

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1997 Nr. 238

A. TITEL

1. *Verdrag inzake conventionele strijdkrachten in Europa;*
2. *Protocol inzake bestaande typen conventionele wapensystemen, met Bijlage;*
3. *Protocol inzake procedures betreffende de reclassificering van bepaalde modellen of versies van lesvliegtuigen met gevechtscapaciteit als onbewapende lesvliegtuigen;*
4. *Protocol inzake procedures betreffende de vermindering van wapensystemen beperkt bij het Verdrag inzake conventionele strijdkrachten in Europa;*
5. *Protocol inzake procedures betreffende de categorisering van gevechtshelicopters en de recategorisering van algemeen inzetbare aanvalshelicopters;*
6. *Protocol inzake bekendmaking en uitwisseling van informatie, met Bijlage;*
7. *Protocol inzake inspectie;*
8. *Protocol inzake het Gemengd Overlegorgaan;*
9. *Protocol inzake de voorlopige toepassing van enkele bepalingen van het Verdrag inzake conventionele strijdkrachten in Europa; Parijs, 19 november 1990*

B. TEKST

De Engelse tekst van Verdrag en Protocollen, met Bijlagen, is geplaatst in *Trb.* 1991, 31.

C. VERTALING

Zie *Trb.* 1991, 106.

D. PARLEMENT

Zie *Trb.* 1992, 126.

E. BEKRACHTIGING

Zie *Trb.* 1992, 126 en 204 en *Trb.* 1995, 42.

G. INWERKINGTREDING

Zie *Trb.* 1991, 31 en *Trb.* 1992, 126 en 204.

J. GEGEVENS

Zie *Trb.* 1991, 31, *Trb.* 1992, 126 en 204, *Trb.* 1995, 42, *Trb.* 1996, 256 en *Trb.* 1997, 20.

Slotdocument van de Eerste Toetsingsconferentie over de werking van het Verdrag; Wenen, 31 mei 1996

Het in rubriek J van *Trb.* 1996, 256 afgedrukte Slotdocument is bij brieven van 6 juni 1997 ter kennis van de Staten-Generaal gebracht.

Bijlage A bij het Slotdocument

Behalve de in rubriek J van *Trb.* 1997, 20 genoemde hebben nog de volgende Staten een kennisgeving van goedkeuring nedergelegd bij de depositaris:

Spanje	8 april 1997
België ¹⁾	29 april 1997
Turkije	6 mei 1997
Hongarije	7 mei 1997
Georgië ²⁾	13 mei 1997
Roemenië	13 mei 1997
Armenië ³⁾	14 mei 1997
Kazachstan	14 mei 1997
Polen ⁴⁾	14 mei 1997
Rusland ⁵⁾	14 mei 1997
de Verenigde Staten van Amerika ⁶⁾	14 mei 1997
Azerbeidzjan ⁶⁾	15 mei 1997
Moldavië ⁷⁾	15 mei 1997
Oekraïne ⁸⁾	15 mei 1997
Portugal	15 mei 1997
Wit-Rusland	15 mei 1997

¹⁾ Onder de volgende verklaring (namens de NAVO Partners):

Déclaration

Faite par le représentant de la Belgique au Groupe Consultatif Commun au nom des délégations de la Belgique, du Canada, du Danemark, de la France, de l'Allemagne; de la Grèce, de l'Islande, de l'Italie, du Luxembourg, des Pays-Bas,

de la Norvège, du Portugal, de l'Espagne, de la Turquie, du Royaume des états-unis d'Amérique

Monsieur le Président,

Permettez-moi d'exprimer au nom des seize Délégations de l'Alliance Atlantique notre satisfaction de l'entrée en vigueur, suite aux confirmations effectuées par l'ensemble des Etats Parties au Traité, du Document ayant fait l'objet le 31 mai 96 d'un accord entre les Etats Parties au Traité sur les Forces Conventionnelles en Europe en date du 19 novembre 90, et communément appelé Accord sur les flancs.

Nous prenons note de toutes les déclarations de confirmation d'approbation et déclarations interprétatives faites ce jour. Elles feront l'objet d'un examen approfondi dans nos capitales et nous nous réservons le droit d'y revenir ultérieurement. Nous avons également pris note de la déclaration du Représentant de la Fédération de Russie par laquelle celui-ci nous a informés de ce que la Fédération de Russie s'est acquittée de toute la procédure requise pour l'entrée en vigueur de l'Accord sur les flancs.

Concernant la note verbale de la Fédération de Russie du 15 mai 97, et sans préjudice des remarques que nous pourrions être amené à formuler sur son contenu, nous rappelons à ce stade notre déclaration du 31 mai 96 lors de la première conférence d'examen et celle du 8 mai 97 au Groupe consultatif commun.

Je vous demanderais, Monsieur le Président, de bien vouloir annexer le texte de cette déclaration au journal de la réunion d'aujourd'hui.

2) Onder de volgende verklaring:

“The Parliament of Georgia,

Confirming its attitude towards the CFE Treaty as the fundamental document for the European Security;

Confirming by the ratification of the Document agreed among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990 in the First Conference to Review the Operation of the Treaty (thereafter Flank Document) its readiness for ensuring the prompt entering into force of the Flank Document;

Ready to avoid any misunderstandings that may arise from misinterpretation of the Flank Document;

Noting the goodwill expressed while adopting the Flank Document in Vienna on May 31 1996 which, despite the different positions on some questions, secured a consensus;

states:

1. After the entering into force of the Flank Document on May 15, 1997, the Flank issue should not be considered as being finally decided. The CFE Treaty adaptation process, taking new realities into consideration, should reach such agreement that will take into consideration and satisfy the interests of all parties.

2. The Flank Document does not give countries the right to legitimize the deployment of their armed forces on the territory of other countries. This issue should be regularized between the parties involved on the basis of a bilateral agreement.

3. The Flank Document does not revoke, and is not against the principles and procedures of the CFE Treaty and related agreements. In particular, the procedures established by Tashkent 1992 May 15 Agreement are still in force.

4. The temporary deployment of TLE is not to be regarded as being a means of achieving balance, but as a temporary recourse in particular cases. Therefore, the term 'temporary deployment', should be clearly defined by identifying its purpose, frequency, duration and geographical location. Prior to this, Georgia will abstain from conducting the negotiations on not to ask for the temporary deployment of TLE on its territory except for peacekeeping operations and bilateral and multilateral military exercises.

5. Special attention should be paid to the issue of uncontrolled treaty limited equipment (UTLE), so-called 'white spots'. Before solving this problem, Georgia will abstain from conducting the negotiation on the reallocation of the maximum levels for holdings of TLE established by the Tashkent Agreement of May 15, 1992.

6. The flexibility of the Flank Document shall not be used against the interests of the sovereign rights of any country; in particular, no vast amount of TLE should be concentrated on the territories of other countries. To avoid this, the 'National Ceilings' should become the basis for the elaboration of the maximum levels of TLE, on the basis of which 'territorial ceilings' shall be established."

3) Onder de volgende verklaring:

"With regard to Joint Statement of the United States of America and the Azerbaijan Republic the Republic of Armenia would like to state the following:

– Armenia confirms its adherence to the full implementation of the CFE Treaty and its readiness to co-operatively contribute to the solution of the issue of the unaccounted-for and uncontrolled TLE,

– Armenia is of view that the issue of the unaccounted-for and uncontrolled TLE could not be either legally or procedurally linked to the 'CFE Flank Agreement',

– Armenia reiterates its understanding that the issue of unaccounted-for and uncontrolled TLE should be addressed not only as a Treaty implementation issue but as a Treaty operational one as well."

4) Onder de volgende verklaring:

"In the light of the views of the Russian Federation on the context and future of the Flank Agreement, as expressed in the Note dated 14 May this year and addressed to the depositary of the CFE Treaty, the Delegation of Poland would like to state the following:

1. The Russian position, as it seems to link future Russian observance of the levels of forces in the flank area with the establishment of collective ceilings for alliances and limitations on additional permanent stationing of forces in the entire CFE area of application, may jeopardize the CFE adaptation process through the introduction of artificial and unfounded linkages into the negotiation.

2. The above-mentioned position of the Russian Federation is seen as having implications neither for CFE States commitments under the Treaty and documents constituting a mandate for the CFE adaptation negotiation, nor for the need for all CFE States to observe meticulously all provisions of the CFE regime."

5) Onder de volgende verklaring:

"2. While approving the Document the Russian Party:

(A) Notes the significance of the Document as it was agreed on May 31, 1996, for implementation of the Treaty in its present form. The equitable and responsible cooperation of all States Parties, based on good will, to ensure the full use of the possibilities provided in Article IV, paragraphs 1, 2 and 3 of the Document, constitutes the foundation for the viability of the Document.

(B) Confirms, that the Document in its present form is without prejudice to bilateral negotiations and agreements on stationing of the Armed Forces of the Russian Federation beyond its territory in the flank zone.

(C) States, that any reservations as well as any interpreting statements of other States Parties which directly or indirectly modify the substance and meaning of the Document do not entail any consequences as to the rights and obligations of the Russian Federation arising from the Document. In the event such reservations or interpreting statements are made the Russian Party reserves the right to respond to them accordingly.

(D) Underlines, that the process of adaptation of the Treaty for an undivided Europe should include an appropriate solution of the flank limitations problem within the context of abolishment of the present zonal structure of the Treaty and its replacement by national ceilings. In this connection the Russian Party expresses its readiness to consider a possibility to ensure restraint in relation to the present levels of its conventional armed forces in the flank area as it is referred to in Article II, paragraph 1 and 3 of the Document. The scope, status and duration of such provision on restraint will correspond to the scope, status and duration of provisions on limitation on overall ceilings for military alliances and on limitation on additional permanent stationing of conventional armed forces of the States Parties beyond their territories.

All provisions listed in paragraph 2 of the present Note have been indispensable conditions for approval of the Document by the Russian Federation.”
(*Unofficial translation*)

6) Joint Statement by the United States of America and the Azerbaijan Republic

“The United States and Azerbaijan look forward to the prospective entry into force on May 15, 1997, of the Document Agreed Among the States Parties to the Treaty on Conventional Forces in Europe of November 19, 1990, dated May 31, 1996 (‘The CFE Flank Agreement’). The United States and Azerbaijan affirm their joint understanding that with respect to the region covered by the Treaty on Conventional Forces in Europe of November 19, 1990 a state’s military forces should be deployed on the territory of another state only with the freely expressed consent of the host country.

They further affirm that with respect to the CFE flank agreement, it is their common understanding that this agreement:

- does not give any State Party the right to station (under Article IV, paragraph 5 of the Treaty) or temporarily deploy (under Article V, paragraphs 1 (b) and (c) of the Treaty) conventional armaments and equipment limited by the Treaty on the territory of other States Parties to the Treaty without the freely expressed consent of the receiving State Party;
- does not alter or abridge the right of any State Party under the CFE Treaty to utilize fully the maximum levels for its holdings of conventional armaments and equipment limited by the Treaty notified pursuant to Article VII of the Treaty;
- does not alter in any way the requirement for the freely expressed consent of all States Parties concerned in the exercise of any reallocations envisioned under Article IV, paragraph 3 of the CFE Flank Agreement.

The United States acknowledges the absence of foreign military bases on the territory of the Azerbaijan Republic and supports the position taken by Azerbaijan that the temporary presence of foreign troops on its territory may be based only on a duly concluded agreement with Azerbaijan according to its constitution and in conformity with international law.

The United States and Azerbaijan reiterate their concern with regard to conventional armaments and equipment of types limited by the Treaty, which are unaccounted for and uncontrolled within the Treaty. They recognize the obligation of all States Parties to work in a cooperative manner within the Joint Consultative Group to develop practical steps toward fulfilling the commitment of the States Parties, as expressed in the Review Conference Final Document, to resolve the issue of unaccounted-for-TLE as soon as possible and achieve full implementation of all Treaty provisions.

The United States supports the sovereign right of Azerbaijan, as a free and independent state, to take the position under the CFE Treaty contained in the statement of the Chairman of the First CFE Review Conference on May 31, 1996, that temporary deployment and reallocation of quotas referred to in Section IV, paragraphs 2 and 3 of the CFE Flank Agreement will not be used in the context of the Azerbaijan Republic.”

7) Onder de volgende verklaring:

“The ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, does not mean that the Republic of Moldova accepts the presence and temporary deployment on its territory of the conventional armed forces of other states.”

8) Onder de volgende verklaring:

“... that Ukraine has approved the Document agreed among the States Parties to the Treaty on Conventional Armed Forces in Europe of 19 November 1990, further referred to as the Document, adopted by the First Conference to review the operation of the Treaty on Conventional Armed Forces in Europe, with the following reservations:

1. The obligations of the Russian Federation envisaged by Section II of the Document are valid to the extent that the presence of armaments and equipment limited by the CFE Treaty (TLE) of the Russian Federation is admitted by Ukraine in that part of its territory which is included in the area described in Article V, subparagraph 1(A), of the Treaty, as understood by the Union of Soviet Socialist Republics at the time the Treaty was signed.

In any case, the consent of Ukraine for such a presence, whatever the way this consent is expressed, cannot be regarded as the one that cannot be annulled.

Nothing in the Document can be construed as the expression of the consent of Ukraine for the presence or stationing of TLE of the Russian Federation on the territory of Ukraine which is included in the area described in Article V, subparagraph 1(A), of the Treaty, as understood by the Union of Soviet Socialist Republics at the time the Treaty was signed.

2. The provisions of Section IV, paragraph 2, of the Document shall in no way restrict the right and possibilities of Ukraine to deploy on a temporary basis, in accordance with Article V, paragraphs 1(B) and 1(C), of the Treaty, battle tanks, armoured combat vehicles and artillery within the “new” flank area.

3. The provisions of Section IV, paragraph 3, of the Document shall in no way affect the rights and obligations of Ukraine under the Agreement on the Principles and Procedures for the Implementation of the Treaty on Conventional Armed Forces in Europe of 15 May 1992.

4. The validity of the Document shall be limited by the date of entry into force of the adapted Treaty on Conventional Armed Forces in Europe.

The reservations mentioned in the above paragraphs 1 through 4 shall be valid through the entire time of the operation of the Document, including the period of its provisional application...”

Ingevolge Onderdeel VI, eerste lid, van Bijlage A bij het Slotdocument juncto het besluit van het Gemengd Overlegorgaan van 1 december 1996 is Bijlage A, waarvan Onderdeel II, tweede en derde lid, Onderdeel IV en Onderdeel V vanaf 31 mei 1996 voorlopig werden toegepast, op 15 mei 1997 in werking getreden.

Uitgegeven de *dertigste* juli 1997.

De Minister van Buitenlandse Zaken a.i.,

G. ZALM