

# **Memorandum of Understanding Between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America Regarding A Bilateral Verification Experiment and Data Exchange Related to Prohibition of Chemical Weapons**

The Government of the Union of Soviet Socialist Republics and the Government of the United States of America,

Determined to facilitate the process of negotiation, signature and ratification of a comprehensive, effectively verifiable, and truly global convention on the prohibition and destruction of chemical weapons,

Convinced that increased openness about their chemical weapons capabilities is essential for building the confidence necessary for early completion of the convention, Desiring also to gain experience in the procedures and measures for verification of the convention,

Have agreed as follows:

## **I. General Provisions**

1. As set forth below, the two sides shall conduct a bilateral verification experiment and data exchange related to the prohibition of chemical weapons.

2. The bilateral verification experiment and data exchange shall be conducted in two phases. In Phase I, the two sides shall exchange general data on their chemical weapons capabilities and carry out a series of visits to relevant facilities. In Phase II, the two sides shall exchange detailed data and perform on-site inspection to verify the accuracy of those data.

3. The bilateral verification experiment and data exchange is intended to facilitate the process of negotiation, signature and ratification of a comprehensive, effectively verifiable and truly global convention on the prohibition and destruction of chemical weapons by:

1. enabling each side to gain confidence in the data on chemical weapons capabilities that will be provided under the provisions of the convention;
2. enabling each side to gain confidence in the inspection procedures that will be used to verify compliance with the convention; and
3. facilitating the elaboration of the provisions of the convention.

4. Terms used in this Memorandum shall have the same meaning as in the draft convention text under negotiation by the Conference on Disarmament. The draft convention text that is current as of the date of the exchange of data shall be used.

5. Data shall be current as of the date of the exchange, and shall encompass all sites and facilities specified below, wherever they are located.

6. Each side shall take appropriate steps to protect the confidentiality of the data it receives. Each side undertakes not to divulge this data without the explicit consent of the side that provided the data.

## **II. Phase I**

In Phase I, each side shall provide the following data pertaining to its chemical weapons capabilities:

1. the aggregate quantity of its chemical weapons in agent tons;
2. the specific types of chemicals it possesses that are defined as chemical weapons, indicating the common name of each chemical;
3. the percentage of each of its declared chemicals that is stored in munitions and devices, and the percentage that is stored in storage containers;
4. the precise location of each of its chemical weapons storage facilities;
5. for each of its declared chemical weapons storage facilities:
  - the common name of each chemical defined as a chemical weapon that is stored there;
  - the percentage of the precise aggregate quantity of its chemical weapons that is stored there;and
  - the specific types of munitions and devices that are stored there;
6. the precise location of each of its chemical weapons production facilities, indicating the common name of each chemical that has been or is being produced at each facility; and
7. the precise location of each of its facilities for destruction of chemical weapons, including those currently existing, under construction, or planned.

In Phase I, each side shall permit the other side to visit some of its chemical weapons storage and production facilities, the exact number of which will be agreed upon as soon as possible. In addition, each side shall permit the other side to visit two industrial chemical production facilities. Each side will select the facilities to be visited by the other side.

### **III. Phase II**

In Phase II, each side shall provide the following data pertaining to its chemical weapons capabilities:

1. the chemical name of each chemical it possesses that is defined as a chemical weapon;
2. the detailed inventory, including the quantity, of the chemical weapons at each of its chemical weapons storage facilities;
3. its preliminary general plans for destruction of chemical weapons under the convention, including the characteristics of the facilities it expects to use and the time schedules it expects to follow;
4. the capacity of each of its chemical weapons production facilities;
5. preliminary general plans for closing and destroying each of its chemical weapons production facilities under the convention, including the methods it expects to use and the time schedules it expects to follow;
6. the precise location and capacity of its planned single small-scale facility allowed under the convention for the production, for non-prohibited purposes under strict safeguards, of a limited quantity of chemicals that pose a high risk, i.e., Schedule 1 chemicals;
7. the precise location, nature and general scope of activities of any facility, or establishment designed, constructed or used since 1 January 1946 for development of chemical weapons, inter alia, laboratories and test and evaluation sites.

### **IV. Timing**

1. Except as specified below, Phase I data shall be exchanged not later than 31 December 1989. Visits shall begin not later than 30 June 1990, provided that the sides have agreed, with appropriate lead time, on the number of visits, as well as on the programs and other detailed arrangements for the visits, and assuming that the sides have agreed by 31 December 1989 on the type of facility to be visited by each side in its first visit to the other side.

2. In Phase I each side may withhold temporarily, for reasons of security, data on the locations of storage facilities that together contain a total quantity of chemical weapons that is more than two percent of the precise quantity of its chemical weapons. In addition, the other data pertaining to these locations, as specified in Section II, paragraph 5, shall be grouped under the heading "other storage locations" without reference to specific locations. Precise data pertaining to these locations shall be exchanged later in Phase I on a subsequent date to be agreed.

3. Phase II data shall be exchanged on an agreed date not less than four months prior to the initialling of the text of the convention. At that time, both sides shall formally and jointly acknowledge the possibility of initialling the convention within four months.

## **V. Verification**

1. Each side shall use its own national means to evaluate Phase I data and Phase II data.

2. During Phase I, the sides shall hold consultations to discuss the information that has been presented and visits that have been exchanged. The sides will cooperate in clarifying ambiguous situations.

3. During Phase II, each side shall have the opportunity to verify Phase I and Phase II data by means of on-site inspections. The purpose of these inspections shall be to verify the accuracy of the data that has been exchanged and to gain confidence that the signature and ratification of the convention will take place on the basis of up-to-date and verified data on the chemical weapons capabilities of the sides.

4. Prior to the initialling of the convention, each side shall have the opportunity to select and inspect at its discretion up to five facilities from the list of chemical weapons storage facilities and chemical weapons production facilities declared by the other side. During Phase I, the sides will consider whether each side may inspect not less than half of the declared facilities of the other side if their number is more than 10. Should either side as of the date of the Phase II exchange possess a single small-scale facility for production of Schedule 1 chemicals, it shall be subject to an additional inspection.

Each side shall also have the opportunity to carry out up to five challenge inspections, as specified below. All inspections shall be carried out within the agreed four months from the date of the declaration pertaining to Phase II, referred in Section IV.

5. While the signed convention is being considered by their respective legislative bodies, each side shall have the opportunity to request from the other side, and to obtain from it, updated data. Each side shall have the opportunity to conduct up to five challenge inspections, as specified below. During this process, the two sides will consult with their respective legislative bodies, as appropriate, in accordance with their constitutional requirements.

For each side, these inspections shall be carried out within a four-month period, beginning with the date that it conducts its first inspection. The sides shall consult and agree on the dates when the first inspection will be conducted by each side. The dates shall be chosen to ensure that the inspections shall be conducted by both sides at

approximately the same time. Once the inspections begin, the sides may, by mutual consent, extend the four-month periods for an additional specified period.

6. Inspections of declared facilities, as well as challenge inspections, shall be conducted in accordance with the corresponding provisions of the draft convention, taking into account that these inspections are being carried out on a bilateral basis and do not involve the bodies that will be established under the convention. If necessary, the two sides shall supplement the provisions of the draft convention by mutually-agreed procedures.

7. Challenge inspections may be made at any location or facility of the other side, as provided for in the draft convention text, except that, for the purposes of this Memorandum and without creating a precedent, challenge inspections at facilities not on the territory of the sides may be made only at military facilities of a side in a limited number of countries; the sides will agree later on these specific countries.

8. Challenge inspections conducted pursuant to this Memorandum shall be conducted in a manner consistent with the domestic law of the side being inspected and shall be based on a recognition by both sides of the need to resolve concerns and build confidence.

9. To clarify questions related to the data provided during Phase I and Phase II, the two sides shall employ normal diplomatic channels specifically-designated representatives, or such other means as may be agreed upon.

## **VI. Format**

1. Unless otherwise provided in this Memorandum, the agreed data shall be provided, according to the specifications contained in the draft convention text for the declarations that are to be made not later than 30 days after the convention enters into force.

2. Precise locations shall be specified by means of site diagrams of facilities. Each diagram shall clearly indicate the boundaries of the facility, all structures of the facility, and significant geographical relief features in the vicinity of the facility. If the facility is located within a larger complex, the diagram shall clearly specify the exact location within the complex. On each diagram, the geographic coordinates of the center of the facility shall be specified to the nearest second.

## **VII. Entry into Force**

This Memorandum of Understanding shall enter into force upon signature.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Memorandum of Understanding.

DONE at Jackson Hole, Wyoming, in duplicate this 23rd day of September, 1989, in the English and Russian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNION OF THE  
SOVIET SOCIALIST REPUBLICS:

Eduard Shevardnadze

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

James A. Baker III

***SOURCE:** Conference on Disarmament document, CD/973, 23 February 1990. Quoted in Conference on Disarmament document, CD/1039, Appendix I/Volume II, 30 August 1990.*