

REMARKS OF THOMAS GRAHAM
DELEGATION OF THE UNITED STATES OF AMERICA
ON THE DRAFT SOUTHEAST ASIAN
NUCLEAR WEAPON FREE ZONE TREATY

THE UNITED STATES WELCOMES THE OPPORTUNITY TO PROVIDE COMMENTS ON THE DRAFT OF A SOUTHEAST ASIA NUCLEAR WEAPON FREE ZONE TREATY.

THE U.S. SUPPORTS THE CREATION OF NUCLEAR WEAPON FREE ZONES, CONSISTENT WITH OUR LONGSTANDING CRITERIA FOR SUCH ZONES AND WITH THE DECLARATION OF NUCLEAR NON-PROLIFERATION PRINCIPLES AND OBJECTIVES OF THE NPT REVIEW AND EXTENSION CONFERENCE. AS THAT DOCUMENT STATED, THE SUPPORT OF THE NUCLEAR WEAPON STATES IS NECESSARY FOR THE MAXIMUM EFFECTIVENESS OF SUCH ZONES.

WE FIRMLY BELIEVE THAT ANY NWFZ TREATY SHOULD ADDRESS THE CONCERNS OF ALL THE STATES ELIGIBLE TO BECOME PARTY TO IT AND TO ITS ASSOCIATED PROTOCOLS. IT IS ON THIS BASIS THAT THE UNITED STATES HAS BEEN ABLE TO BECOME A PARTY TO THE PROTOCOLS TO THE TREATY OF TLATELOLCO AND COMMITTED ITSELF TO SIGNING THE PROTOCOLS TO THE SOUTH PACIFIC NUCLEAR FREE ZONE TREATY, THE TREATY OF RAROTONGA, IN

THE FIRST HALF OF 1996. IN ADDITION, THE UNITED STATES IS IN THE FINAL STAGES OF REVIEWING THE AFRICAN NUCLEAR WEAPON FREE ZONE TREATY, THE TREATY OF PELINDABA. IT WOULD BE UNFORTUNATE IF THE ISSUES ON WHICH WE HAVE PREVIOUSLY GIVEN OUR VIEWS, AND WHICH WE TURN TO TODAY, SHOULD PREVENT THIS TREATY FROM RECEIVING THE SAME CONSIDERATION.

THE STRENGTH AND STABILITY OF NWFZS SPRING IN LARGE PART FROM THEIR COOPERATIVE NATURE. SUCH COOPERATION AMONG TREATY AND PROTOCOL PARTIES IS MUTUALLY-REINFORCING.

IT IS IMPORTANT TO APPRECIATE THAT NWFZ TREATIES HAVE IMPLICATIONS AND EFFECTS FAR BEYOND THEIR REGION AND THEIR REGION'S PARTICULAR SECURITY AND POLITICAL CONCERNS. THIS COMES FROM TWO SOURCES. FIRST, STATES IN THE SPECIFIC REGION USUALLY HAVE VITAL SECURITY AND POLITICAL ^{arrangements} ~~RELATIONSHIPS~~ WITH STATES OUTSIDE THE REGION. A STATE'S ADHERENCE TO A NWFZ TREATY, IF THE TREATY IS NOT SENSITIVE TO THESE RELATIONSHIPS, CAN UNDERMINE THESE RELATIONSHIPS WITH EXTRA-REGIONAL STATES. SECOND, THE PROTOCOLS ASSOCIATED WITH NWFZ TREATIES, WHEREIN CERTAIN EXTRA-REGIONAL STATES ARE ASKED TO RESPECT CERTAIN PROVISIONS OF THE TREATY, CAN CONTAIN OBLIGATIONS

THAT WOULD UNDERMINE THE POTENTIAL PROTOCOL PARTIES' SECURITY AND POLITICAL INTERESTS, BOTH WITHIN AND OUTSIDE THE REGION.

THE COMMENTS WE MAKE TODAY, THEREFORE, SHOULD NOT BE CONSTRUED AS REPRESENTING THE FINAL OBSERVATIONS AND COMMENTS OF THE UNITED STATES OF AMERICA ON THE PROPOSED TREATY. THE UNITED STATES CAN TAKE NO POSITION ON THE PROPOSED TREATY, AND CANNOT BE UNDERSTOOD OR REPRESENTED AS TAKING A POSITION, UNTIL IT HAS HAD AMPLE TIME TO REVIEW FULLY THE FINAL TEXT OF THE TREATY IN ACCORDANCE WITH OUR LONG-ESTABLISHED AND WELL-KNOWN CRITERIA FOR SUCH ZONES. HOWEVER, THE U.S. IS OF THE VIEW THAT THERE MUST BE A DELIBERATE EFFORT TO FULLY INVOLVE PROTOCOL PARTIES IN THE DRAFTING PROCESS AND PROVIDE THEM SUFFICIENT TIME TO REVIEW AND COMMENT ON THE PROPOSALS. THEREFORE, WE REGARD OUR CONSULTATIONS TODAY AS AN EXTREMELY USEFUL AND CONSTRUCTIVE STEP IN THIS PROCESS. WE WISH TO EMPHASIZE, HOWEVER, THE GREAT VALUE TO THE SUCCESS OF THIS ENDEAVOR OF ADDITIONAL CONSULTATIONS WITH POTENTIALLY AFFECTED PARTIES AGAIN AFTER THIS GROUP HAS CONSIDERED AND RESPONDED TO THE MANY COMMENTS YOU WILL RECEIVE THIS WEEK. WE URGE THIS GROUP TO INFORM POTENTIAL PROTOCOL PARTIES OF ANY CHANGE TO THE TREATY TEXT, AND GIVE THEM SUFFICIENT TIME TO REVIEW THE CHANGES. ONLY IN THIS WAY CAN POTENTIAL PROTOCOL

PARTIES DETERMINE WHETHER OR NOT A SPECIFIC, LEGAL TEXT ADEQUATELY ADDRESSES THEIR CONCERNS.

WE ARE HERE TODAY IN THE SPIRIT OF COOPERATION AND SHARED CONCERN FOR THE GLOBAL NUCLEAR NONPROLIFERATION REGIME. WE ARE WILLING TO WORK WITH YOU AS LONG AS IT TAKES TO PRODUCE AN EFFECTIVE, DURABLE, AND SUCCESSFUL SOUTHEAST ASIA NUCLEAR WEAPON FREE ZONE TREATY THAT ALL OF US CAN SUPPORT--WHICH, IN THE FINAL ANALYSIS, WILL BE THE STANDARD OF SUCCESS FOR THIS TREATY.

AS PRESIDENT CLINTON ASSURED PRESIDENT SOEHARTO IN FEBRUARY, THE UNITED STATES WOULD LOOK POSITIVELY ON THE ESTABLISHMENT OF A SOUTHEAST ASIAN NUCLEAR WEAPON FREE ZONE AS LONG AS LONG-STANDING U.S. CRITERIA FOR SUCH ZONES ARE MET. THIS COMMITMENT IS CONSISTENT WITH THE RECENT U.S. ANNOUNCEMENT TO SIGN THE PROTOCOLS TO THE TREATY OF RAROTONGA, AND WITH OUR LONG-STANDING SUPPORT OF THE DENUCLEARIZATION OF AFRICA. IT IS IN THIS SPIRIT THAT THE UNITED STATES IS HERE FOR THESE CONSULTATIONS. I WISH TO REITERATE PRESIDENT CLINTON'S COMMITMENT THAT THE UNITED STATES IS PREPARED TO CONSIDER FAVORABLY THE SEANWFZ TREATY AND SIGNATURE OF ITS ASSOCIATED PROTOCOL ONCE OUR CONCERNS HAVE BEEN SATISFIED.

AS WE HAVE INDICATED TO THIS GROUP IN THE PAST, THE UNITED STATES HAS SEVERAL SIGNIFICANT CONCERNS WITH THE EXISTING TEXT OF THE TREATY DRAFT:

- THE INCLUSION OF THE TERM "TRANSPORT" IN THE DEFINITION OF "STATION;"

- THE INCLUSION OF EXCLUSIVE ECONOMIC ZONES (EEZ) AND THE CONTINENTAL SHELF AS PART OF THE DEFINITION OF THE SEANWFZ ZONE AND ZONE OF APPLICATION; AND

- THE DEFINITION OF THE TERM "DUMPING."

THE U.S. HAS PREVIOUSLY IDENTIFIED THESE ISSUES AS SERIOUS CONCERNS IN EARLIER COMMUNICATIONS TO THE ASEAN WORKING GROUP. THE U.S. NOTES THAT THE MOST RECENT DRAFT DOES NOT SUFFICIENTLY ADDRESS OUR CONCERNS IN THESE AREAS, AND THE U.S. WOULD BE UNABLE TO ADHERE TO THE TREATY'S PROTOCOL WITH THESE PROVISIONS AS THEY NOW STAND. THESE PROBLEMS HAVE AN EFFECT THROUGHOUT THE TREATY, MAKING ALMOST ALL OF THE ASSOCIATED PROVISIONS PROBLEMATIC. CONVERSELY, THE RESOLUTION OF THESE PROBLEMS HOLDS PROMISE THAT U.S. CONCERNS ABOUT THESE ASSOCIATED PROVISIONS COULD BE SATISFIED.

PRIMARY CONCERNS

1) THE DEFINITION OF "STATION."

BY INCLUDING "TRANSPORT" WITHOUT RESTRICTION IN THE DEFINITION OF "STATION," THE COMMITMENTS ON PARTIES IN ARTICLE 3(1) AND ARTICLE 6 COULD BE INTERPRETED ABSOLUTELY TO PROHIBIT PARTIES FROM EXERCISING THEIR SOVEREIGN RIGHT TO GRANT PERMISSION TO FOREIGN VESSELS AND AIRCRAFT, REGARDLESS OF CARGO OR THEIR MEANS OF PROPULSION, TO ENTER THEIR INTERNAL WATERS, PORTS AND AIRFIELDS.

THIS INTERPRETATION WOULD UNDERMINE THE SUBSTANCE OF ARTICLE 6, WHICH RECOGNIZES THE RIGHTS OF STATE PARTIES TO GRANT PORT AND AIRCRAFT VISITS AND TO ALLOW TRANSIT OF FOREIGN VESSELS AND AIRCRAFT OF THEIR INTERNAL WATERS AND TERRITORIAL SEAS AND AIRSPACE IN A MANNER NOT GOVERNED BY THE RIGHTS OF INNOCENT PASSAGE, ARCHIPELAGIC SEA LANES PASSAGE, OR TRANSIT PASSAGE.

FURTHER, THIS DEFINITION OF "STATION," COMBINED WITH THE INCLUSION OF EEZ AND CONTINENTAL SHELF IN THE DEFINITION OF THE ZONE, IMPOSES OBLIGATIONS ON STATE PARTIES IN ARTICLE 3 THAT COULD CONFLICT WITH

THESE AND OTHER INTERNATIONAL RIGHTS, SUCH AS THE FREEDOMS OF NAVIGATION AND OVERFLIGHT.

THE UNITED STATES OPPOSES ANY INFRINGEMENT OF THE RIGHTS OF STATES TO GRANT OR DENY VISITS BY FOREIGN SHIPS AND AIRCRAFT TO ITS PORTS AND AIRFIELDS, TRANSIT OF ITS AIRSPACE BY FOREIGN AIRCRAFT, AND NAVIGATION BY FOREIGN SHIPS IN ITS TERRITORIAL SEA OR ARCHIPELAGIC WATERS.

THIS PROBLEM COULD BE SATISFACTORILY ADDRESSED BY DROPPING "TRANSPORT" FROM THE DEFINITION OF "STATION." THE TERM "STATION" AS GENERALLY USED PRESUMES THAT THE PRESENCE OF ANY MILITARY EQUIPMENT OR PERSONNEL IN ANY SPECIFIC AREA IS NOT OF A TEMPORARY NATURE, WHEREAS "TRANSPORT" HAS THE INHERENT MEANING THAT ANY SUCH EQUIPMENT OR PERSONNEL HAS ONLY A BRIEF PRESENCE AS IT PASSES THROUGH ANY SPECIFIC AREA. AS SUCH, INCLUDING "TRANSPORT" IN THE DEFINITION OF "STATION" IS NOT LOGICAL.

AT THE LEAST, "TRANSPORT"¹¹ SHOULD BE NARROWED AS MUCH AS POSSIBLE, SUCH AS BY SPECIFYING "TRANSPORT ON LAND" OR "TRANSPORT ON LAND AND INLAND WATERS." THE CURRENT BRACKETED TEXT, BY REFERENCE TO "INTERNAL WATERS," COULD PROHIBIT ENTRY INTO PORTS AND IS INCONSISTENT WITH ARTICLE 6.

THE UNITED STATES ALSO COUNTED AMONG ITS PRIMARY CONCERNS WITH THE SEVENTH DRAFT THE PHRASING IN THE SECOND PARAGRAPH OF ARTICLE 2 WHICH STATES, "THE STATE PARTIES RECOGNIZE THE RIGHTS OF ANY STATE UNDER INTERNATIONAL LAW..." THE U.S. BELIEVES THAT THIS PHRASE SHOULD BE REPLACED BY THE STRONGER CONSTRUCTION IN ARTICLE 2, PARAGRAPH 2 OF THE TREATY OF RAROTONGA: "NOTHING IN THIS TREATY SHALL PREJUDICE OR IN ANY WAY AFFECT THE RIGHTS, OR THE EXERCISE OF THE RIGHTS, OF ANY STATES UNDER INTERNATIONAL LAW..." THIS STRONGER LANGUAGE IS ALSO APPROPRIATE FOR THE FIRST SENTENCE IN ARTICLE 6.

WE NOTE THAT THE EIGHTH DRAFT HAS ADDED THE FIRST PART OF THIS PHRASE, AND WE BELIEVE ^{THIS} ~~THAT~~ IS A VERY POSITIVE CHANGE. HOWEVER, WE BELIEVE THAT THIS PROVISION SHOULD ALSO SPEAK TO THE EXERCISE OF THE RIGHTS OF STATES PARTIES IN THIS REGARD.

2) EXCLUSIVE ECONOMIC ZONES AND CONTINENTAL SHELVES. THE UNITED STATES OBJECTS TO AND IS DEEPLY CONCERNED BY THE INCLUSION OF EEZS AND CONTINENTAL SHELVES IN THE GENERAL APPLICATION OF THE TREATY. INCLUSION OF EEZS AND CONTINENTAL SHELVES IN THIS MANNER COULD RESULT IN A VIOLATION OF EXISTING INTERNATIONAL LAW BY ASSERTING OVER AREAS WHERE HIGH SEAS FREEDOMS EXIST SOVEREIGN RIGHTS

RESERVED ONLY FOR A STATE'S NATIONAL TERRITORY AND TERRITORIAL SEA. FOR EXAMPLE, AN ASSERTION OF NAVIGATIONAL AUTHORITY OVER THESE AREAS WOULD NOT BE CONSISTENT WITH THE LEGAL REQUIREMENTS ESTABLISHED FOR THESE AREAS BY THE U.N. LAW OF THE SEA CONVENTION.

THE UNITED STATES WILL NOT BE ABLE TO SUPPORT ANY MULTILATERAL CONVENTION OR UNILATERAL DECLARATION WHICH ASSERTS SOVEREIGNTY OVER THE INTERNATIONAL HIGH SEAS AND THE CONTINENTAL SHELF OUTSIDE A STATE'S TERRITORIAL SEA. SUCH PROVISIONS WOULD DO VIOLENCE TO FUNDAMENTAL PRINCIPLES OF INTERNATIONAL LAW BY ASSERTING SOVEREIGNTY OVER AREAS WHICH ARE BEYOND A SINGLE STATE'S OR COLLECTION OF STATES' CONTROL. WE OPPOSE THE INCLUSION OF EEZ'S AND CONTINENTAL SHELF IN THE DEFINITION OF THE ZONE AS INCOMPATIBLE WITH OUR NATIONAL INTERESTS.

WE NOTE THAT THE SEABED TREATY OF 1971 PROHIBITS EMPLANTATION AND EMPLACEMENT ON THE SEABED, OCEAN FLOOR, AND IN THE SUBSOIL THEREOF, BEYOND TERRITORIAL SEAS, OF NUCLEAR WEAPONS OR OTHER TYPES OF WEAPONS OF MASS DESTRUCTION AS WELL AS STRUCTURES, LAUNCHING INSTALLATIONS OR ANY OTHER FACILITIES SPECIFICALLY DESIGNED FOR STORING, TESTING OR USING SUCH WEAPONS. WE BELIEVE THAT THIS GLOBAL ARMS CONTROL TREATY SUFFICIENTLY GUARANTEES THAT THE CONTINENTAL

SHELF WILL BE FREE FROM ANY WMD, AND THUS SATISFIES ANY CONCERN THIS GROUP HAS IN THIS REGARD. THEREFORE, WE SEE NO NEED FOR THE INCLUSION OF THE CONTINENTAL SHELF IN THE DEFINITION OR APPLICATION OF THE ZONE OF THE TREATY.

3) THE DEFINITION OF "DUMPING." THE U.S. STRONGLY BELIEVES THAT THE DEFINITION IN THIS TREATY SHOULD BE IDENTICAL TO THE DEFINITION OF DUMPING CONTAINED IN ARTICLE 1 OF THE LAW OF THE SEA CONVENTION AND ARTICLE 3 OF THE LONDON CONVENTION ON DUMPING OF WASTES AND OTHER MATTER. THE UNITED STATES BELIEVES THAT NWFZ TREATIES SHOULD, WHENEVER POSSIBLE, HARMONIZE THEIR PROVISIONS WITH EXISTING INTERNATIONAL LAW AND CONVENTIONS.

4) REGARDING THE PROTOCOL TO THE TREATY, THE UNITED STATES ALSO HAS CONCERNS THAT THE PROTOCOL OMITTS SEVERAL CRITICAL PROVISIONS THAT ARE FOUND IN OTHER NWFZ TREATIES, INCLUDING A WITHDRAWAL CLAUSE IF THE SUPREME NATIONAL INTERESTS OF THE PROTOCOL PARTY IS THREATENED, AND A PROVISION THAT GUARANTEES THAT THE OBLIGATIONS IMPOSED UPON A PROTOCOL PARTY THROUGH AMENDMENT CAN ONLY ENTER INTO FORCE WITH THE EXPRESS CONSENT OF THE PROTOCOL PARTY. IT WOULD BE USEFUL TO PROVIDE THAT THE PROTOCOL WILL HAVE UNLIMITED DURATION AS WILL THE TREATY.

THAT THERE ARE OTHER WAYS THAT NON-ASEAN STATES CAN RECOGNIZE AND ENDORSE THE EXISTENCE OF THIS TREATY WITHOUT DILUTING THE IMPORT OF THE PROTOCOL OR UNDERMINING THE NONPROLIFERATION REGIME.

FINALLY, WE REQUEST CLARIFICATION OF THE TERM "OBSERVE" IN ARTICLE 1 OF THE PROTOCOL. THE U.S. UNDERSTANDS THIS TERM IN THIS CONTEXT TO MEAN THAT EACH PROTOCOL PARTY WILL NOT PARTICIPATE IN OR OTHERWISE SUPPORT ANY ACTION UNDERTAKEN BY A STATE PARTY TO THE TREATY THAT WOULD VIOLATE ITS OBLIGATIONS UNDER THE TREATY. SINCE THIS IS STATED IN THE SECOND PHRASE OF ARTICLE 1-- "NOT TO CONTRIBUTE TO ANY ACT WHICH CONSTITUTE A VIOLATION OF THE TREATY OR ITS PROTOCOL BY STATES PARTIES TO THEM"--THE FIRST PART OF ARTICLE 1-- "EACH STATE PARTY UNDERTAKES TO OBSERVE THE SOUTHEAST ASIA NUCLEAR WEAPON-FREE ZONE"-- APPEARS TO BE REDUNDANT AND THEREFORE SHOULD BE DELETED.

ADDITIONAL CONCERNS

THE U.S. WISHES TO IDENTIFY SEVERAL OTHER AREAS OF CONCERN WITH THE EXISTING TEXT.

1) THE DEFINITION OF "NUCLEAR WEAPON" SHOULD FOLLOW THAT OF THE TREATY OF RAROTONGA. INDEED, THE TERM "NUCLEAR WEAPON" SHOULD BE REPLACED THROUGHOUT THE TEXT WITH THE MORE PRECISE AND INTERNATIONALLY-RECOGNIZED TERM "NUCLEAR EXPLOSIVE DEVICE." RESTRICTING THE SCOPE TO NUCLEAR DEVICES THAT ARE CAPABLE OF USE FOR WARLIKE PURPOSES CREATES A POSSIBLE LOOPHOLE OF THE TYPE THAT HAS BEEN EXPLOITED IN THE PAST BY STATES THAT HAVE CHARACTERIZED NUCLEAR DEVICES AS INTENDED OR SUITABLE ONLY FOR PEACEFUL USES.

2) THE DEFINITION OF RADIOACTIVE WASTE AND RADIOACTIVE MATERIAL SHOULD REPLACE THE PHRASE "CLEARANCE AND EXEMPTION LEVELS...NO USE IS FORESEEN" WITH "DE MINIMIS CONCENTRATIONS OF RADIONUCLIDES AS THOSE RATES MAY BE SET BY THE IAEA."

3) IN ARTICLE 4, PARAGRAPH 3, THE PROVISION AS WRITTEN SEEMS TO PERMIT THE PROVISION OF SENSITIVE MATERIAL OR EQUIPMENT TO OTHER STATES WITHOUT SAFEGUARDS SO LONG AS SAID MATERIAL OR EQUIPMENT IS INTENDED FOR NON-PEACEFUL PURPOSES. TO MAKE CLEAR THAT THIS IS NOT THE CASE, THE U.S. BELIEVES THAT THE PHRASE "FOR PEACEFUL PURPOSES" SHOULD BE DROPPED.

4) FINALLY, THE UNITED STATES PROPOSES THAT THE ASEAN DRAFTING COMMITTEE GIVE CONSIDERATION TO INCLUDING, IN THE PREAMBLE, AN ASPIRATIONAL STATEMENT THAT THE PARTIES WILL, IN THE NEAR FUTURE, ASSEMBLE TO CONSIDER WHETHER TO BROADEN THE SCOPE OF THE TREATY DOCUMENT TO INCLUDE OTHER WEAPONS OF MASS DESTRUCTION. THIS WOULD BE CONSISTENT WITH THE POSITION TAKEN IN THE NPT REVIEW AND EXTENSION CONFERENCE WHICH ENCOURAGED AS A MATTER OF PRIORITY ESTABLISHMENT OF ZONES FREE OF ALL WEAPONS OF MASS DESTRUCTION (SEE PARAGRAPH 6 OF THE "PRINCIPLES AND OBJECTIVES FOR NUCLEAR NON-PROLIFERATION AND DISARMAMENT") AND IS CONSISTENT WITH NEAR UNIVERSAL NORMS AGAINST DEVELOPMENT, POSSESSION, OR USE OF BIOLOGICAL OR CHEMICAL WEAPONS.

CLARIFICATIONS

FINALLY, THERE ARE SEVERAL PROVISIONS ABOUT WHICH THE U.S. HAS QUESTIONS AND WOULD APPRECIATE CLARIFICATIONS AS TO THEIR MEANING.

THE PROTOCOL SHOULD EXPLICITLY DISTINGUISH BETWEEN THE PROTOCOL PARTIES AND STATE PARTIES TO THE EXTENT THAT DIFFERENCES EXIST. THE

U.S. REQUESTS CLARIFICATION, AND WILL ALSO CONSULT WITH OTHER RELEVANT STATES ON THIS ISSUE.

IN ARTICLE 2, SECOND PARAGRAPH, THE U.S. NOTES THAT THE REFERENCE TO THE LAW OF THE SEA AND THE UNITED NATIONS CHARTER IS A NEW ADDITION TO SIMILAR LANGUAGE IN THE SOUTH PACIFIC AND AFRICAN TREATIES. THE U.S. REQUESTS CLARIFICATION AS TO WHY THE DRAFTERS THOUGHT THIS ADDITION WAS NECESSARY.

IN ARTICLE 4, PARAGRAPH 2(B) OF THE TREATY, THE U.S. SEEKS CLARIFICATION AS TO WHETHER THIS PROVISION WILL APPLY TO STATE PARTIES THAT HAVE ALREADY EMBARKED ON A PEACEFUL NUCLEAR ENERGY PROGRAM.

IN BRACKETED PARAGRAPH 6 OF ANNEX I, THE U.S. SEEKS CLARIFICATION OF THE DEFINITION OF THE TERM "SENSITIVE INSTALLATIONS."

We note that Article 3.2 (a) of the current 8th draft of the Treaty requires a State Party to prevent, within its territory, the possession or control of nuclear weapons by any other state. Without adding modifying language such as was suggested for Article 3.2 (b), this requirement would appear to be inconsistent ~~with~~ with the rights of State Parties recognized under Article 6