrepublieken inzake de verwijdering van hun middellange- en kortere-afstandsraketten, met bijlage; Brussel, 11 december 1987

B. TEKST

Agreement among the United States of America and the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland regarding inspections relating to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles

The United States of America, the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland, noting the terms agreed between the United States of America and the Union of Soviet Socialist Republics for the elimination of their intermediate-range and shorter-range missiles,

Have agreed as follows:

Article I

General Obligations

1. Inspection activities related to Article XI of the Treaty between

the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed at Washington on December 8, 1987, may take place on the territory of the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland and shall be carried out in accordance with the requirements, procedures and arrangements set forth in the Protocol Regarding Inspections Relating to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles and this Agreement.

2. The Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland, hereinafter the Basing Countries, hereby agree to facilitate the implementation by the United States of America of its obligations under the Treaty, including the Inspection Protocol thereto, on their territories in accordance with the requirements, procedures and arrangements set forth in this Agreement.

3. Except as herein agreed by the United States of America and the Basing Countries, nothing shall affect the sovereign authority of each state to enforce its laws and regulations with respect to persons entering, and activities taking place within, its jurisdiction.

4. The Basing Countries do not by Agreement assume any obligations or grant any rights deriving from the Treaty or the Inspection Protocol other than those expressly undertaken or granted in this Agreement or otherwise with their specific consent.

5. The United States of America:

a) Remains fully responsible towards the Soviet Union for the implementation of its obligations under the Treaty and the Inspection Protocol in respect of United States facilities located on the territories of the Basing Countries;

b) Undertakes on request at any time to take such action, in exercise of its rights under the Treaty, including the Inspection Protocol, as may be required to protect and preserve the rights of the Basing Countries under this Agreement.

Article II

Definitions

For purposes of the present Agreement:

1. The term "Treaty" means the Treaty between the United States

of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles;

2. The term "Inspection Protocol" means the Protocol Regarding Inspections Relating to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles;

3. The term "Inspected Party" means the United States of America;

4. The term "Inspecting Party" means the Union of Soviet Socialist Republics;

5. The term "inspection team" means those inspectors designated by the Inspecting Party to conduct a particular inspection activity;

6. The term "inspector" means an individual proposed by the Union of Soviet Socialist Republics to carry out inspections pursuant to Article XI of the Treaty, and included on its list of inspectors in accordance with Section III of the Inspection Protocol;

7. The term "diplomatic aircrew escort" means that individual accredited to the government of the Basing Country in which the inspection site is located who is designated by the Inspecting Party to assist the aircrew of the Inspecting Party;

8. The term "inspection site" means the area, facility, or location in a Basing Country at which an inspection provided for in Article XI of the Treaty is carried out;

9. The term "period of inspection" means the period from initiation of the inspection at the inspection site until completion of the inspection at the inspection site, exclusive of time spent on any pre- and post-inspection procedures;

10. The term "point of entry" means: in respect of Belgium, Brussels (National); in respect of the Federal Republic of Germany, Frankfurt (Rhein Main Airbase); in respect of Italy, Rome (Ciampino); in respect of the Kingdom of the Netherlands, Schiphol; and in respect of the United Kingdom of Great Britain and Northern Ireland, RAF Greenham Common;

11. The term "in-country period" means the period from the arrival of the inspection team at the point of entry until departure of the inspection team from the point of entry to depart the country;

12. The term "in-country escort" means the official or officials specified by the Inspected Party, one or more of whom may be nominated by the Basing Country within whose territory the inspection site is located, who shall accompany an inspection team throughout the in-country period and provide appropriate assistance

to an inspection team, in accordance with the provisions of the Inspection Protocol, throughout the in-country period;

13. The term "aircrew member" means an individual, other than the members of an inspection team, diplomatic aircrew escort and in-country escort, on the aircraft of the Inspecting Party. The number of aircrew members aircraft shall not exceed ten.

Article III

Notifications

1. Upon entry into force of this Agreement, the Inspected Party and each Basing Country shall establish channels which shall be available to receive and acknowledge receipt of notifications on a 24-hour continuous basis.

2. Immediately upon receipt of notice from the Inspecting Party of its intention to conduct an inspection in a Basing Country, the Inspected Party shall notify the Basing Country concerned thereof and of the date and estimated time of arrival of the inspection team at the point of entry, the date and estimated time of departure from the point of entry to the inspection site, the names of the aircrew and inspection team members, the flight plan (including the type of aircraft as specified therein) filed by the Inspecting Party in accordance with the International Civil Aviation Organization, hereinafter ICAO, procedures applicable to civil aircraft, and any other information relevant to the inspection provided by the Inspecting Party.

3. No less than one hour prior to the estimated time of departure of the inspection team from the point of entry for the inspection site, or in the case of successive inspections conducted pursuant to paragraphs 3, 4, 7 or 8 of Article XI of the Treaty no less than one hour prior to the inspection team's departure from an inspection site for another inspection site, the Inspected Party shall inform the Basing Country of the inspection site, described by place name and geographic coordinates, at which the inspection will be carried out.

Article IV

Pre-Inspection Arrangements

1. The Inspected Party shall provide the Basing Countries with the initial lists of inspectors and aircrew members, or any modification thereto, proposed by the Inspecting Party immediately upon receipt thereof. Within 15 days of receipt of the initial lists or proposed additions thereto, each Basing Country shall notify the Inspected Party if it objects to the inclusion of any inspector or aircrew member

on the basis that such individual had ever committed a criminal offense on the territory of the Inspected Party or the Basing Country, or been sentenced for committing a criminal offense or expelled by the Inspected Party or the Basing Country. The Inspected Party shall thereupon exercise its right under the Inspection Protocol to prevent the named individual from serving as an inspector or aircrew member.

2. Within 25 days of receipt of the initial lists of inspectors or aircrew members, or of any subsequent change thereto, each Basing Country shall provide such visas and related documentation as may be necessary to ensure that each inspector or aircrew member may enter its territory for the purpose of carrying out inspection activities in accordance with the provisions of the Treaty and the Inspection Protocol. Such visas and documentation shall be valid for a period of at least 24 months. The Inspected Party shall immediately notify the Basing Countries of the removal of any individual from the Inspecting Party's lists of inspectors or aircrew members, and the Basing Countries may thereupon cancel forthwith any visas and related documentation issued to such person pursuant to this paragraph.

3. Within 25 days after entry into force of this Agreement, each Basing Country shall inform the Inspected Party of the standing diplomatic clearance number for the aircraft of the Inspecting Party which will transport inspectors and equipment into its territory. At the same time each Basing Country shall inform the Inspected Party of the established international airways along which aircraft of the Inspecting Party shall enter the airspace of the Basing Country for the purpose of carrying out inspection activities under the Treaty.

4. Each Basing Country shall accord inspectors and aircrew members of the Inspecting Party entering its territory for the purpose of conducting inspection activities pursuant to the Treaty, including the Inspection Protocol, the privileges and immunities set forth in the Privileges and Immunities Annex to this Agreement. In the event the Inspecting Party refuses or fails to carry out its obligation under Section III, paragraph 7 of the Inspection Protocol to remove an inspector or aircrew member who has violated the conditions governing inspections, the inspector or aircrew member may be refused continued recognition as being entitled to such privileges and immunities.

5. Each Basing Country shall issue, at the point of entry, appropriate authorizations waiving customs duties and expediting customs processing requirements in respect of all equipment relating to inspection activities.

6. Each Basing Country shall provide, if requested, facilities at the point of entry for lodging and the provision of food for inspectors and aircrew members.

7. The Basing Country in which the inspection is to take place shall have the right to examine jointly with the Inspected Party each item of equipment brought in by the Inspecting Party to ascertain that the equipment cannot be used to perform functions unconnected with the inspection requirements of the Treaty. If it is established upon examination that a piece of equipment is unconnected with these inspection requirements, it shall not be cleared for use and shall be impounded at the point of entry until the departure of the inspection team from the country.

Article V

Conduct of Inspections

1. Within 90 minutes of receipt from the Inspected Party of notification that a flight plan for an aircraft of the Inspecting Party has been filed in accordance with ICAO procedures applicable to civil aircraft, the Basing Country in whose territory the inspection site is located shall provide the Inspected Party with its approval for the aircraft of the Inspecting Party to proceed to the point of entry via the filed routing, or an amended routing if necessary.

2. The Basing Country in whose territory the inspection site is located shall facilitate the entry of inspectors and aircrew into the country, and shall take the steps necessary to ensure that the baggage and equipment of the inspection team is identified and transported expeditiously through customs.

3. Upon notification by the Inspected Party, in accordance with Article III above, of the inspection site, the Basing Country in whose territory inspection is to take place shall take the steps necessary to ensure that the inspection team is granted all clearances and assistance necessary to enable it to proceed expeditiously to the inspection site and to arrive at the inspection site within nine hours of the Inspecting Party's notification of the site to be inspected. The Inspected Party and the Basing Country in which the inspection site is located shall consult with respect to the mode of transport to be utilized, and the Basing Country shall have the right to designate the routing between the point of entry and the inspection site.

4. Each Basing Country shall assist the Inspected Party, as necessary, in providing two-way voice communication capability for an inspection team between an inspection site within its territory and the embassy of the Inspecting Party.

5. The Inspected Party and the Basing Country within whose territory an inspection site is located shall consult with respect to aircraft servicing and the provision of meals, lodging, and services for inspectors and aircrew members at the point of entry and inspection

site. The cost of the foregoing requested by the Inspected Party and provided by the Basing Country shall be borne by the Inspected Party.

6. In the event the Inspecting Party requests an extension, which shall not exceed eight hours beyond the original 24-hour period of inspection as provided for in Section VI, paragraph 14 of the Inspection Protocol, the Inspected Party shall immediately notify the Basing Country in whose territory the inspection site is located of the extension.

Article VI

Consultations

1. Within five days after entry into force of this Agreement, the Inspected Party and the Basing Countries shall meet to coordinate implementation of the inspection activities provided for by Article XI of the Treaty, the Inspection Protocol and this Agreement.

2. A meeting between the Inspected Party and any Basing Country to discuss implementation of this Agreement shall be held within five days of a request for such a meeting by the Inspected Party or a Basing Country.

3. Should any question arise which in the opinion of a Basing Country requires immediate attention, the Basing Country may contact the inspection notification authority of the Inspected Party. The Inspected Party will immediately acknowledge receipt of the inquiry or question and give urgent attention to the question or problem.

4. In the event that a Basing Country determines that an inspector or aircrew member has violated the conditions governing inspection within its territory, the Basing Country may notify the Inspected Party which shall inform the Inspecting Party of the disqualification of the inspector or aircrew member. The name of the individual will be removed from the list of inspectors or aircrew members.

5. A Basing Country may change the point of entry for its territory by giving six months' notice of such change to the Inspected Party.

6. Upon completion of an inspection, the Inspected Party shall advise the Basing Country within whose territory the inspection took place that the inspection has been completed, and upon request of the Basing Country provide a briefing for the Basing Country on the inspection.

7. The United States of America shall not, without the express agreement of the Basing Countries, propose or accept any amendment to Article XI of the Treaty or to the Inspection Protocol that

directly affects the rights, interests or obligations of the Basing Countries.

Article VII

Entry into Force and Duration

This Agreement shall be subject to approval in accordance with the constitutional procedures of each Party, which approval shall be notified by each Party to each of the other Parties. Following such notification by all Parties, the Agreement shall enter into force simultaneously with the entry into force of the Treaty and shall remain in force for a period of thirteen years.

DONE at Brussels, on the eleventh of December, 1987, in a single original which shall be deposited in the archives of the Government of the United States of America, which shall transmit a duly certified copy thereof to each of the other signatory Governments.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Agreement.

De Overeenkomst is ondertekend voor de volgende Staten:
België
de Bondsrepubliek Duitsland
Italië
het *Koninkrijk der Nederlanden*
het Verenigd Koninkrijk van Groot-Brittannië
en Noord-Ierland
de Verenigde Staten van Amerika

ANNEX

**Provisions on privileges and immunities of inspectors and
aircrew members**

In order to exercise their functions effectively, for the purpose of implementing the Treaty and not for their personal benefit, inspectors and aircrew members shall be accorded the privileges and immunities contained herein. Privileges and immunities shall be accorded for the entire in-country period in the country in which an inspection site is located, and thereafter with respect to acts previously performed in the exercise of official functions as an inspector or aircrew member.

1. Inspectors and aircrew members shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of April 18, 1961.

2. The papers and correspondence of inspectors and aircrew members shall enjoy the inviolability accorded to the papers and correspondence of diplomatic agents pursuant to Article 30 of the Vienna Convention on Diplomatic Relations. In addition, the aircraft of the inspection team shall be inviolable.

3. Inspectors and aircrew members shall be accorded the immunities accorded diplomatic agents pursuant to paragraphs (1), (2) and (3) of Article 31 of the Vienna Convention on Diplomatic Relations. The immunity from jurisdiction of an inspector or an aircrew member may be waived by the Inspecting Party in those cases when it is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the Treaty. Waiver must always be express.

4. Inspectors and aircrew members of the Inspecting Party shall be permitted to bring into the territory of a Basing Country in which an inspection site is located, without payment of any customs duties or related charges, articles for their personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.

5. An inspector or aircrew member shall not engage in any professional or commercial activity for personal profit on the territory of the Basing Countries.

C. VERTALING

Overeenkomst tussen de Verenigde Staten van Amerika en het Koninkrijk België, de Bondsrepubliek Duitsland, de Republiek Italië, het Koninkrijk der Nederlanden en het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland inzake de inspecties die verband houden met het Verdrag tussen de Verenigde Staten van Amerika en de Unie van Socialistische Sovjetrepublieken inzake de verwijdering van hun middellange- en kortere-afstandsruketten

De Verenigde Staten van Amerika, het Koninkrijk België, de Bondsrepubliek Duitsland, de Republiek Italië, het Koninkrijk der Nederlanden en het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland, gelet op de voorwaarden die zijn overeengekomen tussen de Verenigde Staten van Amerika en de Unie van Socialistische Sovjetrepublieken voor de verwijdering van hun middellange- en kortere-afstandsruketten,

zijn als volgt overeengekomen:

Artikel I

Algemene verplichtingen

1. De inspectiewerkzaamheden die verband houden met het bepaalde in artikel XI van het Verdrag tussen de Verenigde Staten van Amerika en de Unie van Socialistische Sovjetrepublieken inzake de verwijdering van hun middellange- en kortere-afstandsruketten, ondertekend op 8 december 1987 te Washington, mogen plaatsvinden op het grondgebied van het Koninkrijk België, de Bondsrepubliek Duitsland, de Republiek Italië, het Koninkrijk der Nederlanden en het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland en zullen worden uitgevoerd overeenkomstig de eisen, procedures en regelingen die zijn omschreven in het Protocol dat is gesloten tussen de Verenigde Staten van Amerika en de Unie van Socialistische Sovjetrepublieken betreffende de inspecties die verband houden met het Verdrag inzake de verwijdering van hun middellange- en kortere-afstandsruketten.

2. Het Koninkrijk België, de Bondsrepubliek Duitsland, de Republiek Italië, het Koninkrijk der Nederlanden en het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland, hierna te noemen: de Plaatsingslanden, stemmen er hierbij mee in de nakoming door de Verenigde Staten van Amerika van hun verplichtingen krachtens het Verdrag, met inbegrip van het daarbij behorende Inspectieprotocol, op hun grondgebied te vergemakkelijken in overeenstemming met de eisen, procedures en regelingen, zoals omschreven in deze Overeenkomst.

3. Tenzij in deze Overeenkomst anders is overeengekomen door de Verenigde Staten van Amerika en de Plaatsingslanden, wordt door niets inbreuk gemaakt op de soevereine bevoegdheid van elke Staat om zijn wetten en voorschriften te doen naleven met betrekking tot personen die zijn rechtsgebied binnenkomen, en met betrekking tot werkzaamheden die binnen zijn rechtsgebied plaatsvinden.

4. De Plaatsingslanden aanvaarden door deze Overeenkomst geen andere verplichtingen, of verlenen geen andere rechten, voortvloeiend uit het Verdrag of uit het Inspectieprotocol, dan die welke uitdrukkelijk zijn aanvaard of verleend in deze Overeenkomst of anderszins met hun uitdrukkelijke instemming.

5. De Verenigde Staten van Amerika:

A) blijven volledig aansprakelijk jegens de Sovjetunie voor de nakoming van hun verplichtingen ingevolge het Verdrag en het Inspectieprotocol ten aanzien van de installaties van de Verenigde Staten die zijn gelegen op het grondgebied van de Plaatsingslanden;

B) verbinden zich ertoe op verzoek, onder uitoefening van hun rechten ingevolge het Verdrag, met inbegrip van het Inspectieprotocol, te allen tijde alle maatregelen te nemen die eventueel vereist zijn voor de bescherming en de handhaving van de rechten van de Plaatsingslanden ingevolge deze Overeenkomst.

Artikel II

Begripsomschrijvingen

Ten behoeve van de uitvoering van deze Overeenkomst wordt verstaan onder:

1. „Verdrag”: het Verdrag tussen de Verenigde Staten van Amerika en de Unie van Socialistische Sovjetrepublieken inzake de verwijdering van hun middellange- en kortere-afstandsraketten;

2. „Inspectieprotocol”: het Protocol betreffende de inspecties die verband houden met het Verdrag tussen de Verenigde Staten van Amerika en de Unie van Socialistische Sovjetrepublieken inzake de verwijdering van hun middellange- en kortere-afstandsraketten;

3. „Geïnspecteerde Partij”: de Verenigde Staten van Amerika;

4. „Inspectorende Partij”: de Unie van Socialistische Sovjetrepublieken;

5. „inspectieteam”: de inspecteurs die door de Inspectorende Partij zijn aangewezen om een bepaalde inspectie-activiteit te verrichten;

6. „inspecteur”: een persoon die door de Unie van Socialistische Sovjetrepublieken is voorgedragen voor de uitvoering van de inspecties ingevolge het bepaalde in artikel XI van het Verdrag en die

vermeld is op haar lijst van inspecteurs overeenkomstig het bepaalde in Hoofdstuk III en IV van het Inspectieprotocol;

7. „diplomatieke begeleider van de vliegtuigbemanning”: de persoon die geaccrediteerd is bij de Regering van het Plaatsingsland waarin de plaats van inspectie is gelegen, en die door de Inspecterende Partij is aangewezen om bijstand te verlenen aan de vliegtuigbemanning van de inspecterende Partij;

8. „plaats van inspectie”: het gebied, de installatie of de lokatie in een Plaatsingsland waar een inspectie, zoals bedoeld in artikel XI van het Verdrag, wordt uitgevoerd;

9. „inspectieperiode”: de periode vanaf het begin van de inspectie op de plaats van inspectie tot en met de voltooiing van de inspectie op de plaats van inspectie, uitgezonderd de tijd die besteed is aan procedures vóór en na de inspectie;

10. „plaats van binnenkomst”: met betrekking tot België: Brussel (National); met betrekking tot de Bondsrepubliek Duitsland: Frankfurt (luchtmachtbasis Rijn/Main); met betrekking tot Italië: Rome (Ciampino); met betrekking tot het Koninkrijk der Nederlanden: Schiphol; en met betrekking tot het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland: RAF Greenham Common;

11. „verblijfsduur in het land van inspectie”: de periode tussen de aankomst van het inspectieteam op de plaats van binnenkomst en het vertrek van het inspectieteam uit de plaats van binnenkomst om het land te verlaten;

12. „begeleider in het land van inspectie”: de door de Geïnspecteerde Partij vermelde functionaris of functionarissen, van wie er één of meer kunnen worden aangewezen door het Plaatsingsland binnen welks grondgebied de plaats van inspectie is gelegen, die een inspectieteam vergezelt(t)(len) tijdens de gehele verblijfsduur in het land van inspectie en de noodzakelijke bijstand verle(e)n(t)(en) aan een inspectieteam, in overeenstemming met de bepalingen van het Inspectieprotocol tijdens de gehele verblijfsduur in het land van inspectie;

13. „lid van de vliegtuigbemanning”: een persoon, niet zijnde een lid van een inspectieteam, de diplomatieke begeleider van de vliegtuigbemanning en de begeleider in het land van inspectie, die aanwezig is in het vliegtuig van de Inspecterende Partij. Het aantal leden van de vliegtuigbemanning mag per vliegtuig niet meer bedragen dan tien.

Artikel III

Kennisgevingen

1. Na de inwerkingtreding van deze Overeenkomst brengen de

Geïnspecteerde Partij en elk Plaatsingsland verbindingsskanalen tot stand die beschikbaar zijn voor het ontvangen en het bevestigen van de ontvangst van kennisgevingen gedurende 24 uren per etmaal.

2. Onmiddellijk na de ontvangst van de kennisgeving van de Inspecterende Partij dat zij voornemens is een inspectie in een Plaatsingsland uit te voeren, geeft de Geïnspecteerde Partij daarvan kennis aan het betrokken Plaatsingsland, alsmede van de datum en de vermoedelijke tijd van aankomst van het inspectieteam op de plaats van binnenkomst, de datum en de vermoedelijke tijd van vertrek van de plaats van binnenkomst naar de plaats van inspectie, de namen van de leden van de vliegtuigbemanning en van het inspectieteam, het door de Inspecterende Partij ingediende vluchtplan (met inbegrip van het daarin vermelde type vliegtuig) overeenkomstig de procedures van de Internationale Organisatie voor Burgerluchtvaart (ICAO) die van toepassing zijn op luchtvaartuigen in het burgerluchtverkeer, alsmede van alle andere, op de inspectie betrekking hebbende, informatie die door de Inspecterende Partij wordt verstrekt.

3. Ten minste één uur vóór de vermoedelijke tijd van vertrek van het inspectieteam van de plaats van binnenkomst naar de plaats van inspectie of, in het geval van opeenvolgende inspecties die ingevolge het bepaalde in het derde, vierde, zevende of achtste lid van artikel XI van het Verdrag worden uitgevoerd, ten minste één uur vóór het vertrek van het inspectieteam van een plaats van inspectie naar een andere plaats van inspectie, stelt de Geïnspecteerde Partij het Plaatsingsland in kennis van de plaats van inspectie waar de inspectie zal worden uitgevoerd, omschreven door middel van de plaatsnaam en de geografische coördinaten.

Artikel IV

Maatregelen die voorafgaan aan de uitvoering van de inspectie

1. De Geïnspecteerde Partij verstrekt de Plaatsingslanden, onmiddellijk na de ontvangst daarvan, een voorlopige lijst van door de Inspecterende Partij voorgestelde inspecteurs en leden van de vliegtuigbemanning, of eventuele wijzigingen daarvan. Binnen een termijn van 15 dagen na de ontvangst van de voorlopige lijst of van de voorgestelde aanvulling daarop stelt elk Plaatsingsland de Geïnspecteerde Partij in kennis van zijn eventuele bezwaar tegen de opname van een inspecteur of een lid van de vliegtuigbemanning in de lijst op grond van het feit dat de betrokkene vroeger is veroordeeld in een strafzaak op het grondgebied van of het land is uitgezet door de Geïnspecteerde Partij of het Plaatsingsland. De Geïnspecteerde Partij oefent daarna haar recht ingevolge het bepaalde in het Inspectieprotocol uit, ten einde te voorkomen dat de genoemde persoon optreedt als inspecteur of als lid van de vliegtuigbemanning.

2. Binnen een termijn van 25 dagen na de ontvangst van de voorlopige lijst van inspecteurs of leden van de vliegtuigbemanning, of van een latere wijziging daarin, verstrekt elk Plaatsingsland de noodzakelijke visa en daarmee verband houdende bescheiden, ten einde te verzekeren dat iedere inspecteur of lid van de vliegtuigbemanning zijn grondgebied kan binnenkomen ten behoeve van de uitvoering van de inspectiewerkzaamheden overeenkomstig de bepalingen van het Verdrag en het Inspectieprotocol. Deze visa en bescheiden hebben een geldigheidsduur van ten minste 24 maanden. De Geïnspecteerde Partij stelt de Plaatsingslanden onmiddellijk in kennis van de verwijdering van een persoon van de door de Inspecterende Partij opgestelde lijsten van inspecteurs of leden van de vliegtuigbemanning, waarna de Plaatsingslanden onverwijld alle visa en daarmee verband houdende bescheiden die aan de betrokken persoon ingevolge het bepaalde in dit lid zijn verstrekt, ongeldig kunnen verklaren.

3. Binnen een termijn van 25 dagen na de inwerkingtreding van deze Overeenkomst stelt elk Plaatsingsland de Geïnspecteerde Partij in kennis van het nummer van de permanente diplomatieke vergunning voor het vliegtuig van de Inspecterende Partij dat de inspecteurs en de uitrusting naar zijn grondgebied vervoert. Tegelijkertijd stelt elk Plaatsingsland de Geïnspecteerde Partij in kennis van de vastgestelde internationale luchtroutes waarlangs het vliegtuig van de Inspecterende Partij het luchtruim van het Plaatsingsland dient binnen te komen ten behoeve van de uitvoering van de inspectiewerkzaamheden ingevolge het Verdrag.

4. Elk Plaatsingsland kent aan de inspecteurs en de leden van de vliegtuigbemanning van de Inspecterende Partij die zijn grondgebied binnenkomen ten behoeve van de uitvoering van de inspectiewerkzaamheden ingevolge het Verdrag, met inbegrip van het Inspectieprotocol, de voorrechten en immuniteiten toe, omschreven in de Bijlage bij deze Overeenkomst betreffende de voorrechten en immuniteiten. Ingeval de Inspecterende Partij weigert of nalaat haar verplichting ingevolge het bepaalde in Hoofdstuk III, zevende lid, van het Inspectieprotocol na te komen om een inspecteur of een lid van de vliegtuigbemanning die inbreuk heeft gemaakt op de voorwaarden met betrekking tot de inspecties, te verwijderen, kan aan de inspecteur of het lid van de vliegtuigbemanning de voortgezette erkenning als rechthebbende op deze voorrechten en immuniteiten worden geweigerd.

5. Elk Plaatsingsland verstrekt op de plaats van binnenkomst de nodige machtigingen voor de vrijstelling van douanerechten en de bespoediging van de douanebehandeling met betrekking tot alle benodigdheden voor de uitvoering van de inspectiewerkzaamheden.

6. Elk Plaatsingsland verschaft op verzoek faciliteiten op de plaats

van binnenkomst voor de huisvesting van en voor de verstrekking van de maaltijden aan de inspecteurs en de leden van de vliegtuigbemanning.

7. Het Plaatsingsland waarin de inspectie plaatsvindt, heeft het recht, te zamen met de Geïnspecteerde Partij elk onderdeel van de door de Inspecterende Partij ingevoerde uitrusting te onderzoeken om zich ervan te overtuigen dat de uitrusting niet kan worden gebruikt voor het verrichten van werkzaamheden die geen verband houden met de eisen van de inspectie ingevolge het Verdrag. Indien bij onderzoek blijkt dat een onderdeel van de uitrusting geen verband houdt met deze eisen, wordt daarvoor geen vergunning tot gebruik verleend en wordt het onderdeel in bewaring genomen op de plaats van binnenkomst tot aan het vertrek van het inspectieteam uit het land waar de inspectie wordt uitgevoerd.

Artikel V

Uitvoering van de inspecties

1. Binnen 90 minuten na de ontvangst van een kennisgeving van de Geïnspecteerde Partij dat een vluchtplan voor een vliegtuig van de Inspecterende Partij is ingediend overeenkomstig de ICAO-procedures die van toepassing zijn op luchtvaartuigen in het burgerluchtverkeer, verleent het Plaatsingsland op welks grondgebied de plaats van inspectie is gelegen, zijn toestemming aan de Geïnspecteerde Partij dat het vliegtuig van de Inspecterende Partij kan doorvliegen naar de plaats van binnenkomst via de ingediende route of zo nodig via een gewijzigde route.

2. Het Plaatsingsland op welks grondgebied de plaats van inspectie is gelegen, vergemakkelijkt de binnenkomst van de inspecteurs en de leden van de vliegtuigbemanning in het land en neemt de nodige maatregelen om ervoor te zorgen dat de bagage en de uitrusting van het inspectieteam als zodanig wordt herkend en zo snel mogelijk door de douane wordt geleid.

3. Na kennisgeving van de plaats van inspectie door de Geïnspecteerde Partij, in overeenstemming met het bepaalde in artikel III, neemt het Plaatsingsland op welks grondgebied de inspectie zal plaatsvinden, de nodige maatregelen om ervoor te zorgen dat het inspectieteam alle nodige vergunningen en hulp worden verleend om het in staat te stellen zo snel mogelijk door te reizen naar de plaats van inspectie en aldaar aan te komen binnen negen uur nadat de Inspecterende Partij kennis heeft gegeven van de te inspecteren plaats. De Geïnspecteerde Partij en het Plaatsingsland waarin de plaats van inspectie is gelegen, plegen overleg met betrekking tot de aan te wenden wijze van vervoer, waarbij het Plaatsingsland het recht

heeft de route tussen de plaats van binnenkomst en de plaats van inspectie aan te wijzen.

4. Elk Plaatsingsland verleent de Geïnspecteerde Partij, ten behoeve van het inspectieteam, de nodige hulp bij de verschaffing van een voorziening voor mondeling berichtenverkeer tussen de plaats van inspectie binnen zijn grondgebied en de Ambassade van de Inspecterende Partij.

5. De Geïnspecteerde Partij en het Plaatsingsland binnen welks grondgebied een plaats van inspectie is gelegen, plegen overleg met betrekking tot het onderhoud van de vliegtuigen en het verschaffen van maaltijden, huisvesting en diensten aan de inspecteurs en de leden van de vliegtuigbemanning op de plaats van binnenkomst en de plaats van inspectie. De kosten van deze door de Geïnspecteerde Partij verzochte en door het Plaatsingsland verleende faciliteiten worden door de Geïnspecteerde Partij gedragen.

6. Ingeval de Inspecterende Partij om verlenging van de inspectieperiode verzoekt, die de oorspronkelijke inspectieperiode van 24 uur met ten hoogste acht uur mag overschrijden zoals voorzien in hoofdstuk VI, veertiende lid, voor het Inspectieprotocol, stelt de Geïnspecteerde Partij het Plaatsingsland op welks grondgebied de plaats van inspectie is gelegen, onmiddellijk in kennis van deze verlenging.

Artikel VI

Overleg

1. Binnen vijf dagen na de inwerkingtreding van deze Overeenkomst komen de Geïnspecteerde Partij en de Plaatsingslanden bijeen om de in artikel XI van het Verdrag, in het Inspectieprotocol en in deze Overeenkomst bepaalde uitvoering van de inspectiewerkzaamheden te coördineren.

2. Een bijeenkomst van de Geïnspecteerde Partij en een Plaatsingsland ter bespreking van de uitvoering van deze Overeenkomst vindt plaats binnen vijf dagen na een verzoek daartoe door de Geïnspecteerde Partij of een Plaatsingsland.

3. Mocht zich een vraagstuk voordoen dat naar de mening van een Plaatsingsland de onmiddellijke aandacht vereist, dat kan het Plaatsingsland zich in verbinding stellen met de Autoriteit van de Geïnspecteerde Partij, die met de kennisgevingen van de inspectie is belast. De Geïnspecteerde Partij bevestigt onmiddellijk de ontvangst van de navraag of de vraag en schenkt onverwijld aandacht aan de kwestie of het probleem.

4. Ingeval een Plaatsingsland vaststelt dat een inspecteur of een lid van de vliegtuigbemanning inbreuk heeft gemaakt op de voor-

waarden met betrekking tot de inspectie binnen zijn grondgebied, kan het Plaatsingsland de Geïnspecteerde Partij daarvan in kennis stellen, die op haar beurt de Inspecterende Partij inlicht over de uitsluiting van de inspecteur. De naam van de betrokkene wordt doorgehaald op de lijst van inspecteurs en leden van de vliegtuigbemanning.

5. Een Plaatsingsland kan de plaats van binnenkomst op zijn grondgebied wijzigen door daarvan zes maanden van tevoren kennis te geven aan de Geïnspecteerde Partij.

6. Na voltooiing van een inspectie deelt de Geïnspecteerde Partij aan het Plaatsingsland binnen welks grondgebied de inspectie heeft plaatsgevonden, mede dat de inspectie is voltooid en verstrekt op verzoek van het Plaatsingsland een verslag inzake de inspectie aan het Plaatsingsland.

7. De Verenigde Staten van Amerika mogen niet, zonder de uitdrukkelijke instemming van de Plaatsingslanden een wijziging van artikel XI van het Verdrag of van het Inspectieprotocol voorstellen, die rechtstreeks van invloed is op de rechten, belangen of verplichtingen van de Plaatsingslanden of er hun goedkeuring aan hechten.

Artikel VII

Inwerkingtreding en duur van de Overeenkomst

Deze Overeenkomst dient te worden goedgekeurd overeenkomstig de constitutionele procedures van elke Partij, welke goedkeuring door elke Partij aan elk der andere Partijen ter kennis wordt gebracht. Na de voltooiing van deze kennisgeving door alle Partijen treedt de Overeenkomst gelijktijdig in werking met het Verdrag en blijft van kracht gedurende een periode van dertien jaar.

GEDAAN te Brussel op 11 december 1987 in één enkel origineel, dat wordt nedergelegd in het archief van de Regering van de Verenigde Staten van Amerika, die een gewaarmerkt afschrift daarvan zal toezenden aan elk van de andere Regeringen die deze Overeenkomst ondertekenen.

TEN BLIJKE WAARVAN de ondergetekenden, daartoe naar behoren gemachtigd, deze Overeenkomst hebben ondertekend.

(Zie voor ondertekeningen blz. 8 van dit Tractatenblad)

BIJLAGE

Bepalingen inzake de voorrechten en immuniteiten van de inspecteurs en leden van de vliegtuigbemanning

Teneinde hun functies doeltreffend uit te oefenen worden, ter uitvoering van het Verdrag en niet voor hun persoonlijk voordeel, aan inspecteurs en leden van de vliegtuigbemanning de hier beschreven voorrechten en immuniteiten toegekend. Voorrechten en immuniteiten worden toegekend voor de gehele verblijfsduur in het land van inspectie waarin de plaats van inspectie is gelegen, en daarna met betrekking tot eerder in de uitoefening van officiële functies als inspecteur of lid van de vliegtuigbemanning verrichte handelingen.

1. Aan inspecteurs en leden van de vliegtuigbemanning wordt de onschendbaarheid toegekend welke door diplomatieke ambtenaren ingevolge artikel 29 van het Verdrag van Wenen inzake diplomatiek verkeer van 18 april 1961 wordt genoten.

2. De papieren en briefwisseling van inspecteurs en leden van de vliegtuigbemanning genieten de onschendbaarheid welke is toegekend aan de papieren en briefwisseling van diplomatieke ambtenaren ingevolge artikel 30 van het Verdrag van Wenen inzake diplomatiek verkeer. Voorts is het vliegtuig van het inspectieteam onschendbaar.

3. Aan inspecteurs en leden van de vliegtuigbemanning worden de immuniteiten toegekend welke ingevolge het eerste, tweede en derde lid, van artikel 31 van het Verdrag van Wenen inzake diplomatiek verkeer worden toegekend aan diplomatieke ambtenaren. Van de immuniteit van een inspecteur of een lid van de vliegtuigbemanning ten aanzien van rechtsmacht kan afstand worden gedaan door de Inspecterende Partij in die gevallen waarin zij van oordeel is dat de immuniteit de loop van het recht zou belemmeren en dat afstand kan worden gedaan zonder schade te berokkenen aan de uitvoering van de bepalingen van het Verdrag. Het afstand doen van immuniteit dient altijd uitdrukkelijk kenbaar te worden gemaakt.

4. Inspecteurs en leden van de vliegtuigbemanning van de Inspecterende Partij mogen in het grondgebied van een Plaatsingsland waarin een plaats van inspectie is gelegen, zonder betaling van douanerechten of daarmee verband houdende heffingen, goederen voor hun persoonlijk gebruik brengen, met uitzondering van goederen waarvan de in- of uitvoer verboden is door de wet of onderworpen is aan quarantainebeoordelingen.

5. Een inspecteur of lid van de vliegtuigbemanning mag zich niet bezig houden met een beroeps- of bedrijfsbezigheid gericht op persoonlijk gewin op het grondgebied van de Plaatsingslanden.

D. PARLEMENT

De Overeenkomst behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk aan de Overeenkomst kan worden gebonden.

G. INWERKINGTREDING

De bepalingen van de Overeenkomst zullen ingevolge artikel VII in werking treden gelijktijdig met het in rubriek J hieronder genoemde Verdrag van 8 december 1987, nadat de goedkeuringsprocedures bedoeld in artikel VII zijn voltooid.

J. GEGEVENS

Op 8 december 1987 is te Washington tot stand gekomen een Verdrag tussen de Verenigde Staten van Amerika en de Unie van Socialistische Sovjetrepublieken inzake de verwijdering van hun middellange- en kortere-afstandsraketten. De Engelse tekst van artikel XI van dat Verdrag, naar welk artikel onder meer in artikel I van de onderhavige Overeenkomst wordt verwezen, luidt als volgt:

Article XI

1. For the purpose of ensuring verification of compliance with the provisions of this Treaty, each Party shall have the right to conduct on-site inspections. The Parties shall implement on-site inspections in accordance with this Article, the Protocol on Inspection and the Protocol on Elimination.

2. Each Party shall have the right to conduct inspections provided for by this Article both within the territory of the other Party and within the territories of basing countries.

3. Beginning 30 days after entry into force of this Treaty, each Party shall have the right to conduct inspections at all missile operating bases and missile support facilities specified in the Memorandum of Understanding other than missile production facilities, and at all elimination facilities included in the initial data update required by paragraph 3 of Article IX of this Treaty. These inspections shall be completed no later than 90 days after entry into force of this Treaty. The purpose of these inspections shall be to verify the number of missiles, launchers, support structures and support equipment and other data, as of the date of entry into force of this Treaty, provided pursuant to paragraph 3 of Article IX of this Treaty.

4. Each Party shall have the right to conduct inspections to verify the elimination, notified pursuant to paragraph 5(a) of Article IX of this Treaty, of missile operating bases and missile support facilities

other than missile production facilities, which are thus no longer subject to inspections pursuant to paragraph 5(a) of this Article. Such an inspection shall be carried out within 60 days after the scheduled date of the elimination of that facility. If a Party conducts an inspection at a particular facility pursuant to paragraph 3 of this Article after the scheduled date of the elimination of that facility, then no additional inspection of that facility pursuant to this paragraph shall be permitted.

5. Each Party shall have the right to conduct inspections pursuant to this paragraph for 13 years after entry into force of this Treaty. Each Party shall have the right to conduct 20 such inspections per calendar year during the first three years after entry into force of this Treaty, 15 such inspections per calendar year during the subsequent five years, and ten such inspections per calendar year during the last five years. Neither Party shall use more than half of its total number of these inspections per calendar year within the territory of any one basing country. Each Party shall have the right to conduct:

(a) inspections, beginning 90 days after entry into force of this Treaty, of missile operating bases and missile support facilities other than elimination facilities and missile production facilities, to ascertain, according to the categories of data specified in the Memorandum of Understanding, the numbers of missiles, launchers, support structures and support equipment located at each missile operating base or missile support facility at the time of the inspection; and

(b) inspections of former missile operating bases and former missile support facilities eliminated pursuant to paragraph 8 of Article X of this Treaty other than former missile production facilities.

6. Beginning 30 days after entry into force of this Treaty, each Party shall have the right, for 13 years after entry into force of this Treaty, to inspect by means of continuous monitoring:

(a) the portals of any facility of the other Party at which the final assembly of a GLBM using stages, any of which is outwardly similar to a stage of solid-propellant GLBM listed in Article III of this Treaty, is accomplished; or

(b) if a Party has no such facility, the portals of an agreed former missile production facility at which existing types of intermediate-range or shorter-range GLBMs were produced.

The Party whose facility is to be inspected pursuant to this paragraph shall ensure that the other Party is able to establish a permanent continuous monitoring system at that facility within six months after entry into force of this Treaty or within six months of initiation of the process of final assembly described in subparagraph (a). If, after the end of the second year after entry into force of this Treaty, neither Party conducts the process of final assembly described in subparagraph (a) for a period of 12 consecutive months, then neither Party

shall have the right to inspect by means of continuous monitoring any missile production facility of the other Party unless the process of final assembly as described in subparagraph (a) is initiated again. Upon entry into force of this Treaty, the facilities to be inspected by continuous monitoring shall be: in accordance with subparagraph (b), for the United States of America, Hercules Plant Number 1, at Magna, Utah; in accordance with subparagraph (a), for the Union of Soviet Socialist Republics, the Votkinsk Machine Building Plant, Udmurt Autonomous Soviet Socialist Republic, Russian Soviet Federative Socialist Republic.

7. Each Party shall conduct inspections of the process of elimination, including elimination of intermediate-range missile by means of launching, of intermediate-range and shorter-range missiles and launchers of such missiles and support equipment associated with such missiles and launchers carried out at elimination facilities in accordance with Article X of this Treaty and the Protocol on Elimination. Inspectors conducting inspections provided for in this paragraph shall determine that the processes specified for the elimination of the missiles, launchers and support equipment have been completed.

8. Each Party shall have the right to conduct inspections to confirm the completion of the process of elimination of intermediate-range and shorter-range missiles and launchers of such missiles and support equipment associated with such missiles and launchers eliminated pursuant to Section V of the Protocol on Elimination, and of training missiles, training missile stages, training launch canisters and training launchers eliminated pursuant to Section II, IV and V of the Protocol on Elimination.

De Engelse tekst van het op 8 december 1987 te Washington tot stand gekomen Protocol tussen de Verenigde Staten van Amerika en de Unie van Socialistische Sovjetrepublieken inzake inspecties betreffende bovengenoemd Verdrag, naar welk Protocol onder meer in artikel I van de onderhavige Overeenkomst wordt verwezen, luidt als volgt:

Protocol regarding inspections relating to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles

Pursuant to and in implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range

Missiles of December 8, 1987, hereinafter referred to as the Treaty, the Parties hereby agree upon procedures governing the conduct of inspections provided for in Article XI of the Treaty.

I. Definitions

For the purposes of this Protocol, the Treaty, the Memorandum of Understanding and the Protocol on Elimination:

1. The term "inspected Party" means the Party to the Treaty whose sites are subject to inspection as provided for by Article XI of the Treaty.

2. The term "inspecting Party" means the Party to the Treaty carrying out an inspection.

3. The term "inspector" means an individual designated by one of the Parties to carry out inspections and included on that Party's list of inspectors in accordance with the provisions of Section III of this Protocol.

4. The term "inspection team" means the group of inspectors assigned by the inspecting Party to conduct a particular inspection.

5. The term "inspection site" means an area, location or facility at which an inspection is carried out.

6. The term "period of inspection" means the period of time from arrival of the inspection team at the inspection site until its departure from the inspection site, exclusive of time spent on any pre- and post-inspection procedures.

7. The term "point of entry" means: Washington, D.C., or San Francisco, California, the United States of America; Brussels (National Airport), The Kingdom of Belgium; Frankfurt (Rhein Main Airbase), The Federal Republic of Germany; Rome (Ciampino), The Republic of Italy; Schiphol, The Kingdom of the Netherlands; RAF Greenham Common, The United Kingdom of Great Britain and Northern Ireland; Moscow, or Irkutsk, the Union of Soviet Socialist Republics; Schkeuditz Airport, the German Democratic Republic; and International Airport Ruzhyn, the Czechoslovak Socialist Republic.

8. The term "in-country period" means the period from the arrival of the inspection team at the point of entry until its departure from the country through the point of entry.

9. The term "in-country escort" means individuals specified by the inspected Party to accompany and assist inspectors and aircrew members as necessary throughout the in-country period.

10. The term "aircrew member" means an individual who performs duties related to the operation of an airplane and who is included on a Party's list of aircrew members in accordance with the provisions of Section III of this Protocol.

II. General Obligations

1. For the purpose of ensuring verification of compliance with the provisions of the Treaty, each Party shall facilitate inspection by the other Party pursuant to this Protocol.

2. Each Party takes note of the assurances received from the other Party regarding understandings reached between the other Party and the basing countries to the effect that the basing countries have agreed to the conduct of inspections, in accordance with the provisions of this Protocol, on their territories.

III. Pre-Inspection Requirements

1. Inspections to ensure verification of compliance by the Parties with the obligations assumed under the Treaty shall be carried out by inspectors designated in accordance with paragraphs 3 and 4 of this Section.

2. No later than one day after entry into force of the Treaty, each Party shall provide to the other Party: a list of its proposed aircrew members; a list of its proposed inspectors who will carry out inspections pursuant to paragraphs 3, 4, 5, 7 and 8 of Article XI of the Treaty; and a list of its proposed inspectors who will carry out inspection activities pursuant to paragraph 6 of Article XI of the Treaty. None of these lists shall contain at any time more than 200 individuals.

3. Each Party shall review the lists of inspectors and aircrew members proposed by the other Party. With respect to an individual included on the list of proposed inspectors who will carry out inspection activities pursuant to paragraph 6 of Article XI of the Treaty, if such an individual is unacceptable to the Party reviewing the list, that Party shall, within 20 days, so inform the Party providing the list, and the individual shall be deemed not accepted and shall be deleted from the list. With respect to an individual on the list of proposed aircrew members or the list of proposed inspectors who will carry out inspections pursuant to paragraphs 3, 4, 5, 7 and 8 of Article XI of the Treaty, each Party, within 20 days after the receipt of such lists, shall inform the other Party of its agreement to the designation of each inspector and aircrew member proposed. Inspectors shall be citizens of the inspecting Party.

4. Each Party shall have the right to amend its lists of inspectors

and aircrew members. New inspectors and aircrew members shall be designated in the same manner as set forth in paragraph 3 of this Section with respect to the initial lists.

5. Within 30 days of receipt of the initial lists of inspectors and aircrew members, or of subsequent changes thereto, the Party receiving such information shall provide, or shall ensure the provision of, such visas and other documents to each individual to whom it has agreed as may be required to ensure that each inspector or aircrew member may enter and remain in the territory of the Party or basing country in which an inspection site is located throughout the in-country period for the purpose of carrying out inspection activities in accordance with the provisions of this Protocol. Such visas and documents shall be valid for a period of at least 24 months.

6. To exercise their functions effectively, inspectors and aircrew members shall be accorded, throughout the in-country period, privileges and immunities in the country of the inspection site as set forth in the Annex to this Protocol.

7. Without prejudice to their privileges and immunities, inspectors and aircrew members shall be obliged to respect the laws and regulations of the State on whose territory an inspection is carried out and shall be obliged not to interfere in the internal affairs of that State. In the event the inspected Party determines that an inspector or aircrew member of the other Party has violated the conditions governing inspection activities set forth in this Protocol, or has ever committed a criminal offense on the territory of the inspected Party or a basing country, or has ever been sentenced for committing a criminal offense or expelled by the inspected Party or a basing country, the inspected Party making such a determination shall so notify the inspecting Party, which shall immediately strike the individual from the lists of inspectors or the list of aircrew members. If, at that time, the individual is on the territory of the inspected Party or a basing country, the inspecting Party shall immediately remove that individual from the country.

8. Within 30 days after entry into force of the Treaty, each Party shall inform the other Party of the standing diplomatic clearance number for airplanes of the Party transporting inspectors and equipment necessary for inspection into and out of the territory of the Party or basing country in which an inspection site is located. Aircraft routings to and from the designated point of entry shall be along established international airways that are agreed upon by the Parties as the basis for such diplomatic clearance.

IV. Notifications

1. Notification of an intention to conduct an inspection shall be

made through the Nuclear Risk Reduction Centers. The receipt of this notification shall be acknowledged through the Nuclear Risk Reduction Centers by the inspected Party within one hour off its receipt.

(a) For inspections conducted pursuant to paragraphs 3, 4 or 5 of Article XI of the Treaty, such notifications shall be made no less than 16 hours in advance of the estimated time of arrival of the inspection team at the point of entry and shall include:

- (i) the point of entry;
- (ii) the date and estimated time of arrival at the point of entry;
- (iii) the date and time when the specification of the inspection site will be provided; and
- (iv) the names of inspectors and aircrew members.

(b) For inspections conducted pursuant to paragraphs 7 or 8 of Article XI of the Treaty, such notifications shall be made no less than 72 hours in advance of the estimated time of arrival of the inspection team at the point of entry and shall include:

- (i) the point of entry;
- (ii) the date and estimated time of arrival at the point of entry;
- (iii) the site to be inspected and the type of inspection; and
- (iv) the names of inspectors and aircrew members.

2. The date and time of the specification of the inspection site as notified pursuant to paragraph 1(a) of this Section shall fall within the following time intervals:

(a) for inspections conducted pursuant to paragraphs 4 or 5 of Article XI of the Treaty, neither less than four hours nor more than 24 hours after the estimated date and time of arrival at the point of entry; and

(b) for inspections conducted pursuant to paragraph 3 of Article XI of the Treaty, neither less than four hours nor more than 48 hours after the estimated date and time of arrival at the point of entry.

3. The inspecting Party shall provide the inspected Party with a flight plan, through the Nuclear Risk Reduction Centers, for its flight from the last airfield prior to entering the airspace of the country in which the inspection site is located to the point of entry, no less than six hours before the scheduled departure time from that airfield. Such a plan shall be filed in accordance with the procedures of the International Civil Aviation Organization applicable to civil aircraft. The inspecting Party shall include in the remarks section of each flight plan the standing diplomatic clearance number and the notation: "Inspection aircraft. Priority clearance processing required."

4. No less than three hours prior to the scheduled departure of the inspection team from the last airfield prior to entering the airspace of the country in which the inspection is to take place, the inspected Party shall ensure that the flight plan filed in accordance with para-

graph 3 of this Section is approved so that the inspection team may arrive at the point of entry by the estimated arrival time.

5. Either Party may change the point or points of entry to the territories of the countries within which its deployment areas, missile operating bases or missile support facilities are located, by giving notice of such change to the other Party. A change in a point of entry shall become effective five months after receipt of such notification by the other Party.

V. Activities Beginning Upon Arrival at the Point of Entry

1. The in-country escort and a diplomatic aircrew escort accredited to the Government of either the inspected Party or the basing country in which the inspection site is located shall meet the inspection team and aircrew members at the point of entry as soon as the airplane of the inspecting Party lands. The number of aircrew members for each airplane shall not exceed ten. The in-country escort shall expedite the entry of the inspection team and aircrew, their baggage, and equipment and supplies necessary for inspection, into the country in which the inspection site is located. A diplomatic aircrew escort shall have the right to accompany and assist aircrew members throughout the in-country period. In the case of an inspection taking place on the territory of a basing country, the in-country escort may include representatives of that basing country.

2. An inspector shall be considered to have assumed his duties upon arrival at the point of entry on the territory of the inspected Party or a basing country, and shall be considered to have ceased performing those duties when he has left the territory of the inspected Party or basing country.

3. Each Party shall ensure that equipment and supplies are exempt from all customs duties.

4. Equipment and supplies which the inspecting Party brings into the country in which an inspection site is located shall be subject to examination at the point of entry each time they are brought into that country. This examination shall be completed prior to the departure of the inspection team from the point of entry to conduct an inspection. Such equipment and supplies shall be examined by the in-country escort in the presence of the inspection team members to ascertain to the satisfaction of each Party that the equipment and supplies cannot perform functions unconnected with the inspection requirements of the Treaty. If it is established upon examination that the equipment or supplies are unconnected with these inspection requirements, then they shall not be cleared for use and shall be impounded at the point of entry until the departure of the inspection team from the country where the inspection is conducted. Storage of

the inspecting Party's equipment and supplies at each point of entry shall be within tamper-proof containers within a secure facility. Access to each secure facility shall be controlled by a "dual key" system requiring the presence of both Parties to gain access to the equipment and supplies.

5. Throughout the in-country period, the inspected Party shall provide, or arrange for the provision of, meals, lodging, work space, transportation and, as necessary, medical care for the inspection team and aircrew of the inspecting Party. All the costs in connection with the stay of inspectors carrying out inspection activities pursuant to paragraph 6 of Article XI of the Treaty, on the territory of the inspected Party, including meals, services, lodging, work space, transportation and medical care shall be borne by the inspecting Party.

6. The inspected Party shall provide parking, security protection, servicing and fuel for the airplane of the inspecting Party at the point of entry. The inspecting Party shall bear the cost of such fuel and servicing.

7. For inspections conducted on the territory of the Parties, the inspection team shall enter at the point of entry on the territory of the inspected Party that is closest to the inspection site. In the case of inspections carried out in accordance with paragraphs 3, 4 or 5 of Article XI of the Treaty, the inspection team leader shall, at or before the time notified pursuant to paragraph 1(a) (iii) of Section IV of this Protocol, inform the inspected Party at the point of entry through the in-country escort of the type of inspection and the inspection site, by place-name and geographic coordinates.

VI. General Rules for Conducting Inspections

1. Inspectors shall discharge their functions in accordance with this Protocol.

2. Inspectors shall not disclose information received during inspections except with the express permission of the inspecting Party. They shall remain bound by this obligation after their assignment as inspectors has ended.

3. In discharging their functions, inspectors shall not interfere directly with on-going activities at the inspection site and shall avoid unnecessarily hampering or delaying the operation of a facility or taking actions affecting its safe operation.

4. Inspections shall be conducted in accordance with the objectives set forth in Article XI of the Treaty as applicable for the type of inspection specified by the inspecting Party under paragraph 1(b) of Section IV or paragraph 7 of Section V of this Protocol.

5. The in-country escort shall have the right to accompany and assist inspectors and aircrew members as considered necessary by the inspected Party throughout the in-country period. Except as otherwise provided in this Protocol, the movement and travel of inspectors and aircrew members shall be at the discretion of the in-country escort.

6. Inspectors carrying out inspection activities pursuant to paragraph 6 of Article XI of the Treaty shall be allowed to travel within 50 kilometers from the inspection site with the permission of the in-country escort, and as considered necessary by the inspected Party, shall be accompanied by the in-country escort. Such travel shall be taken solely as a leisure activity.

7. Inspectors shall have the right throughout the period of inspection to be in communication with the embassy of the inspecting Party located within the territory of the country where the inspection is taking place using the telephone communications provided by the inspected Party.

8. At the inspection site, representatives of the inspected facility shall be included among the in-country escort.

9. The inspection team may bring onto the inspection site such documents as needed to conduct the inspection, as well as linear measurement devices; cameras; portable weighing devices; radiation detection devices; and other equipment, as agreed by the Parties. The characteristics and method of use of the equipment listed above, shall also be agreed upon within 30 days after entry into force of the Treaty. During inspections conducted pursuant to paragraphs 3, 4, 5(a), 7 or 8 of Article XI of the Treaty, the inspection team may use any of the equipment listed above, except for cameras, which shall be for use only by the inspected Party at the request of the inspecting Party. During inspections conducted pursuant to paragraph 5(b) of Article XI of the Treaty, all measurements shall be made by the inspected Party at the request of the inspecting Party. At the request of inspectors, the in-country escort shall take photographs of the inspected facilities using the inspecting Party's camera systems which are capable of producing duplicate, instant development photographic prints. Each Party shall receive one copy of every photograph.

10. For inspections conducted pursuant to paragraphs 3, 4, 5, 7 or 8 of Article XI of the Treaty, inspectors shall permit the in-country escort to observe the equipment used during the inspection by the inspection team.

11. Measurements recorded during inspections shall be certified by the signature of a member of the inspection team and a member of the in-country escort when they are taken. Such certified data shall be included in the inspection report.

12. Inspectors shall have the right to request clarifications in connection with ambiguities that arise during an inspection. Such requests shall be made promptly through the in-country escort. The in-country escort shall provide the inspection team, during the inspection, with such clarifications as may be necessary to remove the ambiguity. In the event questions relating to an object or building located within the inspection site are not resolved, the inspected Party shall photograph the object or building as requested by the inspecting Party for the purpose of clarifying its nature and function. If the ambiguity cannot be removed during the inspection, then the question, relevant clarifications and a copy of any photographs taken shall be included in the inspection report.

13. In carrying out their activities, inspectors shall observe safety regulations established at the inspection site, including those for the protection of controlled environments within a facility and for personal safety. Individual protective clothing and equipment shall be provided by the inspected Party, as necessary.

14. For inspections pursuant to paragraphs 3, 4, 5, 7 or 8 of Article XI of the Treaty, pre-inspection procedures, including briefings and safety-related activities, shall begin upon arrival of the inspection team at the inspection site and shall be completed within one hour. The inspection team shall begin the inspection immediately upon completion of the pre-inspection procedures. The period of inspection shall not exceed 24 hours, except for inspections pursuant to paragraphs 6, 7 or 8 of Article XI of the Treaty. The period of inspection may be extended, by agreement with the in-country escort, by no more than eight hours. Post-inspection procedures, which include completing the inspection report in accordance with the provisions of Section XI of this Protocol, shall begin immediately upon completion of the inspection and shall be completed at the inspection site within four hours.

15. An inspection team conducting an inspection pursuant to Article XI of the Treaty shall include no more than ten inspectors, except for an inspection team conducting an inspection pursuant to paragraphs 7 or 8 of that Article, which shall include no more than 20 inspectors and an inspection team conducting inspection activities pursuant to paragraph 6 of that Article, which shall include no more than 30 inspectors. At least two inspectors on each team must speak the language of the inspected Party. An inspection team shall operate under the direction of the team leader and deputy team leader. Upon arrival at the inspection site, the inspection team may divide itself into subgroups consisting of no fewer than two inspectors each. There shall be no more than one inspection team at an inspection site at any one time.

16. Except in the case of inspections conducted pursuant to para-

graphs 3, 4, 7 or 8 of Article XI of the Treaty, upon completion of the post-inspection procedures, the inspection team shall return promptly to the point of entry from which it commenced inspection activities and shall then leave, within 24 hours, the territory of the country in which the inspection site is located, using its own airplane. In the case of inspections conducted pursuant to paragraphs 3, 4, 7 or 8 of Article XI of the Treaty, if the inspection team intends to conduct another inspection it shall either:

(a) notify the inspected Party of its intent upon return to the point of entry; or

(b) notify the inspected Party of the type of inspection and the inspection site upon completion of the post-inspection procedures. In this case it shall be the responsibility of the inspected Party to ensure that the inspection team reaches the next inspection site without unjustified delay. The inspected Party shall determine the means of transportation and route involved in such travel.

With respect to subparagraph (a), the procedures set forth in paragraph 7 of Section V of this Protocol and paragraphs 1 and 2 of Section VII of this Protocol shall apply.

VII. Inspections Conducted Pursuant to Paragraphs 3, 4 or 5 of Article XI of the Treaty

1. Within one hour after the time for the specification of the inspection site notified pursuant to paragraph 1(a) of Section IV of this Protocol, the inspected Party shall implement pre-inspection movement restrictions at the inspection site, which shall remain in effect until the inspection team arrives at the inspection site. During the period that pre-inspection movement restrictions are in effect, missiles, stages of such missiles, launchers or support equipment subject to the Treaty shall not be removed from the inspection site.

2. The inspected Party shall transport the inspection team from the point of entry to the inspection site so that the inspection team arrives at the inspection site no later than nine hours after the time for the specification of the inspection site notified pursuant to paragraph 1(a) of Section IV of this Protocol.

3. In the event that an inspection is conducted in a basing country, the aircrew of the inspected Party may include representatives of the basing country.

4. Neither Party shall conduct more than one inspection pursuant to paragraph 5(a) of Article XI of the Treaty at any one time, more than one inspection pursuant to paragraph 5(b) of Article XI of the Treaty at any one time, or more than 10 inspections pursuant to paragraph 3 of Article XI of the Treaty at any one time.

5. The boundaries of the inspection site at the facility to be inspected shall be the boundaries of that facility set forth in the Memorandum of Understanding.

6. Except in the case of an inspection conducted pursuant to paragraphs 4 or 5(b) of Article XI of the Treaty, upon arrival of the inspection team at the inspection site, the in-country escort shall inform the inspection team leader of the number of missiles, stages of missiles, launchers, support structures and support equipment at the site that are subject to the Treaty and provide the inspection team leader with a diagram of the inspection site indicating the location of these missiles, stages of missiles, launchers, support structures and support equipment at the inspection site.

7. Subject to the procedures of paragraphs 8 through 14 of this Section, inspectors shall have the right to inspect the entire inspection site, including the interior of structures, containers of vehicles, or including covered objects, whose dimensions are equal to or greater than the dimensions specified in Section VI of the Memorandum of Understanding for the missiles, stages of such missiles, launchers or support equipment of the inspected Party.

8. A missile, a stage of such a missile or a launcher subject to the Treaty shall be subject to inspection only by external visual observation, including measuring, as necessary, the dimensions of such a missile, stage of such a missile or launcher. A container that the inspected Party declares to contain a missile or stage of a missile subject to the Treaty, and which is not sufficiently large to be capable of containing more than one missile or stage of such a missile of the inspected Party subject to the Treaty, shall be subject to inspection only by external visual observation, including measuring, as necessary, the dimensions of such a container to confirm that it cannot contain more than one missile or stage of such a missile of the inspected Party subject to the Treaty. Except as provided for in paragraph 14 of this Section, a container that is sufficiently large to contain a missile or stage of such a missile of the inspected Party subject to the Treaty that the inspected Party declares not to contain a missile or stage of such a missile subject to the Treaty shall be subject to inspection only by means of weighing or visual observation of the interior of the container, as necessary, to confirm that it does not, in fact, contain a missile or stage of such a missile of the inspected Party subject to the Treaty. If such a container is a launch canister associated with a type of missile not subject to the Treaty, and declared by the inspected Party to contain such a missile, it shall be subject to external inspection only, including use of radiation detection devices, visual observation and linear measurement, as necessary, of the dimensions of such a canister.

9. A structure or container that is not sufficiently large to contain a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty shall be subject to inspection only by external visual observation including measuring, as necessary, the dimensions of such a structure or container to confirm that it is not sufficiently large to be capable of containing a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty.

10. Within a structure, a space which is sufficiently large to contain a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty, but which is demonstrated to the satisfaction of the inspection team not to be accessible by the smallest missile, stage of a missile or launcher of the inspected Party subject to the Treaty shall not be subject to further inspection. If the inspected Party demonstrates to the satisfaction of the inspection team by means of a visual inspection of the interior of an enclosed space from its entrance that the enclosed space does not contain any missile, stage of such a missile or launcher of the inspected Party subject to the Treaty, such an enclosed space shall not be subject to further inspection.

11. The inspection team shall be permitted to patrol the perimeter of the inspection site and station inspectors at the exits of the site for the duration of the inspection.

12. The inspection team shall be permitted to inspect any vehicle capable of carrying missiles, stages of such missiles, launchers of support equipment of the inspected Party subject to the Treaty at any time during the course of an inspection and no such vehicle shall leave the inspection site during the course of the inspection until inspected at site exits by the inspection team.

13. Prior to inspection of a building within the inspection site, the inspection team may station subgroups at the exits of the building that are large enough to permit passage of any missile, stage of such a missile, launcher or support equipment of the inspected Party subject to the Treaty. During the time that the building is being inspected, no vehicle or object capable of containing any missile, stage of such a missile, launcher or support equipment of the inspected Party subject to the Treaty shall be permitted to leave the building until inspected.

14. During an inspection conducted pursuant to paragraph 5 (b) of Article XI of the Treaty, it shall be the responsibility of the inspected Party to demonstrate that a shrouded or environmentally protected object which is equal to or larger than the smallest missile, stage of a missile or launcher of the inspected Party subject to the Treaty is not, in fact, a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty. This may be accomplished

by partial removal of the shroud or environmental protection cover, measuring, or weighing the covered object or by other methods. If the inspected Party satisfies the inspection team by its demonstration that the object is not a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty, then there shall be no further inspection of that object. If the container is a launch canister associated with a type of missile not subject to the Treaty, and declared by the inspected Party to contain such a missile, then it shall be subject to external inspection only, including use of radiation detection devices, visual observation and linear measurement, as necessary, of the dimensions of such a canister.

VIII. Inspections Conducted Pursuant to Paragraphs 7 or 8 of Article XI of the Treaty

1. Inspections of the process of elimination of items of missile systems specified in the Protocol on Elimination carried out pursuant to paragraph 7 of Article XI of the Treaty shall be conducted in accordance with the procedures set forth in this paragraph and the Protocol on Elimination.

(a) Upon arrival at the elimination facility, inspectors shall be provided with a schedule of elimination activities.

(b) Inspectors shall check the data which are specified in the notification provided by the inspected Party regarding the number and type of items of missile systems to be eliminated against the number and type of such items which are at the elimination facility prior to the initiation of the elimination procedures.

(c) Subject to paragraphs 3 and 11 of Section VI of this Protocol, inspectors shall observe the execution of the specific procedures for the elimination of the items of missile systems as provided for in the Protocol on Elimination. If any deviations from the agreed elimination procedures are found, the inspectors shall have the right to call the attention of the in-country escort to the need for strict compliance with the above-mentioned procedures. The completion of such procedures shall be confirmed in accordance with the procedures specified in the Protocol on Elimination.

(d) During the elimination of missiles by means of launching, the inspectors shall have the right to ascertain by visual observation that a missile prepared for launch is a missile of the type subject to elimination. The inspectors shall also be allowed to observe such a missile from a safe location specified by the inspected Party until the completion of its launch. During the inspection of a series of launches for the elimination of missiles by means of launching, the inspected Party shall determine the means of transport and route for the transportation of inspectors between inspection sites.

2. Inspections of the elimination of items of missile systems specified in the Protocol on Elimination carried out pursuant to paragraph 8 of Article XI of the Treaty shall be conducted in accordance with the procedures set forth in Sections II, IV or V of the Protocol on Elimination or as otherwise agreed by the Parties.

IX. Inspection Activities Conducted Pursuant to Paragraph 6 of Article XI of the Treaty

1. The inspected Party shall maintain an agreed perimeter around the periphery of the inspection site and shall designate a portal with not more than one rail line and one road which shall be within 50 meters of each other. All vehicles which can contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall exit only through this portal.

2. For the purposes of this Section, the provisions of paragraph 10 of Article VII of the Treaty shall be applied to intermediate-range GLBMs of the inspected Party and the longest stage of such GLBMs.

3. There shall not be more than two other exits from the inspection site. Such exits shall be monitored by appropriate sensors. The perimeter of and exits from the inspection site may be monitored as provided for by paragraph 11 of Section VII of this Protocol.

4. The inspecting Party shall have the right to establish continuous monitoring systems at the portal specified in paragraph 1 of this Section and appropriate sensors at the exits specified in paragraph 3 of this Section and carry out necessary engineering surveys, construction, repair and replacement of monitoring systems.

5. The inspected Party shall, at the request of and at the expense of the inspecting Party, provide the following:

(a) all necessary utilities for the construction and operation of the monitoring systems, including electrical power, water, fuel, heating and sewage;

(b) basic construction materials including concrete and lumber;

(c) the site preparation necessary to accommodate the installation of continuously operating systems for monitoring the portal specified in paragraph 1 of this Section, appropriate sensors for other exits specified in paragraph 3 of this Section and the center for collecting data obtained during inspections. Such preparation may include ground excavation, laying of concrete foundations, trenching between equipment locations and utility connections;

(d) transportation for necessary installation tools, materials and equipment from the point of entry to the inspection site; and

(e) a minimum of two telephone lines and, as necessary, high frequency radio equipment capable of allowing direct communica-

tion with the embassy of the inspecting Party in the country in which the site is located.

6. Outside the perimeter of the inspection site, the inspecting Party shall have the right to:

(a) build no more than three buildings with a total floor space of not more than 150 square meters for a data center and inspection team headquarters, and one additional building with floor space not to exceed 500 square meters for the storage of supplies and equipment;

(b) install systems to monitor the exits to include weight sensors, vehicle sensors, surveillance systems and vehicle dimensional measuring equipment;

(c) install at the portal specified in paragraph 1 of this Section equipment for measuring the length and diameter of missile stages contained inside of launch canisters or shipping containers;

(d) install at the portal specified in paragraph 1 of this Section non-damaging image producing equipment for imaging the contents of launch canisters or shipping containers declared to contain missiles or missile stages as provided for in paragraph 11 of this Section;

(e) install a primary and back-up power source; and

(f) use, as necessary, data authentication devices.

7. During the installation or operation of the monitoring systems, the inspecting Party shall not deny the inspected Party access to any existing structures or security systems. The inspecting Party shall not take any actions with respect to such structures without consent of the inspected Party. If the Parties agree that such structures are to be rebuilt or demolished, either partially or completely, the inspecting Party shall provide the necessary compensation.

8. The inspected Party shall not interfere with the installed equipment or restrict the access of the inspection team to such equipment.

9. The inspecting Party shall have the right to use its own two-way systems of radio communication between inspectors patrolling the perimeter and the data collection center. Such systems shall conform to power and frequency restrictions established on the territory of the inspected Party.

10. Aircraft shall not be permitted to land within the perimeter of the monitored site except for emergencies at the site and with prior notification to the inspection team.

11. Any shipment exiting through the portal specified in paragraph 1 of this Section which is large enough and heavy enough to contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall be declared by the inspected Party to the inspection team before the shipment arrives at the portal. The declaration shall state whether such a shipment contains a missile or missile stage as large or larger than and as heavy or heavier than an interme-

intermediate-range GLBM or longest stage of such a GLBM of the inspected Party.

12. The inspection team shall have the right to weigh and measure the dimensions of any vehicle, including railcars, exiting the site to ascertain whether it is large enough and heavy enough to contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party. These measurements shall be performed so as to minimize the delay of vehicles exiting the site. Vehicles that are either not large enough or not heavy enough to contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall not be subject to further inspection.

13. Vehicles exiting through the portal specified in paragraph 1 of this Section that are large enough and heavy enough to contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party but that are declared not to contain a missile or missile stage as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall be subject to the following procedures.

(a) The inspecting Party shall have the right to inspect the interior of all such vehicles.

(b) If the inspecting Party can determine by visual observation or dimensional measurement that, inside a particular vehicle, there are no containers or shrouded objects large enough to be or to contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party, then that vehicle shall not be subject to further inspection.

(c) If inside a vehicle there are one or more containers or shrouded objects large enough to be or to contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party, it shall be the responsibility of the inspected Party to demonstrate that such containers or shrouded objects are not and do not contain intermediate-range GLBMs or the longest stages of such GLBMs of the inspected Party.

14. Vehicles exiting through the portal specified in paragraph 1 of this Section that are declared to contain a missile or missile stage as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall be subject to the following procedures.

(a) The inspecting Party shall preserve the integrity of the inspected missile or stage of a missile.

(b) Measuring equipment shall be placed only outside of the launch canister or shipping container; all measurements shall be made by the inspecting Party using the equipment provided for in paragraph 6 of this Section. Such measurements shall be observed and certified by the in-country escort.

(c) The inspecting Party shall have the right to weigh and measure the dimensions of any launch canister or of any shipping container declared to contain such a missile or missile stage and to image the contents of any launch canister or of any shipping container declared to contain such a missile or missile stage; it shall have the right to view such missiles or missile stages contained in launch canisters or shipping containers eight times per calendar year. The in-country escort shall be present during all phases of such viewing. During such interior viewing:

- (i) the front end of the launch canister or the cover of the shipping container shall be opened;
- (ii) the missile or missile stage shall not be removed from its launch canister or shipping container; and
- (iii) the length and diameter of the stages of the missile shall be measured in accordance with the methods agreed by the Parties so as to ascertain that the missile or missile stage is not an intermediate-range GLBM of the inspected Party, or the longest stage of such a GLBM, and that the missile has no more than one stage which is outwardly similar to a stage of an existing type intermediate-range GLBM.

(d) The inspecting Party shall also have the right to inspect any other containers or shrouded objects inside the vehicle containing such a missile or missile stage in accordance with the procedures in paragraph 13 of this Section.

X. Cancellation of Inspection

An inspection shall be cancelled if, due to circumstances brought about by *force majeure*, it cannot be carried out. In the case of a delay that prevents an inspection team performing an inspection pursuant to paragraphs 3, 4 or 5 of Article XI of the Treaty, from arriving at the inspection site during the time specified in paragraph 2 of Section VII of this Protocol, the inspecting Party may either cancel or carry out the inspection. If an inspection is cancelled due to circumstances brought about by *force majeure* or delay, then the number of inspections to which the inspecting Party is entitled shall not be reduced.

XI. Inspection Report

1. For inspections conducted pursuant to paragraphs 3, 4, 5, 7 or 8 of Article XI of the Treaty, during post-inspection procedures, and no later than two hours after the inspection has been completed, the inspection team leader shall provide the in-country escort with a written inspection report in both the English and Russian languages. The report shall be factual. It shall include the type of inspection carried out, the inspection site, the number of missiles, stages of missiles, launchers and items of support equipment subject to the

Treaty observed during the period of inspection and any measurements recorded pursuant to paragraph 10 of Section VI of this Protocol. Photographs taken during the inspection in accordance with agreed procedures, as well as the inspection site diagram provided for by paragraph 6 of Section VII of this Protocol, shall be attached to this report.

2. For inspection activities conducted pursuant to paragraph 6 of Article XI of the Treaty, within 3 days after the end of each month, the inspection team leader shall provide the in-country escort with a written inspection report both in the English and Russian languages. The report shall be factual. It shall include the number of vehicles declared to contain a missile or stage of a missile as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party that left the inspection site through the portal specified in paragraph 1 of Section IX of this Protocol during that month. The report shall also include any measurements of launch canisters or shipping containers contained in these vehicles recorded pursuant to paragraph 11 of Section VI of this Protocol. In the event the inspecting Party, under the provisions of paragraph 14(c) of Section IX of this Protocol, has viewed the interior of a launch canister or shipping container declared to contain a missile or stage of a missile as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party, the report shall also include the measurements of the length and diameter of missile stages obtained during the inspection and recorded pursuant to paragraph 11 of Section VI of this Protocol. Photographs taken during the inspection in accordance with agreed procedures shall be attached to this report.

3. The inspected Party shall have the right to include written comments in the report.

4. The Parties shall, when possible, resolve ambiguities regarding factual information contained in the inspection report. Relevant clarification shall be recorded in the report. The report shall be signed by the inspection team leader and by one of the members of the in-country escort. Each Party shall retain one copy of the report.

This Protocol is an integral part of the Treaty. It shall enter into force on the date of entry into force of the Treaty and shall remain in force as long as the Treaty remains in force. As provided for in paragraph 1(b) of Article XIII of the Treaty, the Parties may agree upon such measures as may be necessary to improve the viability and effectiveness of this Protocol. Such measures shall not be deemed amendments to the Treaty.

DONE at Washington on December 8, 1987, in two copies, each in the English and Russian languages, both texts being equally authentic.

Annex

Provisions on Privileges and Immunities of Inspectors and Aircrew Members

In order to exercise their functions effectively, for the purpose of implementing the Treaty and not for their personal benefit, the inspectors and aircrew members referred to in Section III of this Protocol shall be accorded the privileges and immunities contained in this Annex. Privileges and immunities shall be accorded for the entire in-country period in the country in which an inspection site is located, and thereafter with respect to acts previously performed in the exercise of official functions as an inspector or aircrew member.

1. Inspectors and aircrew members shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of April 18, 1961.

2. The living quarters and office premises occupied by an inspector carrying out inspection activities pursuant to paragraph 6 of Article XI of the Treaty shall be accorded the inviolability and protection accorded the premises of diplomatic agents pursuant to Article 30 of the Vienna Convention on Diplomatic Relations.

3. The papers and correspondence of inspectors and aircrew members shall enjoy the inviolability accorded to the papers and correspondence of diplomatic agents pursuant to Article 30 of the Vienna Convention on Diplomatic Relations. In addition, the aircraft of the inspection team shall be inviolable.

4. Inspectors and aircrew members shall be accorded the immunities accorded diplomatic agents pursuant to paragraphs 1, 2 and 3 of Article 31 of the Vienna Convention on Diplomatic Relations. The immunity from jurisdiction of an inspector or an aircrew member may be waived by the inspecting Party in those cases when it is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of the Treaty. Waiver must always be express.

5. Inspectors carrying out inspection activities pursuant to paragraph 6 of Article XI of the Treaty shall be accorded the exemption from dues and taxes accorded to diplomatic agents pursuant to Article 34 of the Vienna Convention on Diplomatic Relations.

6. Inspectors and aircrew members of a Party shall be permitted to bring into the territory of the other Party or a basing country in which an inspection site is located, without payment of any customs duties or related charges, articles for their personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.

7. An inspector or aircrew member shall not engage in any professional or commercial activity for personal profit on the territory of the inspected Party or that of the basing countries.

8. If the inspected Party considers that there has been an abuse of privileges and immunities specified in this Annex, consultations shall be held between the Parties to determine whether such an abuse has occurred and, if so determined, to prevent a repetition of such an abuse.

De Internationale Burgerluchtvaartorganisatie, naar welke Organisatie wordt verwezen in artikel III van de onderhavige Overeenkomst, is opgericht bij het op 7 december 1944 te Chicago tot stand gekomen Verdrag inzake de internationale burgerluchtvaart. Een vertaling in het Nederlands van dat Verdrag bijgewerkt tot en met 1961 is geplaatst in *Trb.* 1973, 109. Zie ook *Trb.* 1985, 45.

Van het op 18 april 1961 tot stand gekomen Verdrag van Wenen inzake diplomatiek verkeer, naar welk Verdrag in de bijlage bij de onderhavige Overeenkomst wordt verwezen, is de tekst geplaatst in *Trb.* 1962, 101 en de vertaling in het Nederlands in *Trb.* 1962, 159. Zie ook *Trb.* 1984, 108.

Uitgegeven de achttiende januari 1988.

De Minister van Buitenlandse Zaken a.i.,

R. F. M. LUBBERS