

No. 27309

**UNION OF SOVIET SOCIALIST REPUBLICS
and
UNITED STATES OF AMERICA**

**Agreement on the prevention of dangerous military activities
(with annexes and agreed statements). Signed at Moscow
on 12 June 1989**

Authentic texts: Russian and English.

Registered by the Union of Soviet Socialist Republics on 29 May 1990.

**UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES
et
ÉTATS-UNIS D'AMÉRIQUE**

**Accord concernant la prévention d'activités militaires dan-
gereuses (avec annexes et déclarations communes). Signé
à Moscou le 12 juin 1989**

Textes authentiques : russe et anglais.

*Enregistré par l'Union des Républiques socialistes soviétiques le 29 mai
1990.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNION OF
SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT
OF THE UNITED STATES OF AMERICA ON THE PREVENTION
OF DANGEROUS MILITARY ACTIVITIES

The Government of the Union of Soviet Socialist Republics and
the Government of the United States of America, hereinafter
referred to as the Parties,

Confirming their desire to improve relations and deepen mutual
understanding,

Convinced of the necessity to prevent dangerous military
activities, and thereby to reduce the possibility of incidents
arising between their armed forces,

Committed to resolving expeditiously and peacefully any
incident between their armed forces which may arise as a result of
dangerous military activities,

Desiring to ensure the safety of the personnel and equipment
of their armed forces when operating in proximity to one another
during peacetime, and

Guided by generally recognized principles and rules of
international law,

Have agreed as follows:

¹ Came into force on 1 January 1990, in accordance with article X (1).

ARTICLE I

For the purposes of this Agreement:

1. "Armed forces" means, for the Union of Soviet Socialist Republics: the armed forces of the USSR, and the Border Troops of the USSR; for the United States of America: the armed forces of the United States, including the United States Coast Guard.

2. "Personnel" means any individual, military or civilian, who is serving in or is employed by the armed forces of the Parties.

3. "Equipment" means any ship, aircraft or ground hardware of the armed forces of the Parties.

4. "Ship" means any warship or auxiliary ship of the armed forces of the Parties.

5. "Aircraft" means any military aircraft of the armed forces of the Parties, excluding spacecraft.

6. "Ground hardware" means any materiel of the armed forces of the Parties designed for use on land.

7. "Laser" means any source of intense, coherent, highly directional electromagnetic radiation in the visible, infrared, or ultraviolet regions that is based on the stimulated radiation of electrons, atoms or molecules.

8. "Special Caution Area" means a region, designated mutually by the Parties, in which personnel and equipment of their armed forces are present and, due to circumstances in the region, in which special measures shall be undertaken in accordance with this Agreement.

9. "Interference with command and control networks" means actions that hamper, interrupt or limit the operation of the signals and information transmission means and systems providing for the control of personnel and equipment of the armed forces of a Party.

ARTICLE II

1. In accordance with the provisions of this Agreement, each Party shall take necessary measures directed toward preventing dangerous military activities, which are the following activities of personnel and equipment of its armed forces when operating in proximity to personnel and equipment of the armed forces of the other Party during peacetime:

- (a) Entering by personnel and equipment of the armed forces of one Party into the national territory of the other Party owing to circumstances brought about by force majeure, or as a result of unintentional actions by such personnel;
- (b) Using a laser in such a manner that its radiation could cause harm to personnel or damage to equipment of the armed forces of the other Party;
- (c) Hampering the activities of the personnel and equipment of the armed forces of the other Party in a Special Caution Area in a manner which could cause harm to personnel or damage to equipment; and
- (d) Interfering with command and control networks in a manner which could cause harm to personnel or damage to equipment of the armed forces of the other Party.

2. The Parties shall take measures to ensure expeditious termination and resolution by peaceful means, without resort to the threat or use of force, of any incident which may arise as a result of dangerous military activities.

3. Additional provisions concerning prevention of dangerous military activities and resolution of any incident which may arise as a result of those activities are contained in Articles III, IV, V and VI of this Agreement and the Annexes thereto.

ARTICLE III

1. In the interest of mutual safety, personnel of the armed forces of the Parties shall exercise great caution and prudence while operating near the national territory of the other Party.

2. If, owing to circumstances brought about by force majeure or as a result of unintentional actions, as set forth in Article II, subparagraph 1(a) of this Agreement, personnel and equipment of the armed forces of one Party enter into the national territory of the other Party, such personnel shall adhere to the procedures set forth in Annexes 1 and 2 to this Agreement.

ARTICLE IV

1. When personnel of the armed forces of one Party, in proximity to personnel and equipment of the armed forces of the other Party, intend to use a laser and that use could cause harm to personnel or damage to equipment of the armed forces of that other Party, the personnel of the armed forces of the Party intending such use of a laser shall attempt to notify the relevant personnel of the

armed forces of the other Party. In any case, personnel of the armed forces of the Party intending use of a laser shall follow appropriate safety measures.

2. If personnel of the armed forces of one Party believe that personnel of the armed forces of the other Party are using a laser in a manner which could cause harm to them or damage to their equipment, they shall immediately attempt to establish communications to seek termination of such use. If the personnel of the armed forces of the Party having received such notification are actually using a laser in proximity to the area indicated in the notification, they shall investigate the relevant circumstances. If their use of a laser could in fact cause harm to personnel or damage to equipment of the armed forces of the other Party, they shall terminate such use.

3. Notifications with respect to the use of a laser shall be made in the manner provided for in Annex 1 to this Agreement.

ARTICLE V

1. Each Party may propose to the other Party that the Parties agree to designate a region as a Special Caution Area. The other Party may accept or decline the proposal. Either Party also has the right to request that a meeting of the Joint Military Commission be convened, in accordance with Article IX of this Agreement, to discuss such a proposal.

2. Personnel of the armed forces of the Parties present in a designated Special Caution Area shall establish and maintain communications, in accordance with Annex 1 to this Agreement, and undertake other measures as may be later agreed upon by the Parties,

in order to prevent dangerous military activities and to resolve any incident which may arise as a result of such activities.

3. Each Party has the right to terminate an arrangement with respect to a designated Special Caution Area. The Party intending to exercise this right shall provide timely notification of such intent to the other Party, including the date and time of termination of such an arrangement, through use of the communications channel set forth in paragraph 3 of Article VII of this Agreement.

ARTICLE VI

1. When personnel of the armed forces of one Party, in proximity to personnel and equipment of the armed forces of the other Party, detect interference with their command and control networks which could cause harm to them or damage to their equipment, they may inform the relevant personnel of the armed forces of the other Party if they believe that the interference is being caused by such personnel and equipment of the armed forces of that Party.

2. If the personnel of the armed forces of the Party having received such information establish that this interference with the command and control networks is being caused by their activities, they shall take expeditious measures to terminate the interference.

ARTICLE VII

1. For the purpose of preventing dangerous military activities, and expeditiously resolving any incident which may arise

as a result of such activities, the armed forces of the Parties shall establish and maintain communications as provided for in Annex 1 to this Agreement.

2. The Parties shall exchange appropriate information on instances of dangerous military activities or incidents which may arise as a result of such activities, as well as on other issues related to this Agreement.

3. The Chief of the General Staff of the Armed Forces of the Union of Soviet Socialist Republics shall convey information referred to in paragraph 2 of this Article through the Defense Attache of the United States in Moscow. The Chairman of the Joint Chiefs of Staff of the United States shall convey such information through the Defense Attache of the Union of Soviet Socialist Republics in Washington, D.C.

ARTICLE VIII

1. This Agreement shall not affect the rights and obligations of the Parties under other international agreements and arrangements in force between the Parties, and the rights of individual or collective self-defense and of navigation and overflight, in accordance with international law. Consistent with the foregoing, the Parties shall implement the provisions of this Agreement, taking into account the sovereign interests of both Parties.

2. Nothing in this Agreement shall be directed against any Third Party. Should an incident encompassed by this Agreement occur in the territory of an ally of a Party, that Party shall have the right to consult with its ally as to appropriate measures to be taken.

ARTICLE IX

1. To promote the objectives and implementation of the provisions of this Agreement, the Parties hereby establish a Joint Military Commission. Within the framework of the Commission, the Parties shall consider:

- (a) Compliance with the obligations assumed in this Agreement;
- (b) Possible ways to ensure a higher level of safety for the personnel and equipment of their armed forces; and
- (c) Other measures as may be necessary to improve the viability and effectiveness of this Agreement.

2. Meetings of the Joint Military Commission shall be convened annually or more frequently as may be agreed upon by the Parties.

ARTICLE X

1. This Agreement, including its Annexes, which form an integral part thereof, shall enter into force on January 1, 1990.

2. This Agreement may be terminated by either Party six months after written notice thereof is given to the other Party.

3. This Agreement shall be registered in accordance with Article 102 of the Charter of the United Nations.

Done at Moscow on the twelfth of June, 1989, in two copies,
each in the Russian and English languages, both texts being equally
authentic.

For the Government
of the Union of Soviet
Socialist Republics:

[*Signed — Signé*]¹

Chief of the General Staff
of the Armed Forces
of the USSR

For the Government
of the United States of America:

[*Signed — Signé*]²

Chairman of the Joint
Chiefs of Staff

¹ Signed by M. Moiseev — Signé par M. Moiseev.

² Signed by W. Crow — Signé par W. Crow.

ANNEX 1

PROCEDURES FOR ESTABLISHING AND MAINTAINING COMMUNICATIONS

Section I

Communications Channels

For the purpose of implementing this Agreement, the armed forces of the Parties shall provide for establishing and maintaining, as necessary, communications at the following levels:

- (a) The Task Force Commander of the armed forces of one Party present in a Special Caution Area and the Task Force Commander of the armed forces of the other Party in the same Area;
- (b) Commander* of a ship, aircraft, ground vehicle or ground unit of the armed forces of one Party and the Commander* of a ship, aircraft, ground vehicle or ground unit of the armed forces of the other Party;
and
- (c) Commander* of an aircraft of the armed forces of one Party and an air traffic control or monitoring facility of the other Party.

* "Commander" means the individual with authority to command or lead a ship, aircraft, ground vehicle or ground unit.

Section II

Radio Frequencies

1. To establish radio communication, as necessary, the following frequencies shall be used:

- (a) between aircraft of the Parties or between an aircraft of one Party and an air traffic control or monitoring facility of the other Party: on VHF band frequency 121.5 MHz or 243.0 MHz, or on HF band frequency 4125.0 KHz (alternate 6215.5 KHz); after initial contact is made, the working frequency 130.0 MHz or 278.0 MHz, or 4125.0 KHz should be used;
- (b) between ships of the Parties and ship-to-shore: on VHF band frequency 156.8 MHz, or on HF band frequency 2182.0 KHz;
- (c) between a ship of one Party and an aircraft of the other Party: on VHF band frequency 121.5 MHz or 243.0 MHz; after initial contact is made, the working frequency 130.0 MHz or 278.0 MHz shall be used; and
- (d) between ground vehicles or ground units of the armed forces of the Parties: on VHF band frequency 44.0 MHz (alternate 46.5 MHz), or on HF band frequency 4125.0 KHz (alternate 6215.5 KHz).

2. The Parties agree to conduct necessary testing to ensure reliability of the communications channels agreed by the Parties.

Section III

Signals and Phrases

1. The Parties recognize that the lack of radio communication can increase the danger to the personnel and equipment of their armed forces involved in any incident which may arise as a result of dangerous military activities. Personnel of the armed forces of the Parties involved in such incidents who are unable to establish radio communication, or who establish radio communication but cannot be understood, shall try to communicate using those signals referred to in this Section. In addition, such personnel shall attempt to establish communications with other personnel of their armed forces, who in turn shall take measures to resolve the incident through communications channels set forth in this Agreement.

2. Ship-to-ship and ship-to-shore communications shall be conducted using signals and phrases as set forth in the International Code of Signals of 1965 and the Special Signals developed in accordance with the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on the Prevention of Incidents On and Over the High Seas of 1972.¹ Aircraft-to-aircraft communications shall be conducted using signals and phrases for intercepting and intercepted aircraft contained in the Rules of the Air, Annex 2 to the 1944 Convention on International Civil Aviation² (Chicago Convention). The additional signals and phrases contained in paragraph 4 of this Section may also be used.

¹ United Nations, *Treaty Series*, vol. 852, p. 151.

² *Ibid.*, vol. 15, p. 295. For the texts of the Protocols amending this Convention, see vol. 320, pp. 209 and 217; vol. 418, p. 161; vol. 514, p. 209; vol. 740, p. 21; vol. 893, p. 117, vol. 958, p. 217; vol. 1008, p. 213 and vol. 1175, p. 297.

3. Whenever aircraft of the Parties come into visual contact with each other, their aircrews shall monitor the frequency 121.5 MHz or 243.0 MHz. If it is necessary to exchange information, but communications in a common language are not possible, attempts shall be made to convey essential information and acknowledgement of instructions by using phrases referred to in paragraphs 2 and 4 of this Section. If radio communication is not possible, then visual signals shall be used.

4. The following table contains additional signals and phrases for communications between aircraft, ships, ground vehicles or ground units, in accordance with this Agreement:

ADDITIONAL SIGNALS, PHRASES
AND APPROPRIATE RESPONSES

<u>A. MEANING OF SIGNAL/ PHRASE</u>	<u>B. VISUAL SIGNALS FOR AIRCRAFT</u>	<u>C. PHRASE</u>	<u>D. PRONUNCIATION</u>	<u>E. APPROPRIATE RESPONSE</u>
1 You are in close proximity to our national territory.	Day and Night - The intercepting aircraft, flying abeam and parallel to the intercepted aircraft, rocking wings, and flashing navigation lights at slow regular intervals, followed by a series of shallow bank "S" turns, in the horizontal plane, approximately 10 degrees either side of line of flight.	"CLOSE TO TERRITORY"	CLOSE-TO TEER-I-TORY	Intercepted aircraft turns away from national territory.
2 You have entered into our national territory.	Day and Night - The intercepting aircraft, flying abeam and parallel to the intercepted aircraft, rapidly flashing navigation lights while rocking wings, followed by a shallow turn executed in the horizontal plane, with a 15-20 degree bank in the direction of the intercepted aircraft. The approach shall be accomplished with great caution and not closer than one wing span. Repeat until intercepted aircraft acknowledges or radio contact is established.	"TERRITORY ENTERED"	TERR-I-TORY EN-TERED	Intercepted aircraft shall follow the appropriate instructions of the intercepting aircraft.
3 I need to land.	Day and Night - The aircraft flashes its navigation lights repeatedly and rapidly while rocking wings, followed by a gentle porpoising of the aircraft.	"REQUEST LANDING"	RE-QUEST LAN-DING	Intercepting aircraft assists intercepted aircraft.

ADDITIONAL SIGNALS, PHRASES
AND APPROPRIATE RESPONSES

4	I request radio communications on 130.0 MHz or 278.0 MHz. (Initial contact is established on 121.5 MHz or 243.0 MHz.)	Day and Night - If 121.5 MHz and 243.0 MHz are inoperative, aircraft continuously alternates one long with one short flash of navigation lights while rocking wings.	"RADIO CONTACT"	RA-DI-O CON-TAC	Acknowledge requesting aircraft, ship, or air traffic control or monitoring facility with phrase "RADIO CONTACT." After contact is made, tune to 130.0 MHz or 278.0 MHz.
5	My aircraft requests radio contact with your ship on 121.5 MHz or 243.0 MHz.	Day and Night - Aircraft circling the ship, in a left hand turn, at a safe distance and altitude until radio contact is established.	"RADIO CONTACT"	RA-DI-O CON-TAC	The aircraft and ship establish radio contact by exchanging the phrase "RADIO CONTACT;" then both shall switch to 130.0 MHz or 278.0 MHz, as appropriate, for further radio communication.
6	I am experiencing a dangerous level of interference with my command and control network. (Transmit PHRASE on contact frequency.)	None	"STOP INTERFERENCE"	STOP IN-TER-FER-ENCE	Investigate the circumstances and, as appropriate, terminate any activities which may be causing the dangerous interference.
7	My planned use of a laser may create danger in this area. (Transmit PHRASE on contact frequency.)	None	"LASER DANGER"	LAS-ER DAN-GER	Take appropriate measures to prevent harm to personnel or damage to equipment.
8	I am experiencing a dangerous level of laser radiation. (Transmit PHRASE on contact frequency.)	None	"STOP LASER"	STOP LA-SER	Investigate the circumstances and, as appropriate, terminate any use of a laser that could cause harm to personnel or damage to equipment.

ANNEX 2

PROCEDURES FOR THE RESOLUTION OF
INCIDENTS RELATED TO ENTERING INTO NATIONAL TERRITORY

This Annex sets forth the procedures for the expeditious resolution, by peaceful means, of any incident which may arise during entry being made by personnel and equipment of the armed forces of one Party into the national territory of the other Party owing to circumstances brought about by force majeure or as a result of unintentional actions, as set forth in Article II, subparagraph 1(a) of this Agreement.

Section I

Entering Into National Territory
Owing To Circumstances Brought About By Force Majeure

1. When personnel of the armed forces of one Party are aware that, owing to circumstances brought about by force majeure, they may enter or have entered into the national territory of the other Party, they shall continuously attempt to establish and maintain communications with personnel of the armed forces of the other Party, as provided for in Annex 1 to this Agreement.

2. Upon receiving a communication from personnel of the armed forces of a Party who are aware that they may enter or have entered into the national territory of the other Party, personnel of the armed forces of that other Party shall provide them appropriate instructions as to subsequent actions, and assistance to the extent of existing capabilities.

3. If personnel and equipment of the armed forces of a Party enter into the national territory of the other Party, the personnel

shall take into consideration any instructions received from the personnel of the armed forces of the other Party that are appropriate to the existing circumstances and, subject to the provisions of Article VIII, paragraph 1 of this Agreement, shall either depart the national territory or proceed to a designated location.

4. Personnel of the armed forces of a Party having entered into the national territory of the other Party, upon arrival at the location designated by personnel of the armed forces of that other Party, shall be:

- (a) Accorded an opportunity to contact their Defense Attache or consular authorities as soon as possible;
- (b) Cared for properly and their equipment protected; and
- (c) Assisted in repairing their equipment in order to facilitate their departure from the national territory, and in departing at the earliest opportunity.

Section II

Entering Into National Territory As A Result Of Unintentional Actions Of Personnel

1. When the personnel of the armed forces of one Party establish that personnel and equipment of the armed forces of the other Party may enter into their national territory as a result of unintentional actions or that such an entry has already taken place, the personnel who have made this determination shall continuously attempt to establish and maintain communications with the personnel of the armed forces of that other Party, as provided for in Annex 1

to this Agreement. The purpose of such communications is: to alert personnel of the armed forces of that other Party of the possibility of entry or the fact of entry into national territory; to clarify the reasons for and circumstances of their actions; to recommend that they take measures to prevent such an entry, if possible; or, to render them assistance as appropriate.

2. Personnel of the armed forces of a Party, having been alerted that they may enter into the national territory of the other Party, shall, if possible, undertake measures so that their actions do not result in such an entry.

3. If personnel and equipment of the armed forces of a Party enter into the national territory of the other Party, the personnel shall take into consideration any instructions received from the personnel of the armed forces of the other Party that are appropriate to the existing circumstances and, subject to the provisions of Article VIII, paragraph 1 of this Agreement, shall either depart the national territory or proceed to a designated location. With respect to personnel and equipment which have arrived at a designated location, the procedures provided for in Section I, paragraph 4 of this Annex shall be applicable.

AGREED STATEMENTS
IN CONNECTION WITH THE AGREEMENT
BETWEEN THE GOVERNMENT OF THE UNION OF
SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT
OF THE UNITED STATES OF AMERICA ON THE
PREVENTION OF DANGEROUS MILITARY ACTIVITIES

In connection with the Agreement Between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on the Prevention of Dangerous Military Activities, the Parties have agreed as follows:

First agreed statement. In the case of any entry by personnel and equipment of the armed forces of one Party into the national territory of the other Party owing to circumstances brought about by force majeure or as a result of unintentional actions by such personnel, as set forth in Article II, subparagraph 1(a) of the Agreement Between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on the Prevention of Dangerous Military Activities, the procedures set forth in Annexes 1 and 2 to this Agreement shall apply regardless of whether that other Party has been made aware of the circumstances of such entry.

Second agreed statement. As indicated in Article VIII of the Agreement Between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on the Prevention of Dangerous Military Activities, this Agreement does not affect rights of navigation under international law, including the right of warships to exercise innocent passage.

[Signed — Signé]¹
Chief of the General Staff
of the Armed Forces
of the USSR

[Signed — Signé]²
Chairman of the Joint
Chiefs of Staff

¹ Signed by M. Moiseev — Signé par M. Moiseev.

² Signed by W. Crow — Signé par W. Crow.