

Bilateral Consultative Commission (BCC)

Bureau of Verification, Compliance, and Implementation

Fact Sheet

August 11, 2010

Key Point: The New START Treaty establishes the Bilateral Consultative Commission (BCC) to discuss issues related to Treaty implementation. The use of treaty-based commissions to agree on limited technical changes to improve or clarify implementation of treaty provisions is a well-established practice in arms control treaties.

Background: The New START Treaty authorizes the Parties to use the BCC to reach agreement on changes in the Protocol to the Treaty, including its Annexes, that do not affect substantive rights or obligations. The BCC may in no way make changes that would affect the substantive rights and obligations contained in the New START Treaty. The START Treaty's Joint Compliance and Inspection Commission and the Intermediate and Shorter Range Nuclear Forces Treaty's Special Verification Commission were assigned similar responsibilities by those treaties, and the BCC would follow those important precedents.

- The JCIC negotiated and agreed upon matters such as procedures for additional confirmation of the dimensions of first stages of SLBMs, notifications concerning rescheduling of activities, and a provision for diplomatic officials meeting and accompanying inspectors, monitors and aircrew members at points of entry. These technical or procedural issues came up during the implementation of the START Treaty and these agreements facilitated the conduct of verification activities. They did not affect the substantive rights or obligations of the Parties under the START Treaty.

The Chemical Weapons Convention, the Open Skies Treaty, and the Conventional Forces in Europe Treaty provide similar authority to effect technical changes that are deemed necessary by the Parties during the implementation of the respective treaty.

Authority of the BCC: In addition to making technical changes to the Protocol, including its Annexes, that do not affect substantive rights or obligations, the BCC may:

- resolve questions relating to compliance with the obligations assumed by the Parties;
 - agree upon such additional measures as may be necessary to improve the viability and effectiveness of the Treaty;
 - discuss the unique features of missiles and their launchers, other than ICBMs and ICBM launchers, or SLBMs and SLBM launchers, referred to in paragraph 3 of Article V of the Treaty, that distinguish such missiles and their launchers from ICBMs and ICBM launchers, or SLBMs and SLBM launchers;
 - discuss on an annual basis the exchange of telemetric information under the Treaty;
 - resolve questions related to the applicability of provisions of the Treaty to a new kind of strategic offensive arm; and
 - discuss other issues raised by either Party.
- If amendments to the Treaty are necessary, the Parties may use the BCC as a framework within which to negotiate such amendments. However, once negotiated, such amendments may enter into force only in accordance with procedures governing entry into force of the Treaty. This means that they would be subject to the advice and consent of the United States Senate.
 - This provision ensures that the Senate's Constitutional role in providing advice and consent to the ratification of treaties is not undermined.

Rules Governing the Work of the BCC

- The BCC is required to meet at least twice each year in Geneva, Switzerland, unless the Parties agree otherwise.
- The work of the BCC is confidential, except if the Parties agree in the BCC to release the details of the work.
- BCC agreements reached or results of its work recorded in writing are not confidential, except as otherwise agreed by the BCC.