



House of Commons
Defence Committee

**Arms Control and
Disarmament
(Inspections) Bill:
Government Response
to the Committee's
Third Report of Session
2002-03**

**Second Special Report of Session
2002-03**

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The Defence Committee

The Defence Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Defence and its associated public bodies.

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Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/parliamentary_committees/defence_committee.cfm. A list of Reports of the Committee in the present Parliament is at the back of this volume.

Committee staff

The current staff of the Committee are Mark Hutton (Clerk), Steven Mark (Second Clerk), Simon Fiander (Audit Adviser), Dr John Gearson (Committee Specialist), Fiona Channon (Committee Assistant), Sue Monaghan (Secretary).

Contacts

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Second Special Report

The Defence Committee has agreed to the following Special Report:-

ARMS CONTROL AND DISARMAMENT (INSPECTIONS) BILL

The Defence Committee published its Second Report of Session 2002–03 on Arms Control and Disarmament (Inspections) Bill as (HC 321) on 14 April 2003. The Government's response to this report was received on 5 June 2003 and is published as an Appendix to this Special Report.

Appendix

1. The Government is grateful to the House of Commons Defence Committee for its report *Arms Control and Disarmament (Inspections) Bill*. The Government welcomes the report and notes the Committee's substantive recommendation that the House should pass the Bill, thereby allowing timely ratification of the Adapted CFE Treaty when the time is appropriate. The Government shares the Committee's conclusion that the Adaptation Agreement brings important further benefits to the original Treaty by providing greater transparency of the deployment of conventional equipment throughout Europe, whilst also enhancing confidence and security through a new and more constraining system of individual national and territorial limits.

Changes to the Inspection Regime and the inspection burden for the UK

2. The Committee's Report sets out the various changes to the inspection regime introduced by the 1999 Adaptation Agreement, leading to the requirement for additional rights of access to private property for foreign inspection teams conducting Section VII (Declared Site) and the new Section IX (Designated Area) inspections in the UK. The Government shares the Committee's view, borne out by historical evidence of inspection activity under the original CFE Treaty, that if the number of Section VIII inspections remains low and Section IX inspections are not triggered, as we expect, the demands placed on individual private owners should not be significantly increased by the enhanced inspection regime and the enactment of the Bill (paragraphs 10-21).

Compliance with the Treaty

3. The Government welcomes the Committee's statement that as Russia can be said to be in compliance with its Adaptation Agreement commitments in the Flank Zone, this should not be seen as an issue when ratification is considered. The Government is satisfied that Russia's compliance with the Adapted Treaty limits in the Flank has brought us closer to ratification, although where inspection opportunities allow, verification of continuing Russian compliance in the Flanks will be undertaken by UK inspectors.

Ratification

4. The Government notes the view of the Committee that because the Act would give the Government the ability to ratify the Agreement by Statutory Instrument, consideration of the Bill itself needs to be focused on the question of ratification. As the Committee notes in its report, the basis for the UK position on ratification of the Adapted Treaty is the principle of host nation consent, on which the Istanbul commitments are based. The Government agrees that the UK and NATO allies will need to make a judgement on when these commitments have been effectively met. The Government agrees that Georgia and Moldova should be encouraged to take a constructive and flexible approach to their own ratification, and, given the importance of the Adapted Treaty, that it should not be held hostage to bilateral differences (paragraphs 37–42).

5. The Government also agrees that Russia has a pivotal role to play. The UK will continue to press Russia on the need to create the necessary conditions to allow all States Parties to ratify the Adapted Treaty. In Moldova, the UK is providing inspection teams to assist in ongoing monitoring of the removal of ammunition, and will continue to maintain pressure on all those concerned to reach a political settlement. And in Georgia, FCO and MoD Ministers have decided that, when the conditions are right, a UK inspection team should make efforts to inspect the base at Gudauta.

Further Parliamentary scrutiny

6. The Government welcomes the Committee's recommendation that the House should pass the Arms Control and Disarmament (Inspections) Bill. The Government is content to give a specific undertaking in the Second Reading debate on the Bill to notify the House at least 21 days in advance of its decision to proceed to ratification, to allow for additional discussion of the issues at that time (paragraphs 43 & 44).

Reports from the Defence Committee since 2001

Session 2002–03

First Report	Missile Defence	HC 290 (HC 411)
Second Report	Annual Report for 2002	HC 378
Third Report	Arms Control and Disarmament (Inspections) Bill	HC 321 (HC 754)
Fourth Report	The Government's Proposals for Secondary Legislation under the Export Control Act	HC 620
Fifth Report	Strategic Export Controls: Annual Report for 2001, Licensing Policy and Parliamentary Scrutiny	HC 474
Sixth Report	A New Chapter to the Strategic Defence Review	HC 93-I & II

Session 2001–02

First Report	Ministry of Defence Police: Changes in jurisdiction proposed under the Anti-terrorism Crime and Security Bill 2001	HC 382 (HC 621)
Second Report	The Threat from Terrorism	HC 348 (HC 667)
Third Report	The Ministry of Defence Reviews of Armed Forces' Pension and Compensation Arrangements	HC 666 (HC 115)
Fourth Report	Major Procurement Projects	HC 779 (HC 1229)
Fifth Report	The Government's Annual Report on Strategic Export Controls for 2000, Licensing Policy and Prior Parliamentary Scrutiny (Joint with Foreign Affairs Committee, International Development Committee and Trade and Industry Committee)	HC 718 (Cm 5629)
Sixth Report	Defence and Security in the UK	HC 518 (HC 1230)
Seventh Report	The Future of NATO	HC 914 (HC 1231)

Government Responses to Defence Committee reports are published as Special Reports from the Committee (or as Command papers). They are listed here in brackets by the HC (or Cm) No. after the report they relate to.