

Aware of their special responsibility in the area of chemical weapons disarmament,

Desiring to halt the production of chemical weapons and to begin the destruction of the preponderance of their chemical weapons stockpiles, without waiting for the multilateral convention to enter into force,

Recalling the Memorandum of Understanding between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition of Chemical Weapons, signed at Jackson Hole, Wyoming on September 23, 1989, hereinafter referred to as "the Memorandum,"

Recalling the bilateral commitment to cooperate with respect to the destruction of chemical weapons, contained in the joint statement on chemical weapons issued at Jackson Hole, Wyoming on September 23, 1989, and

Mindful of the efforts of each Party aimed at the destruction of chemical weapons and desiring to cooperate in this area,

Have agreed as follows:

Article I

1. In accordance with provisions of this Agreement, the Parties undertake:

(a) to cooperate regarding methods and technologies for the safe and efficient destruction of chemical weapons;

(b) not to produce chemical weapons;

(c) to reduce their chemical weapons stockpiles to equal, low levels;

(d) to cooperate in developing, testing, and carrying out appropriate inspection procedures; and

(e) to adopt practical measures to encourage all chemical weapons-capable states to become parties to the multilateral convention.

2. Each Party, during its destruction of chemical weapons, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each Party shall destroy its chemical weapons in accordance with stringent national standards for safety and emissions.

Article II

1. To implement their undertaking to cooperate regarding the destruction of chemical weapons, the Parties shall negotiate a specific program of cooperation. For this purpose, the Parties may create special groups of experts, as appropriate. The program may include matters related to: methods and specific technologies for the destruction of chemical weapons; measures to ensure safety and protection of people and the environment; construction and operation of destruction facilities; the appropriate equipment for destruction; past, current and planned destruction activities; monitoring of destruction of chemical weapons; or such other topics as the Parties may agree. Activities to implement this program may include: exchanges of visits to relevant facilities; exchanges of documents; meetings and discussions among experts; or such other activities as the Parties may agree.

2. Each Party shall, as appropriate, cooperate with other states that request information or assistance regarding the destruction of chemical weapons. The Parties may respond jointly to such requests.

Article III

Upon entry into force of this Agreement and thereafter, each Party shall not produce chemical weapons.

Article IV

1. Each Party shall reduce and limit its chemical weapons so that, by no later than December 31, 2002, and thereafter, its aggregate quantity of chemical weapons does not exceed 5,000 agent tons. In this Agreement, "tons" means metric tons.

2. Each Party shall begin its destruction of chemical weapons by no later than December 31, 1992.

3. By no later than December 31, 1999, each Party shall have destroyed at least 50 percent of its aggregate quantity of chemical weapons. The

aggregate quantity of chemical weapons of a Party shall be the amount of chemical weapons declared in the data exchange carried out on December 29, 1989, or declared thereafter, pursuant to the Memorandum, as updated in accordance with paragraph 6(b) of this Article.

4. In the event that a Party determines that it cannot achieve an annual rate of destruction of chemical weapons of at least 1,000 agent tons during 1995, or that it cannot destroy at least 1,000 agent tons during each year after 1995, that Party shall, at the earliest possible time, notify the other Party, in accordance with Paragraph 10 of this Article.

5. Each Party, in its destruction of chemical weapons, shall also destroy the munitions, devices and containers from which the chemicals have been removed. Each Party shall reduce and limit its other empty munitions and devices for chemical weapons purposes so that, by no later than December 31, 2002, and thereafter, the aggregate capacity of such munitions and devices does not exceed the volume of the remaining bulk agent of that Party.

6. Thirty days after the entry into force of this Agreement, each Party shall inform the other Party of the following:

(a) its current general plan for the destruction of chemical weapons pursuant to this Agreement and its detailed plan for the destruction of chemical weapons during the calendar year following the year in which this Agreement enters into force. The detailed plan shall encompass all of the chemical weapons to be destroyed during the calendar year, and shall include their locations, types and quantities, the methods of their destruction, and the locations of the destruction facilities that are to be used; and

(b) any changes, as of the entry into force of this Agreement, in the data contained in the data exchange carried out on December 29, 1989, or provided thereafter, pursuant to the Memorandum.

7. Beginning in the calendar year following the year in which this Agreement enters into force, each Party shall inform the other Party annually, by no later than November 30, of its detailed plan for the destruction of chemical weapons during the following calendar year.

8. Beginning in the calendar year following the year in which this Agreement enters into force, each Party shall inform the other Party annually, by no later than April 15, of the following:

(a) any further changes, as of December 31 of the previous year, to the data contained in the data exchange carried out on December 29, 1989, or provided thereafter, pursuant to the Memorandum;

(b) the implementation during the previous calendar year of its detailed plan for the destruction of chemical weapons; and

(c) any update to the general and detailed plans provided pursuant to paragraphs 6(a) or 7 of this Article.

9. Each Party shall limit its chemical weapons storage facilities so that, by no later than December 31, 2002, and thereafter, the number of such facilities does not exceed eight. Each Party plans to have all such facilities located on its national territory. This is without prejudice to its rights and obligations, including those under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925.

10. If a Party experiences problems that will prevent it from destroying its chemical weapons at a rate sufficient to meet the levels specified in this Article, that Party shall immediately notify the other Party and provide a full explanation. The Parties shall promptly consult on measures necessary to resolve the problems. Under no circumstances shall the Party not experiencing problems in its destruction of chemical weapons be required to destroy its chemical weapons at a more rapid rate than the Party that has experienced such problems.

Article V

1. Each Party shall provide access to each of its chemical weapons production facilities for systematic on-site inspection to confirm that production of chemical weapons is not occurring at those facilities.

2. Each Party shall identify and provide access to each of its chemical weapons destruction facilities and the chemical weapons holding areas within these destruction facilities for systematic on-site inspection of the destruction of chemical weapons. Such inspection shall be accomplished through the continuous presence of inspectors and continuous monitoring with on-site instruments.

3. When a Party has removed all of its chemical weapons from a particular chemical weapons storage facility, it shall promptly notify the

other Party. The Party receiving the notification shall have the right to conduct, promptly after its receipt of the notification, an on-site inspection to confirm that no chemical weapons are present at that facility. Each Party shall also have the right to inspect, not more than once each calendar year, subsequent to the year of the notification and until such time as the multilateral convention enters into force, each chemical weapons storage facility for which it has received a notification pursuant to this paragraph, to determine that chemical weapons are not being stored there.

4. When a Party has completed its destruction of chemical weapons pursuant to this Agreement, it shall promptly notify the other Party. In its notification, the Party shall specify the chemical weapons storage facilities where its remaining chemical weapons are located and provide a detailed inventory of the chemical weapons at each of these storage facilities. Each Party, promptly after it has received such a notification, shall have the right to inspect each of the chemical weapons storage facilities specified in the notification, to determine the quantities and types of chemical weapons at each facility.

5. Each Party shall also have the right to inspect, not more than once each calendar year, subsequent to the year in which destruction begins and until such time as the multilateral convention enters into force, each chemical weapons storage facility of the other Party that is not already subject to annual inspection pursuant to paragraph 3 of this Article, to determine the quantities and types of chemical weapons that are being stored there.

6. On the basis of the reports of its inspectors and other information available to it, each Party shall determine whether the provisions of this Agreement are being satisfactorily fulfilled and shall communicate its conclusions to the other Party.

7. Detailed provisions for the implementation of the inspection measures provided for in this Article shall be set forth in the document on inspection procedures. The Parties shall work to complete this document by December 31, 1990.

Article VI

The Parties shall cooperate in making every effort to conclude the multilateral convention at the earliest date and to implement it effectively. Toward those ends, the Parties agree, in addition to their other obligations in this Agreement, to the following:

1. Each Party shall reduce and limit its chemical weapons so that, by no later than the end of the eighth year after entry into force of the multilateral convention, its aggregate quantity of chemical weapons does not exceed 500 agent tons.

2. Upon signature of this Agreement, the Parties shall enter into consultations with other participants in the multilateral negotiations and shall propose that a special conference of states parties to the multilateral convention be held at the end of the eighth year after its entry into force. This special conference would, *inter alia*, determine, in accordance with agreed procedures, whether the participation in the multilateral convention is sufficient for proceeding to the total elimination of all remaining chemical weapons stocks over the subsequent two years.

3. The Parties shall intensify their cooperation with each other and with other states to ensure that all chemical weapons-capable states become parties to the multilateral convention.

4. The Parties declare their intention to be among the original parties to the multilateral convention.

5. To gain experience and thereby facilitate the elaboration and implementation of the multilateral convention, the Parties agree to conduct bilateral verification experiments involving trial challenge inspections at facilities not declared under the Memorandum or subsequently. The detailed modalities for such experiments, including the number and locations of the facilities to be inspected, as well as the procedures to be used, shall be agreed between the Parties no later than six months after the signing of this Agreement.

Article VII

The Parties, in order to resolve questions related to this Agreement that may arise, shall use normal diplomatic channels, specifically-designated representatives, or such other means as they may agree.

Article VIII

1. After the multilateral convention enters into force, the provisions of the multilateral convention shall take precedence over the provisions of this Agreement in cases of incompatible obligations therein. Otherwise, the provisions of this Agreement shall supplement the provisions of the multilateral convention in its operation between the Parties. After the multilateral convention is signed, the Parties to this Agreement shall consult with each other in order to resolve any questions concerning the relationship of this Agreement to the multilateral convention.

2. The chemical weapons, chemical weapons storage facilities, and chemical weapons production facilities subject to this Agreement are those that are subject to declaration under the Memorandum.

Article IX

Each Party may propose amendments to this Agreement. Agreed amendments shall enter into force in accordance with the procedures governing the entry into force of this Agreement.

Article X

1. This Agreement shall enter into force upon an exchange of instruments stating acceptance of the Agreement by each Party.

2. This Agreement shall be of unlimited duration, unless the Parties agree to terminate it after the entry into force of the multilateral convention.

3. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Agreement if it decides that extraordinary events related to the subject matter of this Agreement have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Agreement. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

DONE at Washington, in duplicate, this first day of June, 1990, in the English and Russian languages, each text being equally authentic.

FOR THE UNITED STATES OF AMERICA:

President George Bush

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:

President Mikhail Gorbachev

Agreed Statement in Connection with the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Non-Production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons

Paragraph 2 of Article VI of the Agreement stipulates that, "Upon signature of this Agreement, the Parties shall enter into consultations with other participants in the multilateral negotiations and shall propose that a special conference of states parties to the multilateral convention be held at the end of the eighth year after its entry into force. This special conference would, *inter alia*, determine, in accordance with agreed procedures, whether the participation in the multilateral convention is sufficient for proceeding to the total elimination of all remaining chemical weapons stocks over the subsequent two years."

In this connection, the Parties agree that an affirmative decision would require the agreement of a majority of the states parties that attend the special conference, with such majority including those states parties attending the special conference that had taken the following three steps:

(a) presented officially and publicly, before December 31, 1991, before the Conference on Disarmament, a written declaration that they were at the time of that declaration in possession of chemical weapons;

(b) signed the multilateral convention within thirty days after it was opened for signature; and

(c) became a party to the multilateral convention by no later than one year after its entry into force.