105TH CONGRESS, 1st Session | SENATE | TREATY DOC. 105–5

FLANK DOCUMENT AGREEMENT TO THE CFE TREATY

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE DOCUMENT AGREED AMONG THE STATES PARTIES TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE (CFE) OF NOVEMBER 19, 1990, ADOPTED AT VIENNA ON MAY 31, 1996 ("THE FLANK DOCUMENT"). THE FLANK DOCUMENT IS ANNEX A OF THE FINAL DOCUMENT OF THE FIRST CFE REVIEW CONFERENCE

APRIL 7, 1997.—Agreement was read the first time and, together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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LETTER OF TRANSMITTAL

THE WHITE HOUSE, *April 7, 1997.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate, the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, which was adopted at Vienna on May 31, 1996 ("the Flank Document"). The Flank Document is Annex A of the Final Document of the first CFE Review Conference.

I transmit also, for the information of the Senate, the report of the Department of State on the Flank Document, together with a section-by-section analysis of the Flank Document and three documents associated with it that are relevant to the Senate's consideration: the Understanding on Details of the Flank Document of 31 May 1996 in Order to Facilitate its Implementation; the Exchange of Letters between the U.S. Chief Delegate to the CFE Joint Consultative Group and the Head of the Delegation of the Russian Federation to the Joint Consultative Group, dated 25 July 1996; and, the Extension of Provisional Application of the Document until May 15, 1997. I take this step as a matter of accommodation to the desires of the Senate and without prejudice to the allocation of rights and duties under the Constitution.

In transmitting the original CFE Treaty to the Senate in 1991, President Bush said that the CFE Treaty was "the most ambitious arms control agreement ever concluded." This landmark treaty has been a source of stability, predictability, and confidence during a period of historic change in Europe. In the years since the CFE Treaty was signed, the Soviet Union has dissolved, the Warsaw Pact has disappeared, and the North Atlantic Alliance has been transformed. The Treaty has not been unaffected by these changes—for example, there are 30 CFE States Parties now, not 22—but the dedication of all Treaty partners to achieving its full promise is undiminished.

The CFE Treaty has resulted in the verified reduction of more than 50,000 pieces of heavy military equipment, including tanks, armored combat vehicles, artillery pieces, combat aircraft, and attack helicopters. By the end of 1996, CFE states had accepted and conducted more than 2,700 intrusive, on-site inspections. Contacts between the military organizations charged with implementing CFE are cooperative and extensive. The CFE Treaty has helped to transform a world of two armed camps into a Europe where dividing lines no longer hold.

The Flank document is part of that process. It is the culmination of over 2 years of negotiations and months of intensive discussions

with the Russian Federation, Ukraine, our NATO Allies, and our other CFE Treaty partners. The Flank Document resolves in a cooperative way the most difficult problem that arose during the Treaty's first 5 years of implementation: Russian and Ukrainian concerns about the impact of the Treaty's equipment limits in the flank zone on their security and military flexibility. The other Treaty states—including NATO Allies—agreed that some of those concerns were reasonable and ought to be addressed.

The Flank Document is the result of a painstaking multilateral diplomatic effort that had as its main goal the preservation of the integrity of the CFE Treaty and achievement of the goals of its mandate. It is a crucial step in adaptation of the CFE Treaty to the dramatic political changes that have occurred in Europe since the Treaty was signed. The Flank Document confirms the importance of subregional constraints on heavy military equipment. More specifically, it revalidates the idea, unique to CFE, of limits on the amount of equipment particular nations in the Treaty area can locate on certain portions of their own national territory. Timely entry into force of the Flank document will ensure that these key principles are not a matter of debate in the negotiations we have just begun in Vienna to adapt the CFE treaty to new political realities, including the prospect of an enlarged NATO.

I believe that entry into force of the CFE Flank Document is in the best interests of the United States and will contribute to our broader efforts to establish a new European security order based on cooperation and shared goals. By maintaining the integrity of the CFE flank regime, we take a key step toward our goal of ensuring that the CFE Treaty continues to play a key role in enhancing military stability into the 21st century. Therefore, I urge the Senate to give early and favorable consideration to the Flank document and to give advice and consent prior to May 15, 1997.

WILLIAM J. CLINTON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, April 3, 1997.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to transmission to the Senate for its advice and consent, the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, adopted at Vienna on May 31, 1996 ("the Flank Document").

The Flank Document, which is Annex A of the Final Document of the First Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and The Concluding Act of the Negotiation on Personnel Strength, was adopted at Vienna on May 31, 1996 by the United States of America and the Republic Armenia, the Azerbaijan Republic, the Republic of Belarus, the Kingdom of Belgium, the Republic of Bulgaria, Canada, the Czech Republic, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Republic of Georgia, the Hellenic Republic, the Republic of Hungary, the Republic of Iceland, the Italian Republic, the Republic of Kazakstan, the Grand Duchy of Luxembourg, the Republic of Moldova, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of Poland, the Portuguese Republic, Romania, the Russian Federation, the Slovak Republic, the Kingdom of Spain, the Republic of Turkey, Ukraine, and the United Kingdom of Great Britain and Northern Ireland (the "States Parties").

Also enclosed for the information of the Senate, are the following three documents associated with the Flank Document: the Understanding on Details of the Flank Document of 31 May 1996 in Order to Facilitate its Implementation; the Exchange of Letters between the United States Chief Delegate to the CFE Joint Consultative Group and the Head of Delegation of the Russian Federation to the Joint Consultative Group, dated 25 July 1996; and, the Extension of Provisional Application of the Document until May 15, 1997.

Although not submitted for the advice and consent of the Senate, these three documents are relevant to consideration of the Flank Document by the Senate.

INTRODUCTION

On May 31, 1996, the 30 States Parties to the CFE Treaty concluded the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990,

a legally binding agreement, to resolve the CFE flank issue. The Flank Document was annexed to the Final Document issued at the conclusion of the two-week CFE Treaty Review Conference in Vienna. The Review Conference addressed a variety of important issues, including implementation of the Treaty and future adaptation of the Treaty to respond to Europe's changing political environment. This agreement on the flank issue was the culmination of months of intensive discussions and negotiations with the Russian Federation, NATO Allies and other CFE Treaty partners. It is an important step in ensuring the Treaty's continued viability and integrity.

The CFE Treaty imposes limits on the number of certain kinds of treaty-limited equipment (TLE) each of two groups of states (corresponding to the membership of NATO and the former Warsaw Pact) may have in the Treaty's "area of application." Article V of the Treaty imposes further limits on the amount of TLE that may be deployed within the portion of the area of application commonly known as the flank zone. From early 1993, Russia argued that the CFE Treaty, which had been negotiated between NATO and the Warsaw Pact, did not adequately reflect Russia's security needs in the post-Cold War world. Specifically, Russia claimed that the regional equipment limits in the Treaty's flank zone were too restrictive to permit it to deploy forces to that area adequate to meet its security concerns for the region, which includes the North Caucasus. Ukraine also claimed that the Treaty's flank limits were unduly restrictive and would cause it to incur unreasonable implementation costs.

NATO Allies did not accept all of Russia's claims concerning its security problems in the flank zone or the amount of equipment Moscow said it needed there. The Alliance did recognize, however, that the significant changes to political borders in the flank region since the Treaty's signature in 1990, prior to the collapse of the Soviet Union and the Warsaw Pact, and Russia's low armored combat vehicle (ACV) limit in the flank zone, raised legitimate questions that needed to be addressed.

For over two years, CFE states worked to find a way acceptable to all Parties to address these concerns about the flank limits. The resulting Flank Document is based on an approach that was endorsed by all 30 CFE States Parties in November 1995 at the Joint Consultative Group (JCG) in Vienna, which in turn was based on a September 1995 NATO proposal.

KEY ELEMENTS OF THE FLANK DOCUMENT

The Flank Document has three basic elements: (1) removal of certain territory from the original flank zone, which reduces the size of the flank zone (the "map realignment"); (2) additional constraints on equipment in the areas removed from the flank zone through the realignment; and (3) additional transparency measures for the flank zone and those areas removed from the flank zone. Under the Flank Document, Russia must lower its force levels in the region so that its equipment holdings in the old and new flank zone meet all CFE obligations by 31 May 1999.

The territorial realignment contained in Section III, paragraph 1 of the Flank Document removes certain areas in Russia and

Ukraine from the flank zone. Once the Flank Document enters into force, these areas will be considered to be part of a different CFE zone and, in addition to the constraints and enhanced transparency measures outlined above, will be subject to the limitations on equipment for that zone, rather than the more restrictive limits of the flank zone.

With regard to Russia, the Flank Document does not permit any increase in overall holdings of treaty-limited equipment (TLE) in the total area of application of the Treaty, nor does it change the equipment limits for the flank zone as specified in the CFE Treaty. However, after the Flank Document enters into force, the Treaty's flank limits will apply to a smaller geographic area than previously, and Russia will have until 31 May 1999 to bring its deployments in the realigned flank zone into full compliance with the Treaty's flank limits.

The Flank Document contains a commitment, provisionally applied even before entry into force as of 31 May 1996 through 31 May 1999, by which Russia agrees not to increase its total equipment holdings in the original flank above levels specified in the Flank Document, which were those present in the areas as reported in Russia's January 1, 1996 CFE data submission. Provisional application of the "no-increase" commitment until May 15, 1997 is based upon the understanding that Russia has not by virtue of the Flank Document been relieved of its existing CFE obligations, including its obligations with respect to its TLE holdings in the flank zone. In particular, this means that as a legal matter, the U.S. takes the view that Russia continues to exceed its maximum levels for holdings of TLE in the flank zone, notwithstanding the Document's provision that limits Russian flank deployments at January 1996 levels. Provisional application also benefits the U.S. and NATO Allies by making the enhanced transparency provisions of the Document effective immediately and by providing protection against any increase in Russian deployments in the flank zone prior to entry into force of the Flank Document. The map realignment has not been provisionally applied and will not become effective unless and until approved by all States Parties. In addition to the Treaty's limits on deployments in the realigned flank zone, the Document provides for sub-caps on Russian ACVs in specific regions removed from the flank, as an assurance against excessive concentrations of ACVs in any one area removed from the flank zone. The Document also contains provisions that will provide greater transparency to other CFE states, including additional inspections, and more frequent data submissions by Russia and Ukraine.

ENTRY INTO FORCE

The Flank Document will enter into force when all CFE States Parties have deposited confirmation of their approval of the Document with the Government of the Kingdom of the Netherlands. If the Flank Document is not approved by all States Parties by May 15, 1997, it will be subject to "review" by all CFE States Parties.

CONCLUSION

Accompanying this Report is a Section-by-Section Analysis of the Document.

The Flank Document will achieve a basic U.S. objective: to reaffirm the integrity and effectiveness of the CFE Treaty amidst Europe's dramatically changing circumstances. It resolves concerns that had been raised by Russia and Ukraine regarding the impact of the Treaty's flank zone equipment limits on their security, particularly in the Caucasus and Black Sea region, but in a manner other CFE parties can accept and that reinforces the importance and legitimacy of one of the Treaty's basic features: regional ceilings. It reaffirms Russia's commitment to the basic obligations of the Treaty at a time when there have been some voices in Russia and Ukraine arguing that the Treaty, negotiated when the Soviet Union and Warsaw Pact still existed, was outdated in this respect. I believe that the Flank Document reflects an important step in preserving European security and will advance the overall interests of the United States. For this Document to enter into force, all 30 States Parties to it must notify the Depositary of their formal approval by May 15, 1997.

I therefore recommend that the Document be transmitted to the Senate for its advice and consent at the earliest possible date prior to May 15, 1997.

Respectfully submitted,

MADELEINE ALBRIGHT.

Enclosures: As stated.

SECTION-BY-SECTION ANALYSIS OF THE DOCUMENT AGREED AMONG THE STATES PARTIES TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE OF NOVEMBER 19, 1990

The Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe ("the Document") was agreed to by the 30 States Parties to the Treaty on Conventional Armed Forces in Europe ("CFE" or "Treaty") on 31 May 1996 at the conclusion of the CFE First Review Conference from 15-31 May in Vienna, Austria.

INTRODUCTION

The Document agreed to in Vienna on 31 May 1996 by the 30 CFE States Parties participating in the CFE Review Conference is a legally binding agreement that resolves cooperatively concerns expressed by Russia and Ukraine with regard to the Treaty's flank limit in a way that is acceptable to all States Parties. The Document is an Annex to the Final Document of the CFE Review Conference and consists of six Sections.

The Document is based on the outline of an agreed approach to resolving the flank issue approved in Vienna on 17 November 1995 that was based in turn on a proposal developed by the 16 NATO allies. The agreement reflected in the Document has three parts: (1) the removal of certain territory from the original flank region that reduces the size of the flank region (the "map realignment"); (2) new constraints on equipment in the areas in both Russia and Ukraine removed from the flank region through the map realignment; and (3) additional inspections, information exchanges and notifications.

Through the map realignment the following areas of Russia are removed from the original flank zone: Pskov oblast (a part of the Leningrad Military District (MD)) and the Volgograd and Astrakhan oblasts, parts of Rostov oblast and Krasnodar kray, including the Kushchevskaya repair facility (all of which are parts of the North Caucasus MD). In Ukraine, the Odessa oblast (a part of the former Odessa MD) is removed from the flank. The effect of this map realignment is that the flank limits on Russian and Ukrainian tanks, artillery, and armored combat vehicles in the flank zone will be applied to a smaller geographic area. The areas removed from the flank zone as a result of the realignment will still be subject to other Treaty equipment limits.

The Document agreed to on 31 May 1996 also establishes constraints to be effective 31 May 1999 on Russian forces in the original flank zone. Until that time, and effective as of 31 May 1996, the Document establishes that Russian holdings in the original flank zone shall not exceed certain specified levels; these levels are the same as the holdings of Treaty-limited equipment Russia declared in its 1 January 1996 information exchange as located in the original flank area. There are also constraints on Ukrainian holdings in the portion of the original flank zone on Ukrainian territory removed from the flank area.

In addition to the Document, an Understanding On Details Of The Flank Agreement Of 31 May 1996 In Order To Facilitate Its Implementation ("the Understanding") between the United States and the Russian Federation was developed. This Understanding consists of three operative paragraphs and clarifies certain geographic and other details. An analysis of the Understanding is included herein. The U.S. and Russian Delegations to the Joint Consultative Group in Vienna exchanged letters confirming a consistent interpretation of the relevant provisions as set out in the Understanding. These letters, as well as the Understanding, are attached hereto.

ANALYSIS OF THE SECTIONS OF THE DOCUMENT

SECTION I

Section I of the Document consists of three paragraphs. The first paragraph provides that each State Party shall, taking into account the map realignment and consequent reduction of the flank zone, and considering the flexibility noted in Section IV, subparagraphs 2 and 3 of the Document in regard to temporary deployments and reallocations, comply fully with the numerical limitations set forth in the Treaty, including the flank zone ceilings thereof, no later than 31 May 1999.

Article V of the Treaty sets forth provisions related to the "flank zone." The current flank zone region consists of Bulgaria, Greece, Iceland, Norway, Romania, that part of Turkey within the overall area of application (as that term is defined in the CFE Treaty), Russia's Leningrad and North Caucasus Military Districts, Ukraine's Odessa Military District, Moldova, Georgia, Armenia, and Azerbaijan. Subparagraph 1(A) of Article V of the Treaty requires each State Party to limit and as necessary reduce its battle tanks, armored combat vehicles, and pieces of artillery within that flank area so that 40 months after entry into force of the Treaty and thereafter, for the group of States Parties to which it belongs, it shall not exceed the Treaty's limits for the flank zone.

Confirmation that the equipment is the same as that covered by the Treaty and the associated agreement among the States Parties reflected in their Statements of 14 June 1991 at the Extraordinary Conference in Vienna is provided by paragraph (A) of the Understanding. The Understanding makes clear that the battle tanks, armored combat vehicles and pieces of artillery located with Naval Infantry units and Coastal Defense forces are to count towards the numerical limits in the Document.

It should be noted that the Treaty only spells out flank limits for each of the two groups of States Parties, and then directs, in Article VII, that each group of States Parties agree upon the national allocations within the group's limits, and that each State Party make formal notification enumerating its own agreed limits, and any agreed changes thereto. Among the States Parties of the Eastern Group, the group limits were divided up at Budapest prior to Treaty signature and

then notified as required. At that time the group limits were divided among the five East European States Parties and the former Soviet Union. In spring of 1992, the CFE successor states to the former Soviet Union met at Tashkent and divided the former Soviet Union's allocations and Treaty rights and obligations among themselves in the Agreement on the Principles and Procedures for Implementing the Treaty on Conventional Armed Forces in Europe, 15 May 1992 (hereinafter referred to as "the Tashkent Agreement"). The equipment allocations in the Tashkent Agreement were subsequently reflected in the formal notifications of limits (both overall and in all Treaty zones, including the flank zone) made by the Russian Federation, Ukraine and the other successor states to the former Soviet Union in accordance with Article VII, paragraphs 3 and 5 of the Treaty.

The "clarification" referred to in paragraph 1 of Section I refers to the realignment of the flank zone, as described in Section III of the Document. Paragraph 1 makes clear that all States Parties must comply with all the limits in the Treaty, including the limits applicable to the flank region, by 31 May 1999. In addition, and as noted earlier, paragraph 1 references the provisions of paragraphs 2 and 3 of Section IV of the Document, in which the States Parties recognize Russia's right to utilize, to the fullest extent possible under the terms of the Treaty, the temporary deployment provisions of the Treaty, and reallocation of the current quotas for battle tanks, armored combat vehicles and pieces of artillery established in the Tashkent Agreement, as Russia comes into compliance with flank limits.

The first paragraph of Section I must be read in conjunction with the second paragraph of Section I of the Document. The second paragraph of Section I provides that paragraph 1 of this Section shall be understood as not giving any State Party that was in compliance with the numerical limitations set forth in the Treaty, as of 1 January 1996, including the flank limits, the right to exceed any of the numerical limitations set forth in the Treaty. Therefore, a State Party that is already in compliance with the limits of the Treaty must remain in compliance with the Treaty limits.

The underlying rationale for paragraph 1 of Section I of the Document was the desire expressed by many of the States Parties that Russia set forth, clearly and early on, its commitment to abide by the Treaty's numerical limits regarding its flank zone not later than 31 May 1999 (31 May 1999 is the date Russia must be in compliance with numerical limits set forth for the original flank zone in Section II, paragraph 1 of the Document). The States Parties recognized that immediate compliance by Russia with the flank limits, even in the realigned flank, was not attainable. Russia's commitment to bring itself into compliance with the Treaty's flank limits in the realigned flank, by 31 May 1999, was important in response to the flexibility shown to Russia by the other States Parties in finding a solution to the Russian flank problem as reflected in the Document. By requiring compliance with the Treaty's flank limits by 31 May 1999, the States Parties have accepted the prospect of Russia's non-compliance with the flank limits in the realigned flank zone until that time. As a means to avoid singling out one State Party, it was also decided that all States Parties would make the commitment set forth in paragraph 1. Paragraph 2 of Section I was added to clarify that no State Party is relieved of its obligations under the Treaty,

and those in compliance must remain so. In addition, the States Parties required that Russia commit itself not to exceed its current holdings of Treaty-limited equipment (current as of 1 January 1996) in the original flank zone in the period between the conclusion of the Document and 31 May 1999, at which time, and thereafter, it will have to comply with numerical limits set forth in paragraph 1, Section II of the Document.

The third paragraph of Section I sets forth the States Parties' commitment to the implementation of the Document. More specifically, paragraph 3 provides that pursuant to the Decision of the Joint Consultative Group of 17 November 1995, the States Parties shall cooperate to the maximum extent possible to ensure the full implementation of the provisions of the Document. The Joint Consultative Group, established by the Treaty, consists of representatives from all 30 States Parties and is responsible for promoting the objectives and implementation of the Treaty. On 17 November 1995, the date on which the limits of the Treaty took effect, in an effort to address issues of non-compliance by certain States Parties, the States Parties in the Joint Consultative Group produced the following statement:

> The Representatives to the CFE Joint Consultative Group reaffirm the crucial role of the Treaty on Conventional Armed Forces in Europe in maintaining and fostering stability and confidence. They reconfirm the commitments of their Governments to the goals and objectives of the Treaty and associated commitments and obligations, and to achieve full compliance with its provisions. They agree that its continued integrity and future effectiveness must be ensured as part of their common goal to develop new security structures in Europe.

Paragraph 3 of Section I of the Document relates the above reaffirmation made by the Joint Consultative Group to the implementation of the provisions of the Document.

SECTION II

Section II of the Document sets forth the additional numerical limits placed on the Russian Federation in the original flank zone and in the portion removed from the original flank zone, and on the Ukrainian portion of the original flank zone on its territory removed from the flank area. It also sets forth the time frames in which these limits shall apply.

It should be noted that the Document makes repeated reference to 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." This reference is to the map depicting the territory of the former Soviet Union within the CFE area of application, including the flank zone referred to in Article V, subparagraph 1(A) of the Treaty, that was provided by the former Soviet Union at Treaty signature. Section III, paragraph 1 of the Document sets forth the realignment of the map as it was understood by the former Soviet Union at the time the Treaty was signed. All references in the Document to the flank zone as understood by the former Soviet Union at the time the

Treaty was signed are referred to as the "original" flank area.

Paragraph 1 of Section II provides that on 31 May 1999, and thereafter, the Russian Federation must not have, in the original flank zone, more than:

(A) 1,800 battle tanks;
(B) 3,700 armored combat vehicles, of which no more than 552 shall be located within the Astrakhan oblast; no more than 552 shall be located within the Volgograd oblast; no more than 310 shall be located within the eastern part of the Rostov oblast described in Section III, paragraph 1, of the Document; and no more than 600 shall be located within the Pskov oblast; and
(C) 2,400 pieces of artillery.

Russian holdings in armored combat vehicles in the removed flank areas cannot exceed those levels for Astrakhan, Volgograd, Rostov and Pskov oblasts, as provided in subparagraph 1(B) of Section II of the Document. In addition, when the numerical limits in paragraph 1 of this Section are in effect, in the area remaining in the flank zone, the Russian Federation will be limited, consistent with the Tashkent Agreement and based on the August 1995 notifications of the Russian Federation of its maximum levels, to 1300 tanks, of which no more than 700 may be in active units; 1380 armored combat vehicles, of which no more than 580 may be in active units; and 1680 pieces of artillery, of which no more than 1280 may be in active units. These numbers do not take account of any temporary deployments or any possible quota reallocations within Russia's group of States Parties. To the extent Russia utilizes its flank zone deployment levels, the numerical limits in paragraph 1 of this Section act as a further cap on the Treaty-limited equipment Russia may have within that part of the original flank zone that is outside the realigned flank zone. It should be noted that all Treaty-limited equipment not in designated permanent storage sites count as equipment in active units.

Paragraph 2 of Section II provides that upon provisional application of the Document (i.e., as of 31 May 1996 through 15 December 1996), within the Odessa oblast, Ukraine must limit its battle tanks, armored combat vehicles, and pieces of artillery so that the aggregate numbers do not exceed:

(A) 400 battle tanks,
(B) 400 armored combat vehicles; and
(C) 350 pieces of artillery.

These constraints will continue to apply to Ukraine after the entry into force of the Document.

Paragraph 3 of Section II provides that upon provisional application of the Document (i.e., as of 31 May 1996 through 15 December 1996) and from entry into force of the Document until 31 May 1999, the Russian Federation must limit its battle tanks, armored combat vehicles,

and pieces of artillery within the original flank area to not more than:

(A) 1,897 battle tanks;
(B) 4,397 armored combat vehicles; and
(C) 2,422 pieces of artillery.

Paragraph 3 of this Section is provisionally applied. As such, these constraints take effect immediately as of 31 May 1996 through 15 December 1996. After entry into force of the Document, these constraints will continue to apply to Russia until 31 May 1999. After 31 May 1999 the limitations applicable to the Russian Federation are those set forth in paragraph 1 of this Section.

The numerical constraints in paragraph 3 of this Section reflect the reported holdings of Russia in the original flank zone as of 1 January 1996. Paragraph 3 thus makes clear that Russia, during the period prior to 31 May 1999, cannot increase its Treaty-limited equipment holdings in the original flank zone above its declared 1 January 1996 holdings.

SECTION III

Section III of the Document describes the realignment, i.e., the reduction in size, of the flank zone, which shall become effective upon entry into force of the Document. The realignment described in Section III alters the area of the flank as that area was depicted in the map provided by the former Soviet Union at Treaty signature, and makes the flank zone smaller.

Paragraph 1 of Section III describes the areas on the territory of the Russian Federation that will be removed from the original flank zone and will be included in a neighboring subzone of the Treaty. Specifically, for the purposes of the Document and the Treaty, paragraph 1 provides that the Pskov oblast, the Volgograd oblast, the Astrakhan oblast, that part of the Rostov oblast east of the line extending from Kushchevskaya to Volgodonsk to the Volgograd oblast border, including Volgodonsk, and Kushchevskaya and a narrow corridor in Krasnodar kray leading to Kushchevskaya, as constituted on 1 January 1996, of the Russian Federation shall be deemed to be located in the zone described in Article IV, paragraph 2 of the Treaty rather than subparagraph 1(A), Article V of the Treaty (the flank zone). Therefore, the effect of the realignment of these areas with respect to Russia is that Treaty-limited equipment located in these areas would no longer be subject to the limitations set forth in Article V, subparagraph 1(A) of the Treaty; rather, such equipment located in these realigned areas will be subject to Article IV, paragraph 2 of the Treaty.

Similarly, paragraph 2 of Section III provides that for the purposes of the Document and the Treaty, the territory of the Odessa oblast, as constituted on 1 January 1996, of Ukraine shall be deemed to be located in the zone described in Article IV, paragraph 3, of the Treaty rather than described in subparagraph 1(A), Article V of the Treaty. Therefore, the effect of the

realignment of the Odessa oblast with respect to Ukraine is that Treaty-limited equipment located in the Odessa oblast would no longer be subject to the limitations set forth in Article V, subparagraph 1(A) of the Treaty; rather, such equipment will be covered by paragraph 3, Article IV of the Treaty.

The Understanding describes what is meant by the phrase "Kushchevskaya and a narrow corridor in Krasnodar kray" as that phrase is used in paragraph 1 of Section III and subparagraph 3(A) of Section V of the Document. Paragraph (B) of the Understanding describes the phrase "Kushchevskaya and a narrow corridor in Krasnodar kray" as an area consisting of a 2.5 kilometer radius circle centered on the repair facility at Kushchevskaya together with a five kilometer wide corridor connecting this area with the Rostov oblast along a straight line extending from Kushchevskaya to Volgodonsk."

Annexed to this Section-by-Section Analysis is a map that depicts the areas affected by the map realignment.

SECTION IV

All of Section IV of the Document is provisionally applied. Therefore, all of the provisions in Section IV apply as of 31 May 1996 through 15 December 1996.

Paragraph 1 of Section IV provides that between 31 May 1996 and 31 May 1999, the States Parties will examine the Treaty provisions on designated permanent storage sites so as to allow all battle tanks, armored combat vehicles, and pieces of artillery in designated permanent storage sites, including those subject to regional numerical limitations, to be located with active units.

It should be noted that conventional armaments and equipment limited by the Treaty that are located in designated permanent storage sites are currently deemed not subject to limitations on conventional armaments and equipment limited by the Treaty in active units. They are covered by overall limitations on equipment limited by the Treaty and, in some geographical areas, by separate limitations on equipment in designated permanent storage sites.

During the negotiation of the Document, the Russian Federation made clear its concern regarding the designated permanent storage sites provisions of the Treaty. The United States and many other States Parties in turn made clear to the Russian Federation that any agreement that would allow equipment assigned to designated permanent storage sites to be co-located permanently with active units would require the agreement of all States Parties. A State Party cannot unilaterally effect such a measure.

Paragraph 2 of Section IV recognizes that the Russian Federation has the right to use to the maximum extent possible the temporary deployment of battle tanks, armored combat vehicles,

and pieces of artillery both within and outside its territory. Such temporary deployments on the territory of other States Parties must be achieved by means of free negotiations with the States Parties involved, with the full respect for their sovereignty, and within the Group's temporary deployment allocations.

Article V, subparagraph 1(B) of the Treaty provides for the temporary deployment of conventional armaments and equipment limited by the Treaty within the flank zone. It provides that notwithstanding the numerical limitations set forth in subparagraph 1(A) of Article V of the Treaty, a State Party may temporarily deploy on its own territory in the flank area or on the territory belonging to the members of the same group of States Parties within the flank area, additional Treaty-limited equipment in active units so long as the aggregate equipment levels for such deployment are not exceeded. This additional equipment for each group of States Parties cannot exceed 459 tanks, 723 armored combat vehicles, and 420 pieces of artillery, of which no more than one third in any category may be located on the territory of any one State Party.

Paragraph 3 of Section IV of the Document provides that the Russian Federation shall have the right to use, to the maximum extent possible, in accordance with existing agreements, reallocations of the current distribution of the maximum levels for battle tanks, armored combat vehicles, and artillery established by the Tashkent Agreement. Such reallocations shall be achieved through agreements voluntarily reached by the States Parties concerned. This is reflected in the text of this paragraph in which it is provided that such use of reallocations can only be achieved by means of free negotiations and with full respect for the sovereignty of the States Parties involved.

The Section IV provisions do not confer a right on Russia to unilaterally utilize the maximum number of temporary deployments or to unilaterally change its, or others', quotas. Consequently, the failure of Russia to negotiate a right to temporarily deploy equipment on the territory of a neighboring state, or to negotiate a reallocation of quotas established by the Tashkent Agreement, would not affect its obligation to comply with the Treaty's numerical limitations.

Paragraph 4 of Section IV of the Document provides that the Russian Federation must count against the numerical limitations established in the Treaty and paragraph 1 of Section II of the Document any of the 456 armored combat vehicles listed as "to be removed" in its information exchange of 1 January 1996 that are not so removed by 31 May 1999. The Russian Federation has in the past declared, in its data exchanges, armored combat vehicles in the flank region as "to be removed" but it has not counted such armored combat vehicles against either its aggregate or flank limits. Paragraph 4 makes clear that if such armored combat vehicles are not removed by 31 May 1999, they will count against the limits set forth in paragraph 1, Section II of the Document when those limits take effect. However, the armored combat vehicles that are listed as "to be removed" do count against the no-increase limits of paragraph 3 of Section II. It should be noted that there is no "to be removed" category in the Treaty, and that these armored combat vehicles count against any and all relevant Treaty limits as do any tanks and pieces of artillery so listed by

the Russian Federation.

On this issue, the Understanding makes clear exactly what equipment is encompassed in the phrase "to be removed." Specifically, paragraph (C) of the Understanding provides that the armored combat vehicles referenced in paragraph 4 of Section IV of the Document are the 456 armored combat vehicles at seven units listed in the footnote on page 70 of Chart V of the annual information exchange provided by the Russian Federation as of 1 January 1996 with the words "is being removed beyond the borders of the area of application."

SECTION V

All of Section V of the Document is provisionally applied. Therefore, all of the provisions in Section V apply as of 31 May 1996 through 15 December 1996.

Section V of the Document provides for additional information to be provided by and inspections accepted by the Russian Federation and Ukraine. These are in addition to the Russian and Ukrainian commitments to provide information and accept inspections already provided for in the Treaty.

Paragraph 1 of Section V provides that in addition to the annual information exchange provided pursuant to Section VII, subparagraph 1(C), of the Protocol on Notification and Exchange of Information to the Treaty ("the Protocol on Information Exchange"), the Russian Federation shall provide information equal to that reported in the annual information exchange on the original flank area upon provisional application of the Document and every six months after each annual information exchange. In the case of Kushchevskaya, the Russian Federation is required to provide such additional information every three months after each annual information exchange.

Section VII of the Protocol on Information Exchange sets forth the timetable in accordance with which each State Party must provide Treaty-specified information to all other States Parties. In accordance with paragraph 1(C) of that Section, such information must be provided as follows:

> on the 15th day of December of the year in which the Treaty comes into force (unless entry into force occurs within 60 days of the 15th day of December), and on the 15th day of December of every year thereafter, with the information effective as of the first day of January of the following year.

Paragraph 1 of Section V of the Document makes clear that, in addition to providing the information at the time specified in accordance with Section VII of the Protocol on Information Exchange, the Russian Federation must also provide similar information regarding the original flank area upon provisional application of the Document, and every six months after the

information exchange required under paragraph 1(C) of Section VII of the Protocol on Information Exchange. Russia must, therefore, provide such information twice annually.

With respect to Kushchevskaya, paragraph 1 of Section V of the Document requires that such information is to be provided every three months after the annual information exchange required by paragraph 1(C) of Section VII of the Protocol on Information Exchange. Russia must, therefore, provide such information on this area on a quarterly basis. The frequency of the information exchange on Kushchevskaya reflects the desire of some States Parties to have more information regarding the equipment at Kushchevskaya repair facility that will not be subject to an additional sub-limit.

Paragraph 2 of Section V of the Document provides that upon provisional application of the Document, Ukraine shall provide "F21" notifications for its holdings within the Odessa oblast on the basis of changes of five, rather than ten, percent or more of its holdings. Section VIII of the Protocol on Information Exchange provides for information to be exchanged among States Parties on changes in organizational structures or force levels. Paragraph 1(B) of that Section requires that each State Party shall notify all other States Parties of:

> any change of 10 percent or more in any one of the categories of conventional armaments and equipment limited by the Treaty assigned to any of its combat, combat support or combat service support formations and units down to the brigade/regiment, wing/air regiment, independent or separately located battalion/ squadron or equivalent level.... Such notification shall be given no later than five days after such change occurs, indicating actual holdings after notified change.

The reference to "F21" in paragraph 2 of Section V of the Document is to the designation of the format in which this information is to be exchanged among the States Parties. All Treaty specified information that is exchanged among States Parties pursuant to the Treaty is reported and exchanged in accordance with agreed, specified formats. Paragraph 2 requires that Ukraine provide information specified in paragraph 1(B) of Section VII of the Protocol on Information Exchange, as noted above, at a five percent, rather than ten percent, change in the level of assigned holdings. This requirement will provide more information and transparency to States Parties on the organizational structure and force levels of conventional armaments and equipment limited by the Treaty that is located within the Odessa oblast—one of the areas removed from the original flank zone by Section III of the Document. This obligation was of particular importance to certain of Ukraine's neighbors.

Paragraph 3 of Section V of the Document sets forth the commitment of the Russian Federation to accept inspections additional to those it is obligated to receive according to the Treaty. Paragraph 3 consists of two parts.

Paragraph 3 provides that, subject to paragraphs 5 and 6 of Section V, the Russian Federation shall, commencing immediately, accept each year, in addition to its passive declared

site inspection quota established pursuant to Section II, subparagraph 10(D), of the Protocol on Inspection of the Treaty, as many as 10 supplementary declared site inspections, conducted in accordance with the Protocol on Inspection, at objects of verification described in subparagraphs (A) and (B) of this paragraph. This makes clear that the Russian Federation must accept, each year, up to 10 inspections in addition to those they are required to accept pursuant to the Treaty. The number of these additional inspections the Russian Federation is actually obligated to accept in any given year is subject to qualifications set forth in paragraph 5 of this Section. Such inspections are also subject to the provisions of paragraph 6 of this Section that govern cost and sequencing of these additional inspections.

Subparagraph 3(A) of Section V specifies the locations (objects of verification) at which the additional inspections can occur. These objects of verification are in areas removed from the original flank zone, specifically, at objects of verification located within the Pskov oblast; the Volgograd oblast; the Astrakhan oblast; that part of the Rostov oblast east of the line extending from Kushchevskaya to Volgodonsk to the Volgograd oblast border, including Volgodonsk; and Kushchevskaya and a narrow corridor in Krasnodar kray leading to Kushchevskaya. The inspections provided for in this paragraph are designed to provide confirmation of provided information in these areas, and constitute an important part of the flank agreement.

Subparagraph 3(B) of Section V of the Document describes other areas at which the above mentioned additional inspections may be carried out. This subparagraph provides that such inspections can occur at objects of verification containing conventional armaments and equipment limited by the Treaty designated by the Russian Federation in its annual information exchange of 1 January 1996 as "to be removed" until such time as a declared site inspection confirms that such equipment has in fact been removed. It should be highlighted that confirmation that all such equipment has been removed will be based on the results of a declared site inspection. Subparagraph 3(B) relates to paragraph 4 of Section IV of the Document. As noted in that paragraph, if the equipment "to be removed" is not removed prior to 31 May 1999, any equipment that has not yet been removed by that date shall count towards the numerical limits established in Section II, paragraph 1 of the Document, as well as remain subject to additional inspections.

Paragraph 4 of Section V of the Document sets forth the requirement that Ukraine accept inspections in addition to those established in the Treaty. Subject to paragraphs 5 and 6 of Section V, Ukraine must, upon provisional application of the Document, accept each year, in addition to its passive declared site inspection quota established pursuant to Section II, subparagraph 10(D), of the Protocol on Inspection, at least one supplementary declared site inspection, at objects of verification located within the Odessa oblast.

Paragraph 5 of Section V of the Document sets a limit on the additional inspections the Russian Federation and Ukraine are obligated to accept in any given year pursuant to paragraphs 3 and 4 of this Section. Paragraph 5 provides that the number of supplementary declared site inspections conducted at objects of verification, pursuant to paragraphs 3 and 4, shall not exceed the number of declared site passive quota inspections established in accordance with Section II,

subparagraph 10(D) of the Protocol on Inspection, conducted at those objects of verification in the course of the same year. This paragraph limits the additional inspections in a given year to, at most, a number equal to the number of declared site passive quota inspections that are conducted that same year at objects of verification in accordance with Section II, subparagraph 10(D) of the Protocol on Inspection.

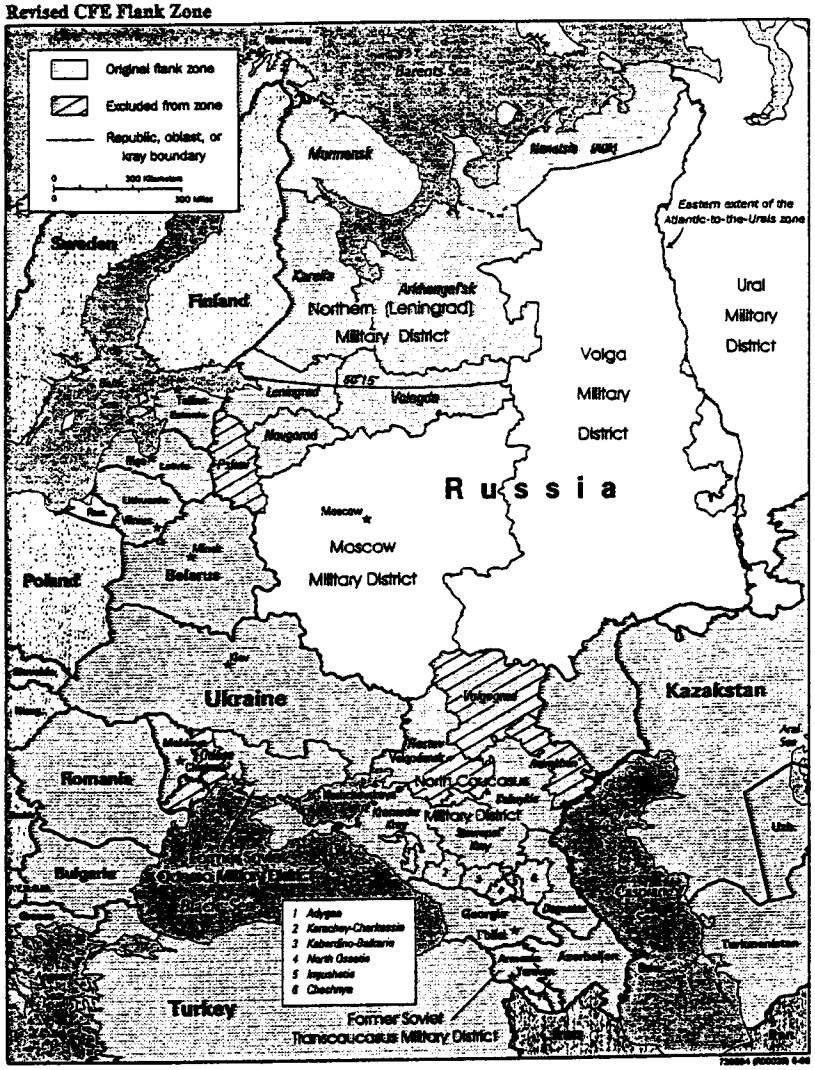
Paragraph 6 of Section V of the Document provides that all supplementary declared site inspections conducted pursuant to paragraphs 3 or 4 shall be carried out at the cost of the inspecting State Party, consistent with prevailing commercial rates and, at the discretion of the inspecting State Party, shall be conducted either as a sequential inspection or as a separate inspection.

SECTION VI

Paragraph 1 of Section VI provides that the Document shall enter into force upon receipt by the Depositary of notification of confirmation of approval by all States Parties. Paragraph 1 recognizes that the domestic requirements of each State Party to accept the legally binding Document, and thus to confirm its approval of the Document, may vary. Each State Party, whenever it has completed whatever domestic requirements it must for the Document to enter into force for it, will notify the Depositary of its approval of the Document. The second sentence of paragraph 1 of Section VI provides that specified sections of the Document, namely Section II, paragraphs 2 and 3, Section IV, and Section V of the Document, shall be provisionally applied as of 31 May 1996 through 15 December 1996. If the Document does not enter into force by 15 December 1996, it shall be reviewed by the States Parties.

The portions of the Document that are provisionally applied concern: the constraints on battle tanks, armored combat vehicles and pieces of artillery held by Ukraine within the Odessa oblast (Section II, paragraph 2); the no-increase provision until 31 May 1999, on battle tanks, armored combat vehicles and pieces of artillery held by the Russian Federation within the original flank region (Section II, paragraph 3); the examination of the Treaty provisions on designated permanent storage sites, as well as the rights of the Russian Federation with regard to utilization of provisions on temporary deployments and reallocation (Section IV); and the requirement that the Russian Federation and Ukraine provide additional information and accept additional inspections (Section V). These portions are provisionally applied primarily to immediately enhance transparency and reduce the possibility of adverse changes in the current situation in the flank area. Provisional application makes these additional obligations of these States Parties legally effective--that is, it requires these States Parties to comply with the provisions so applied--even though the Document as a whole has not yet entered into force. Such provisional application also enables the United States and its Allies to take full advantage of the benefits offered by such provisional application.

Revised CFE Flank Zone



Annex A:

DOCUMENT
AGREED AMONG THE STATES PARTIES TO
THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE
OF NOVEMBER 19, 1990

The 30 States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, hereinafter referred to as the Treaty,

Have agreed as follows:

I

1. Each State Party shall, taking into account the clarification set forth in this Document relating to the area described in Article V, subparagraph 1(A), of the Treaty and taking into account the understandings on flexibility set forth in this Document, comply fully with the numerical limitations set forth in the Treaty, including Article V thereof, no later than 31 May 1999.

2. Paragraph 1 of this Section shall be understood as not giving any State Party, which was in compliance with the numerical limitations set forth in the Treaty, including Article V thereof, as of 1 January 1996, the right to exceed any of the numerical limitations set forth in the Treaty.

3. Pursuant to the Decision of the Joint Consultative Group of 17 November 1995, the States Parties shall co-operate to the maximum extent possible to ensure the full implementation of the provisions of this Document.

II

1. Within 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, the Russian Federation shall limit its battle tanks, armoured combat vehicles, and artillery so that, no later than 31 May 1999 and thereafter, the aggregate numbers do not exceed:

(A) 1,800 battle tanks;

(B) 3,700 armoured combat vehicles, of which no more than 552 shall be located within the Astrakhan oblast; no more than 552 shall be located within the Volgograd oblast; no more than 310 shall be located within the eastern part of the Rostov oblast described in Section III, paragraph 1, of this Document; and no more than 600 shall be located within the Pskov oblast; and

(C) 2,400 pieces of artillery.

2. Within the Odessa oblast, Ukraine shall limit its battle tanks, armoured combat vehicles, and artillery so that, upon provisional application of this Document and thereafter, the aggregate numbers do not exceed:

(A) 400 battle tanks;

(B) 400 armoured combat vehicles; and

(C) 350 pieces of artillery.

3. Upon provisional application of this Document and until 31 May 1999, the Russian Federation shall limit its battle tanks, armoured combat vehicles, and artillery, within 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, so that the aggregate numbers do not exceed:

(A) 1,897 battle tanks;

(B) 4,397 armoured combat vehicles; and

(C) 2,422 pieces of artillery.

III

1. For the purposes of this Document and the Treaty, the following territory, as constituted on 1 January 1996, of the Russian Federation shall be deemed to be located in the area described in Article IV, paragraph 2, of the Treaty rather than in the area described in Article V, subparagraph 1(A), of the Treaty: the Pskov oblast; the Volgograd oblast; the Astrakhan oblast; that part of the Rostov oblast east of the line extending from Kushchevskaya to Volgodonsk to the Volgograd oblast border, including Volgodonsk; and Kushchevskaya and a narrow corridor in Krasnodar kray leading to Kushchevskaya.

2. For the purposes of this Document and the Treaty, the territory of the Odessa oblast, as constituted on 1 January 1996, of Ukraine shall be deemed to be located in the area described in Article IV, paragraph 3, of the Treaty rather than in the area described in Article V, subparagraph 1(A), of the Treaty.

IV

1. The States Parties shall, during the period before 31 May 1999, examine the Treaty provisions on designated permanent storage sites so as to allow all battle tanks, armoured combat vehicles, and artillery in designated permanent storage sites, including those subject to regional numerical limitations, to be located with active units.

2. The Russian Federation shall have the right to utilize to the maximum extent possible the provisions of the Treaty on temporary deployment of battle tanks, armoured combat vehicles, and artillery within its territory and outside its territory. Such temporary deployments on the territory of other States Parties shall be achieved by means

of free negotiations and with full respect for the sovereignty of the States Parties involved.

3. The Russian Federation shall have the right to utilize, to the maximum extent possible, reallocation, in accordance with existing agreements, of the current quotas for battle tanks, armoured combat vehicles, and artillery established by the Agreement on the Principles and Procedures for the Implementation of the Treaty on Conventional Armed Forces in Europe, done at Tashkent on 15 May 1992. Such reallocations shall be achieved by means of free negotiations and with full respect for the sovereignty of the States Parties involved.

4. The Russian Federation shall count against the numerical limitations established in the Treaty and paragraph 1 of Section II of this Document any armoured combat vehicles listed as "to be removed" in its information exchange of 1 January 1996 that are not so removed by 31 May 1999.

V

1. In addition to the annual information exchange provided pursuant to Section VII, subparagraph 1(C), of the Protocol on Notification and Exchange of Information, the Russian Federation shall provide information equal to that reported in the annual information exchange on 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, upon provisional application of this Document and every six months after the annual information exchange. In the case of Kushchevskaya, the Russian Federation shall provide such additional information every three months after the annual information exchange.

2. Upon provisional application of this Document, Ukraine shall provide "F21" notifications for its holdings within the Odessa oblast on the basis of changes of five, rather than ten, per cent or more in assigned holdings.

3. Subject to paragraphs 5 and 6 of this Section, the Russian Federation shall, upon provisional application of this Document, accept each year, in addition to its passive declared site inspection quota established pursuant to Section II, subparagraph 10(D), of the Protocol on Inspection, up to a total of 10 supplementary declared site inspections, conducted in accordance with the Protocol on Inspection, at objects of verification:

(A) located within the Pskov oblast; the Volgograd oblast; the Astrakhan oblast; that part of the Rostov oblast east of the line extending from Kushchevskaya to Volgodonsk to the Volgograd oblast border, including Volgodonsk; and Kushchevskaya and a narrow corridor in Krasnodar kray leading to Kushchevskaya;

(B) containing conventional armaments and equipment limited by the Treaty designated by the Russian Federation in its annual information exchange of 1 January 1996 as "to be removed", until such time that a declared site inspection confirms that such equipment has been removed.

4. Subject to paragraphs 5 and 6 of this Section, Ukraine shall, upon provisional application of this Document, accept each year, in addition to its passive declared site inspection quota established pursuant to Section II, subparagraph 10(D), of the Protocol on Inspection, up to a total of one supplementary declared site inspection, conducted in accordance with the Protocol on Inspection, at objects of verification located within the Odessa oblast.

5. The number of supplementary declared site inspections conducted at objects of verification pursuant to paragraph 3 or 4 of this Section shall not exceed the number of declared site passive quota inspections, established in accordance with Section II, subparagraph 10(D), of the Protocol on Inspection, conducted at those objects of verification in the course of the same year.

6. All supplementary declared site inspections conducted pursuant to paragraph 3 or 4 of this Section:

(A) shall be carried out at the cost of the inspecting State Party, consistent with prevailing commercial rates; and

(B) at the discretion of the inspecting State Party, shall be conducted either as a sequential inspection or as a separate inspection.

VI

1. This Document shall enter into force upon receipt by the Depositary of notification of confirmation of approval by all States Parties. Section II, paragraphs 2 and 3, Section IV and Section V of this Document are hereby provisionally applied as of 31 May 1996 through 15 December 1996. If this Document does not enter into force by 15 December 1996, then it shall be reviewed by the States Parties.

2. This Document, in all six official languages of the Treaty, shall be deposited with the Government of the Kingdom of the Netherlands, as the designated Depositary for the Treaty, which shall circulate copies of this Document to all States Parties.

UNDERSTANDING ON DETAILS OF THE FLANK DOCUMENT OF 31 MAY 1996 IN ORDER TO FACILITATE ITS IMPLEMENTATION

Certain provisions of Annex A (Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990) to the Final Document of the First Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the Negotiation on Personnel Strength, dated 31 May 1996, hereinafter referred to as the Document, are understood as follows:

(A) The terms "battle tanks," "armoured combat vehicles," and "artillery," as used throughout the Document, are understood to refer only to such equipment that is subject to numerical limitations in accordance with the definitions and counting rules set forth in the CFE Treaty, including Article III thereof. In addition, these terms, as used throughout the Document, are understood to exclude equipment holdings of the strategic rocket forces and to include equipment holdings of naval infantry and coastal defense units, in accordance with the statement made by the Government of the Union of Soviet Socialist Republics at the Extraordinary Conference in Vienna on 14 June 1991.

(B) The phrase "Kushchevskaya and a narrow corridor in Krasnodar kray," as used in paragraph 1 of Section III and subparagraph 3(A) of Section V of the Document, refers to an area consisting of a 2.5 kilometer radius circle centered on the repair facility at Kushchevskaya together with a five kilometer wide corridor connecting this area with the Rostov oblast along a straight line extending from Kushchevskaya to Volgodonsk.

(C) The phrase "armoured combat vehicles 'to be removed'," as used in paragraph 4 of Section IV of the Document, refers to the 456 armoured combat vehicles at seven units listed in the footnote on page 70 of Chart V of the annual information exchange provided by the Russian Federation as of 1 January 1996, with the words "is being removed beyond the borders of the area of application."

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UNITED STATES DELEGATION
ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE
VIENNA, AUSTRIA

U.S. Delegation to the Joint Consultative Group

25 July 1996

Dear Doctor Kulebyakin,

In order to promote the implementation of the Flank Document of 31 May 1996, the attached "Understanding on Details of the Flank Document of 31 May 1996 in Order to Facilitate its Implementation" ("the Understanding") is provided by the Delegation of the United States of America. I would be very grateful for the views of the Delegation of the Russian Federation on this Understanding.

Sincerely,

Gregory G. Govan
Chief Delegate to the JCG

Attachment: "Understanding on Details of the Flank Document of 31 May 1996 in Order to Facilitate its Implementation"

Doctor Vyacheslav N. Kulebyakin
Head of Delegation
Delegation of the Russian Federation to the Joint Consultative Group

ДЕЛЕГАЦИЯ РОССИЙСКОЙ ФЕДЕРАЦИИ
В СОВМЕСТНОЙ КОНСУЛЬТАТИВНОЙ ГРУППЕ

THE DELEGATION OF THE RUSSIAN FEDERATION
TO THE JOINT CONSULTATIVE GROUP

Dear Mr.GOVAN,

I am very grateful for your letter of 25 July 1996 with regard to the Understanding concerning certain provisions of the Flank Document of 31 May 1996. I would like to confirm that the "Understanding on Details of the Flank Document on 31 May 1996 in Order to Facilitate its Implementation" ("the Understanding") you have provided is consistent with the Delegation of the Russian Federation's interpretation of the corresponding provisions of the Flank Document, and consequently we have no objections to the Understanding.

V.Kulebiakin

25 July 1996

EXTENSION OF THE PROVISIONAL APPLICATION OF THE DOCUMENT AGREED AMONG THE STATES PARTIES TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE OF 19 NOVEMBER 1990

The Representatives of the States Parties to the Treaty on Conventional Armed Forces in Europe, at their session of the Joint Consultative Group on 1 December 1996, have adopted the following:

(1) The provisional application of Section II, paragraphs 2 and 3, Section IV and Section V of the "Document agreed among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990" at the First Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the Negotiation on Personnel Strength (hereinafter referred to as the Document), as set out in Section VI of the Document, is hereby extended until 15 May 1997. The Document shall enter into force upon receipt by the Depositary of notification of confirmation of approval by all States Parties. If the Document does not enter into force by 15 May 1997, then it shall be reviewed by the States Parties.

(2) This present document will be attached to the Journal of the Day of the Joint Consultative Group.