

THE PRESIDENT'S UNCLASSIFIED REPORT ON
SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS

The following is the text of a letter from the President to the Speaker of the House of Representatives and to the President of the Senate transmitting the President's report, in classified and unclassified versions, on Soviet Noncompliance with Arms Control Agreements as required by PL 99-145.

December 2, 1988

Dear Mr. Speaker (Dear Mr. President):

Pursuant to Public Law 99-145, I am forwarding herewith classified and unclassified versions of the Administration's report to the Congress on Soviet Noncompliance with Arms Control Agreements.

The information contained in this report, in addition to that provided in our previous reports, is essential to understanding the problems we face in seeking to achieve sound, equitable and verifiable arms reductions agreements that will strengthen our security and that of our allies.

The Soviet Union has not corrected the noncompliant activities cited in the last report. In this regard, I want to emphasize a particular Soviet failing: the Krasnoyarsk radar is a significant violation of a central element of the ABM Treaty. We have informed the Soviets that the radar calls into question the viability of the ABM Treaty and makes it impossible to conclude future arms control agreements in the START or Defense and Space areas. The violation caused by the Krasnoyarsk radar will continue to raise the issues of material breach and proportionate responses until it is resolved. In order to broaden the basis for cooperation between our two countries, the Soviets must correct their violations and noncompliant activities with respect to the ABM Treaty and other arms control agreements.

This report also provides a summary of Soviet implementation of the INF Treaty. The INF Treaty is meeting our goal of complete elimination of an entire class of U.S. and Soviet missiles under conditions of strict verification. Instances of Soviet noncompliance, which we have raised with the Soviets, have been resolved to our satisfaction or are in the process of resolution.

I am confident Congress fully shares my concern about Soviet noncompliance. Congressional consensus on this issue has been indispensable to my Administration's efforts to secure corrective actions, and to pursue the kind of arms reductions agreements that will best serve the interests of the United States and the world.

Sincerely,

/s/

Ronald Reagan

Soviet Noncompliance With Arms Control Agreements

As required by law, I am submitting this Report on Soviet Noncompliance with Arms Control Agreements. This Report is the last in a series of Reports to Congress by this Administration regarding these serious issues. The series includes Reports dated January 1984, February and December 1985, March and December 1987, the March 1988 Report which dealt exclusively with the Threshold Test Ban Treaty (TTBT), and the 1984 Report on Soviet Noncompliance prepared for me by the independent General Advisory Committee on Arms Control. When taken as a whole, this series of Reports provides a clear picture of continuing Soviet violations and forms the basis for our concern that future agreements must be effectively verifiable and complied with.

This Report, like previous ones, addresses questions of Soviet noncompliance with existing arms control agreements, including the 1972 Anti-Ballistic Missile (ABM) Treaty, the Biological and Toxin Weapons Convention (BWC), the Geneva Protocol on Chemical Weapons, the 1974 Threshold Test Ban Treaty (TTBT) and the 1963 Limited Test Ban Treaty (LTBT). The provisions of the Conference on Security and Cooperation in Europe (CSCE) documents that relate to military security and confidence building are also treated in this Report. This Report briefly updates the previous assessments of Soviet actions with respect to the ABM Treaty, TTBT, LTBT, BWC, and CSCE. It also provides a summary of Soviet implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles (hereinafter referred to as the "INF Treaty").

In the December 23, 1985, Report, I stated:

The Administration's most recent studies support its conclusion that there is a pattern of Soviet noncompliance. As documented in this and previous Reports, the Soviet Union has violated its legal obligations under, or political commitment to, the SALT I ABM Treaty and Interim Agreement, the SALT II Agreement, the Limited Test Ban Treaty of 1963, the Biological and Toxin Weapons Convention, the Geneva Protocol on Chemical Weapons, and the Helsinki Final Act. In addition, the USSR has likely violated provisions of the Threshold Test Ban Treaty. I further stated:

At the same time as the Administration has reported its concerns and findings to the Congress, the United

States has had extensive exchanges with the Soviet Union on Soviet noncompliance in the Standing Consultative Commission (SCC), where SALT-related issues (including ABM issues) are discussed, and through other appropriate diplomatic channels.

The compliance concerns updated in this Report are not unfamiliar to the Soviet Union. I expressed my personal interest in these issues directly to General Secretary Gorbachev during my four meetings with him: Geneva (1985), Reykjavik (1986), Washington (1987) and Moscow (1988). In addition, the U.S. and Soviet Union have discussed those compliance concerns in detail in the Standing Consultative Commission. The U.S. also raised its concerns with regard to the ABM Treaty during the five-year review of that Treaty in Geneva in August 1988. As he has done in previous meetings, Secretary of State Shultz raised U.S. concerns about Soviet noncompliance during his September 22-23, 1988 meeting in Washington with Soviet Foreign Minister Shevardnadze. Most recently, the Krasnoyarsk issue was also discussed at an Experts Meeting in Geneva, October 31 - November 2, 1988. Concerns with regard to implementation of the INF Treaty are being discussed with the Soviet Union in the Special Verification Commission (SVC) and through other diplomatic channels.

Congress has made clear its concern about Soviet noncompliance with arms control agreements. In February 1987, the Senate passed a resolution, by a vote of 93-2, in which it:

... Declares that an important obstacle to the achievement of acceptable arms control agreements with the Soviet Union has been its violation of existing agreements, and calls upon it to take steps to rectify its violation of such agreements and, in particular, to dismantle the newly-constructed radar site at Krasnoyarsk, Union of Soviet Socialist Republics, since it is a clear violation of the terms of the Anti-Ballistic Missile Treaty.

The Senate repeated its call for dismantlement of the Krasnoyarsk radar in a resolution dated September 16, 1987, and on September 16, 1988, unanimously declared that the Krasnoyarsk violation must be corrected before the conclusion of any future agreements on strategic arms. For its part, the House of Representatives, on May 6, 1987, voted 416-0 in support of a resolution recognizing that by constructing the Krasnoyarsk radar, the Soviet Union was in violation of its legal obligations under the ABM Treaty.

Compliance with arms control commitments remains an essential element of my arms control policy. It is a fundamental precept of my Administration that, in order for arms control to have meaning and credibly contribute to national security, it is essential that all parties

to agreements fully comply with them. Strict compliance with all provisions of arms control agreements is fundamental, and this Administration will not accept anything less.

Soviet noncompliance calls into question important security benefits from arms control, and could create new security risks. As I have said many times, it undermines the confidence essential to an effective arms control process in the future. The United States Government has vigorously pressed, and will continue to press these compliance issues with the Soviet Union through diplomatic and other channels.

Additional time has passed and, despite these continuing intensive efforts and the critical stage the U.S. has entered in the negotiation of arms reductions of historic proportion, the Soviet Union has failed to correct a number of its noncompliance activities; neither have they provided explanations sufficient to alleviate our concerns on other compliance issues.

INF Treaty Implementation

The INF Treaty is achieving its goal of eliminating an entire class of U.S. and Soviet missiles under conditions of strict verification. The Soviets have moved their entire deployed force of shorter-range missiles and launchers into elimination facilities where their elimination is well under way, and have eliminated more than eighty SS-20 missiles and seventy SS-20 launchers in the presence of U.S. inspectors. Issues and questions regarding noncompliance which have been discussed with the Soviets have been resolved to U.S. satisfaction or are in the process of resolution.

The INF Treaty was signed on December 8, 1987, and entered into force on June 1, 1988. The INF Treaty verification regime is the most detailed and stringent in the history of nuclear arms control, and relies on a combination of national technical means (NTM) and on-site inspections to deter Soviet cheating. It is designed both to control the declared INF inventory (and to eliminate it entirely in three years) and to make as complicated and costly as possible the retention or acquisition of any illegal covert inventory.

The declared inventory is controlled during the three-year draw-down period by specific geographical and movement constraints and is confirmed by on-site inspection. The geographical constraints are based on partitioning the territories of the parties and the Basing Countries into those locations where Treaty-limited items (TLIs) are permitted -- deployment areas and missile support facilities -- and a much larger residual area where they are prohibited unless in notified transit. Any covert inventory resulting from under-declaration of systems produced prior to entry into force or illegal production after entry into force is deterred by the flight-test and production bans, as well as NTM search for illegal systems.

A comprehensive data exchange, consisting of the numbers and locations of all Treaty-limited items, as well as their technical characteristics,

is embodied in the Memorandum of Understanding (MOU) and took place at the time the Treaty was signed. All categories of data in the MOU were subsequently updated within thirty days after entry into force, and will continue to be updated at six-month intervals for the duration of the Treaty. To confirm the declared inventory throughout the elimination period, the Treaty provides for a variety of on-site inspections, including baseline, close-out, short-notice (quota) and elimination inspections. In addition, each side has the right to monitor, on a continuous basis for up to thirteen years, agreed facilities to confirm that Treaty prohibited activity has stopped. The Treaty also establishes the Special Verification Commission (SVC) as one means to resolve questions related to Treaty compliance and to agree upon additional measures to improve the viability and effectiveness of the Treaty.

Issues have arisen for which the U.S. has made noncompliance findings. These include the following:

- 0 Since entry into force, the Soviets have conducted nearly 200 noncompliant transits of SS-20s on their launchers between missile operating bases (MOBs), missile/launcher repair facilities (MLRFs), and elimination facilities. Although the Soviets have raised the matter in the SVC and have notified the U.S. of such transits via the Nuclear Risk Reduction Center, in accordance with the Treaty, it is clear that such transits constitute a violation of paragraph 8 of Article VIII of the Treaty.

After repeated discussions in the SVC and in diplomatic channels, the Soviets have agreed to discontinue the practice of moving SS-20s on launchers to MLRFs. The U.S. has begun to receive notifications of transits of SS-20s on missile transporter vehicles consistent with the provisions of the Treaty.

- 0 Immediately after the INF Treaty's entry into force, the Soviets were not in compliance with Article IX requirements to list all TLIs and their locations in the data update to the MOU. This summer, the U.S. presented a demarche to the Soviet Union through diplomatic channels on the related issue of TLIs at non-declared locations and insisted on full Soviet compliance. While the Soviets never acknowledged their failure to meet the locational restrictions or explained the reasons for this failure, they have moved to correct their noncompliance and have dismantled or removed TLIs previously observed at non-declared sites.
- 0 In addition, noncompliant activities occurred with regard to: 1) unnotified movements of training launchers; 2) Treaty-limited items at a facility declared ready for elimination; removal of SRMS from an elimination facility; and 3) Treaty-limited items at non-declared locations.

A compliance-related question that also arose, but did not result in a conclusion of noncompliance was Soviet failure to provide complete and accurate technical data in the MOU.

The ABM Treat

The U.S. continues to have deep concerns about Soviet noncompliance with the ABM Treaty. The principal concern is with the Krasnoyarsk radar, the deployment of which in that location is a significant violation of a central element of the Treaty. The radar demonstrates that the Soviets were designing and programming a prospective violation of the ABM Treaty even while they were negotiating a new agreement on strategic offensive weapons with the United States.

The only permitted functions for a large, phased-array radar (LPAR) with a location and orientation such as that of the Krasnoyarsk radar would be space-tracking or national technical means (NTM) of verification. Based on conclusive evidence, however, we judge that this radar is primarily designed for ballistic missile detection and tracking, not for space-tracking or NTLM as the Soviets claim. Moreover, the coverage of the Krasnoyarsk radar would close a major gap in the coverage of the Soviet ballistic missile detection, warning, and tracking screen. Its location allows it to provide warning of a ballistic missile attack, to acquire attack characterization data that would enable the Soviet strategic forces to respond in a timely manner, and to aid in planning the battle for Soviet defensive forces.

All LPARs, such as the Krasnoyarsk radar, have the inherent capability to track large numbers of objects accurately. Thus, they not only could perform as ballistic missile detection, warning, and tracking radars, but also have an inherent technical potential, depending on location and orientation, of contributing to ABM battle management.

LPARs have always been considered to be the long lead-time element of a possible territorial defense. Taken together, the Krasnoyarsk radar and other Soviet ABM-related activities suggest that the Soviet Union may be preparing an ABM defense of its national territory. Some of the activities, such as the construction of new LPARs on the periphery of the Soviet Union and the upgrade of the Moscow ABM system, appear to be consistent with the ABM Treaty. The redundancy in coverage provided by these new radars and the disposition of these radars closely resembles the design of the U.S. Safeguard ABM Program. We are convinced that the Krasnoyarsk radar is primarily designed for ballistic missile detection and tracking, not for space-tracking or NTM as the Soviets claim.

The deployment of the radar near Krasnoyarsk, and the deployment of a Flat Twin radar and a Pawn Shop radar van at Gomel outside a permitted ABM system deployment area or designated ABM test range are violations of the ABM Treaty, while other Soviet ABM-related activities involve potential or probable Soviet violations or other ambiguous activity. These other

issues, along with the Krasnoyarsk radar and Gomel, are:

- o The development and testing of components required for an ABM system that could be deployed to a site in months rather than years;
- o The concurrent operation of air defense components and ABM components;
- o The development of modern air defense systems that may have some ABM capabilities; and
- o The demonstration of an ability to reload ABM launchers in a period of time short enough to cause the U.S. concern as to Soviet capabilities and intent with regard to rapid reload.

Soviet activities during the past year have contributed to U.S. concerns. Construction is continuing on three additional LPARs similar to the Krasnoyarsk radar. These new radars are located and oriented consistent with the ABM Treaty's provisions on radars for early warning of ballistic missile attack (if they are for early warning). The primary mission of these radars is judged to be ballistic missile detection and tracking.

The Soviets have sought recently to convey the impression that they are addressing our concerns in a responsible fashion. However, the Soviet Union has not taken any actions which in fact redress our concerns regarding their possible preparation of a territorial defense. For example, a U.S. Congressional Delegation was permitted to visit the Krasnoyarsk radar in September 1987. Although the Soviet invitation represented a departure from the long Soviet history of secrecy in such matters, the observations of the Congressional Delegation regarding the stage of construction, the quality of construction, and other features of the radar in no way change the assessment that this is at least an early warning radar, whose location and orientation are inconsistent with the ABM Treaty. The Soviets also permitted a team of U.S. Government experts to visit the Gomel electronics facility in December 1987, but nothing observed during that visit provides any basis on which to change the U.S. judgment that deployment of these radars is a violation.

In recent years, the U.S. has gathered additional evidence on activities that could be associated with Soviet concurrent operations. Also of significant concern is the continuing deployment of the SA-12 2 defensive system to Soviet ground forces in the western USSR, and continuing development of a variant which has been tested against tactical ballistic missiles and could potentially have some ABM capability.

Our continuing reexamination of Soviet ABM-related activities demonstrates that the Soviets have not corrected their outstanding violation, the Krasnoyarsk radar. With regard to Krasnoyarsk, General Secretary Gorbachev told Secretary of State Shultz in October 1987 that the Soviets were imposing a one-year construction moratorium on

Krasnoyarsk. On October 27, 1988, the Soviet Government stated that the moratorium continues to be in effect. External construction activities at Krasnoyarsk have not been noted since the moratorium began. However, much of the remaining work needed on the radar may be interior work, so that it would be difficult to ascertain whether the Soviets have ceased internal work at the site.

Recent Soviet proposals to modify the radar or convert it to an international space research facility would not correct the violation. This is because such an action would not eliminate the prohibited radar capability or reverse the lead-time advantage already gained by Krasnoyarsk construction. Indeed, proposals advanced during the Experts Meeting in October - November 1988 would have allowed the Soviets to have an operating LPAR at Krasnoyarsk. These proposals are therefore unacceptable to the U.S. Additional Soviet proposals which ask the U.S. to pay a price to secure Soviet compliance with the ABM Treaty are also unacceptable.

During the 1988 ABM Treaty Review Conference, the U.S. told the Soviet Union that the Krasnoyarsk radar is a significant violation of a central element of the ABM Treaty, and that this violation will continue to raise the issue of material breach and proportionate responses until resolved.

Soviet deployment of the LPAR near Krasnoyarsk, the deployment of the Flat Twin radar and Pawn Shop van observed at Gomel, and the totality of Soviet ABM-related activities in 1988 and previous years, suggest that the USSR may be preparing an ABM defense of its national territory.

The Soviet Union clearly continues to increase its capability to deploy an ABM defense. The Soviet programs involve a much greater investment of plant space, capital and manpower than comparable U.S. programs. As I said in the December 1985 Report, a unilateral Soviet ABM defense:

... would have profound implications for the vital East-West balance. A unilateral Soviet territorial ABM capability acquired in violation of the ABM Treaty could erode our deterrent and leave doubts about its credibility.

Chemical, Biological and Toxin Weapons

The integrity of the arms control process is also hurt by Soviet violations of the 1925 Geneva Protocol on Chemical Weapons and the 1972 Biological and Toxin Weapons Convention (BWC). Information obtained in 1988 does nothing to allay our concern about Soviet noncompliance with these important agreements.

The U.S. has determined that the Soviet Union maintains an active offensive biological warfare program and capability in violation of the 1972 Biological and Toxin Weapons Convention.

The Soviet Union has never acknowledged that it conducted or even permitted BW-related activities other than to say that it had been in compliance with its obligations under the BWC. As a result of the 1986 BWC Review Conference, States party to the Convention agreed to exchange information on facilities built for high-risk (high-containment) biological experiments and facilities engaged in other activities relating to the Convention. While the Soviet submission of data is a welcome step, the U.S. is deeply troubled by evidence that activities at facilities which we have identified to be associated with the offensive Soviet program, not all of which were contained in the Soviet declaration, have continued in 1988.

Another example of the discrepancy between Soviet public diplomacy and arms control policy is reflected in the Soviet treatment of U.S. concerns regarding an outbreak of anthrax in Sverdlovsk in 1979. The U.S. has evidence that the outbreak occurred as a result of an accidental release of anthrax spores from a prohibited BW facility, which contributes to our concerns about the Soviet BW program. The U.S. has raised the issue repeatedly with the Soviets since March 1980, and have been told that the outbreak stemmed from the consumption of contaminated meat.

Since the 1986 BWC Review Conference, the Soviets have provided additional details regarding the incident in various fora. However, the Soviet account is inconsistent with information available to the U.S., and in many aspects is not consistent with a contaminated meat explanation.

Again, while the U.S. welcomes the provision of new information and the opportunity to discuss these issues, our concerns regarding the Soviet biological warfare program and capability are unassuaged. The Soviets have maintained a prohibited offensive biological warfare capability which may include advanced biological agents of which we have little knowledge, and against which the U.S. has no defense. The Soviets continue to expand their chemical and toxin warfare capabilities, contrary to their public claims. Neither NATO retaliatory nor defensive programs can begin to match the Soviet effort. And, even though there have been no confirmed reports of Soviet involvement in attacks with lethal chemical, biological or toxin agents since 1984, previous activities have provided the Soviets with valuable testing, development, and operational experience.

Progress toward an agreement banning chemical weapons is affected by Soviet noncompliance with the Geneva Protocol and the BWC. Because of the record of Soviet noncompliance with the BWC, the U.S. believes that verification provisions are of unprecedented importance in U.S. efforts to rid the world of these weapons of mass destruction. In U.S. efforts to achieve the level of verifiability in a chemical weapons convention which will be needed to ensure the security of all parties to such a convention, the U.S. has led the participants in the Conference on Disarmament (CD) in voluntary declarations about and demonstrations of various aspects of the U.S. chemical weapons program. The U.S. has also called on other parties

to meet the standard of openness set by the U.S. by making public the status of their chemical weapons programs. Although the Soviet Union has declared the total volume of its chemical stockpile to be 50,000 agent tons, the U.S. seriously questions the accuracy of this figure. The Soviets have not elaborated what fraction of that figure is in bulk storage, what fraction is weaponized, how the volume of agent is distributed with respect to types of chemical agent, the sizes and locations of production facilities and storage sites. The Soviet declaration has little or no value. The Soviet stockpile figure serves only to diminish the confidence the U.S. would have with respect to Soviet intentions to comply with the provisions of a chemical weapons convention. Other Soviet actions have also contributed to U.S. uncertainty with respect to Soviet intentions to abide by the terms of a future chemical weapons convention. Specifically, the Soviets invited participants to the negotiations in the CD to visit the Soviet chemical weapons facility at Shikhany to view standard items of chemical defense and to observe a chemical weapons destruction facility. In the view of U.S. and other participants to the Shikhany visit, the display of chemical munitions was neither totally accurate nor complete; most notable was the absence of modern chemical munitions. In addition, the display of chemical weapons destruction technology did not reflect a destruction facility intended for destruction of a large stockpile. The Soviets now have under construction a large CW destruction facility at Chapayevsk. Bilateral visits intended to bolster confidence in Soviet openness in CW have not in fact provided any basis for greater confidence in Soviet intentions under a future chemical weapons convention.

Nuclear Testing

The record of Soviet noncompliance with the treaties on nuclear testing is of political, legal, and military concern. Since the Limited Test Ban Treaty (LTBT) came into force over 20 years ago, the Soviet Union has conducted its nuclear weapons test program in a manner incompatible with the terms of the Treaty. That conduct has regularly resulted in the release of nuclear debris into the atmosphere beyond the borders of the USSR. When the Soviets ended their unilateral nuclear testing moratorium on February 26, 1987, they resumed their pattern of noncompliance by conducting tests in a way which resulted in the release of radioactive matter into the atmosphere beyond the borders of the USSR. Even though the material from these Soviet tests does not pose calculable health, safety or environmental risks, and the infractions have no apparent military significance, in response to our repeated attempts to discuss these occurrences with Soviet authorities, they have only denied that these events have occurred and rebuffed our requests for technical discussions which might lead to prevention of further Soviet venting.

Prior to preparation of the March 1988 Report, a number of studies had been undertaken in an attempt to provide a somewhat improved basis for assessing Soviet compliance with the TTBT. The March 1988 Report found that:

The recent studies produced no definitive evidence supporting a change which would diminish the previous finding of "likely violation." The totality of evidence strengthens the previous findings, and the U.S. continues to find that the Soviet Union has likely violated its legal obligations under the TTBT.

on November 9, 1987, the United States and Soviet Union began full-scale, stage-by-stage negotiations in which the first step is to agree on effective verification measures which will make it possible to ratify the U.S.-USSR Threshold Test Ban Treaty (TTBT) and Peaceful Nuclear Explosions Treaty (PNET). Those negotiations continue in Geneva. Our goal is to complete protocols to the two Treaties and submit them to the Senate for advice and consent as to ratification. As part of those negotiations, the sides agreed to conduct a Joint Verification Experiment (JVE) at each other's test site. JVEs were conducted with a nuclear explosion at the U.S. test site on August 17, 1988, and at the Soviet test site on September 14, 1988.

The Stockholm Agreement (The Helsinki Final Act)

The Accord reached in 1986 at the conclusion of the Stockholm Conference on Confidence and Security-Building Measures and Disarmament in Europe (CDE) contained new standards for notification, observation, and verification of military activities, including on-site inspection, effective January 1, 1987. To date, Soviet military activity forecasts, subsequent notifications, and the acceptance of requests for four inspections, including two by the U.S., have been consistent with their obligations under the new agreement. The Soviets have provided the minimum information required and have, therefore, remained within the scope of their obligations. In view of this and without any new evidence, this subject will not be treated in this Report. However, the U.S. has exercised its prerogative for on-site inspection and will be carefully monitoring Soviet compliance with these new standards. While this Accord is a step in the right direction, the U.S. will continue to seek improved confidence- and security-building measures.

Compliance and Arms Control

A consistent and fundamental priority of my Administration has been achieving deep and equitable reductions in the nuclear offensive arsenals of the U.S. and USSR. That goal is closer to reality today than it has been in decades, but it will be achieved only if effective verification and total compliance are integral elements of the process both with respect to existing arms control agreements and possible new ones.

The U.S. must insist on effective verification of the provisions of these new agreements, respond appropriately to any Soviet noncompliance, and continue to make U.S. strategic decisions based on the nature and magnitude of the Soviet threat. A double standard of compliance with arms

control obligations is unacceptable. For these reasons, the U.S. has informed the Soviets that it will be impossible to conclude any future agreements in the START and Defense and Space areas unless they correct the Krasnoyarsk radar violation in a verifiable manner that meets our criteria.

Close consultations with Congress will remain essential as the United States seeks to make progress in resolving compliance issues and in negotiating sound arms control agreements.

The findings on INF Treaty implementation, the ABM Treaty, and the TTBT follow.

THE FINDINGS

INF Treaty Implementation

Treaty Status

The Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles (hereinafter referred to as the "INF Treaty") was signed on December 8, 1987 and entered into force on June 1, 1988. Issues have arisen for which the U.S. has made noncompliance findings.

1. Transits of Missiles on Launchers

Obligation: Paragraph 10 of Article II of the Treaty provides that the term "transit" includes the movement of an intermediate-range missile (such as an SS-20), or a launcher of such a missile, between a deployment area and a missile support facility (such as a missile/launcher repair facility). Paragraph 12 of Article II provides that the term "non-deployed" includes an intermediate-range missile located outside a deployment area. Paragraph 8 of Article VIII of the Treaty provides that non-deployed intermediate-range missiles must not be carried on their launchers, "except as required for maintenance conducted at repair facilities or for elimination by means of launching conducted at elimination facilities." This exception in paragraph 8 of Article VIII means that intermediate-range missiles may be carried on their launchers only if they are actually located at a repair or elimination facility, rather than in transit to or from such facilities.

Issue: Are the transits of SS-20s on their launchers between missile operating bases and declared facilities a violation of the Treaty?

Finding: Although the Soviets have notified the U.S. of transits of SS-20s on their launchers, it is clear that such transits constituted a violation of paragraph 8 of Article VIII of the Treaty. After repeated discussions in the SVC and in diplomatic channels, the Soviets have ceased this practice.

2. Non-declared Treaty-limited Items

Obligation: Paragraph 1 of Article IX of the Treaty provides for a comprehensive data exchange -- the Memorandum of Understanding (MOU) -- covering all intermediate-range and shorter-range missiles, launchers, support equipment and support structures associated with those missiles possessed by the parties as of November 1, 1987. Such data include the numbers and locations of all Treaty-limited items (TLIs). Article IX further requires the parties to update the categories of data in the MOU within 30 days after entry into force and every six months thereafter. In signing the MOU, each party acknowledged that it is responsible for the accuracy only of its own data.

Issue: Does Soviet failure to declare all TLIs and their locations in the initial update to the MOU constitute a violation of the Treaty?

Finding: The U.S. Government judges that Soviet failure to declare all of its TLIs in the initial data update to the MOU to be a violation of the provisions of Article IX that require a side to present true and accurate data in the MOU and in all subsequent data updates. Since entry into force, the Soviets, while not acknowledging their violation, have moved to correct their noncompliance by dismantling non-declared TLI or removing them from open storage at non-declared locations. There is currently no evidence of Soviet noncompliance with regard to non-declared TLIs.

3. Un-notified Movements of Training Launchers

Obligation: Paragraph 5(f) of Article IX of the Treaty requires that a party notify the other party of the transit of its intermediate-range or shorter-range missiles and launchers of such missiles, as well as the movement of training missiles and training launchers, no later than 48 hours after such transits or movements have been completed. Notifications must include the number of missiles or launchers (training as well as actual missiles and launchers); the points, dates and times of departure and arrival; the mode of transport; and the location and the time at that location at least once every four days during the transit/movement.

Issue: Are un-notified movements of SS-20 training launchers a violation of the Treaty?

Finding: The Soviet failure to provide notification of the movement of training launchers constitutes a violation of the obligations of paragraph 5(f) of Article IX of the Treaty. The Soviets have recently agreed that such notifications are required and stated that they will observe that requirement.

4. Treaty-limited Items at a Facility Declared Ready for Elimination; Removal of Shorter-range Missiles from an Elimination Facility

Obligation: Paragraph 8 of Article X of the Treaty specifies that a party shall eliminate its deployment areas, missile operating bases and missile support facilities by removing all intermediate-range and shorter-range missiles, launchers of such missiles, and associated support equipment and support structures. In addition, for a facility to be considered "eliminated," all INF-related activity, such as production, flight-testing, training, repair, storage or deployment of such missiles and launchers must cease at the facility. Once these conditions have been satisfied, the eliminating party is obligated to notify the other party that the facility is scheduled for elimination, as specified in paragraph 5(a) of Article IX. The deployment area, missile operating base, or declared facility is considered to be eliminated when inspected by the other party pursuant to paragraph 4 of Article XI (termed a "close-out" inspection) or when 60 days elapse since the scheduled date provided in the notification. In addition, paragraph 2 of Article V prohibits removing shorter-range missiles (SRMs) from elimination facilities from the time they are first located there until they are eliminated.

Issue: Is the presence of Treaty-limited Items (TLIs) at a facility declared ready for elimination a violation of the Treaty? Is the removal of SRMs from an elimination facility a violation?

Finding: The presence of two SS-12 missiles in the Saryozek MOB during the close-out inspection is in violation of the provisions of paragraph 8 of Article X of the Treaty and, despite Soviet statements, the removal of SS-12 missiles from the boundaries of the Saryozek elimination facility constitutes a violation of paragraph 2 of Article V of the Treaty. With respect to the first matter, the U.S. will re-inspect that MOB to establish that it is ready to be closed-out. With respect to the second, we have told the Soviets that they can rectify this situation by keeping all SRMs within the current boundaries of the elimination facility or by adjusting the boundaries of the elimination facility, as permitted by the Treaty.

5. Treaty-limited Items at Non-declared Locations

Obligation: Paragraph 1 of Article VIII of the Treaty provides that all intermediate-range missiles and their launchers must be located in deployment areas, at missile support facilities, or be in transit. These items must not be located elsewhere.

Issue: Is the presence of declared Treaty-limited items (TLIs) at non-declared locations a violation of the Treaty?

Finding: By locating for brief times, SS-20s and launchers outside the boundaries of two launch-to-destruction elimination sites, the Soviets have been in violation of paragraph I of Article VIII of the Treaty. The Soviets have been informed that such practices must cease. The Soviets

have adjusted the boundaries of the two elimination facilities, as permitted by the Treaty, so as to include the holding areas where these SS-20s were temporarily located.

A compliance-related question that also arose, but did not result in a conclusion of noncompliance, was Soviet failure to provide complete and accurate technical data in the MOU. The parties are obliged to present true and accurate data, both in the Memorandum of Understanding (MOU) and in all subsequent updates. Both sides may, and have, submitted errata and revisions. In their update of data, the Soviets provided revisions to the technical data for the SS-20 given in the MOU, and included data on a short version of the SS-20 launch canister. The short canister was stated as having a length of 18.94 meters, vice the original 19.32 meter canister. While Soviet revisions to MOU technical data are permissible under the Treaty, they failed to provide true and accurate data in the MOU with regard to the existence of the short version of the SS-20 launch canister.

Anti-Ballistic Missile (ABM) Treaty

Treaty Status

The 1972 Anti-Ballistic Missile (ABM) Treaty and its Protocol ban deployment of ABM systems except that each party is permitted to deploy one ABM system around the national capital area or, alternatively, at a single intercontinental ballistic missile (ICBM) deployment area. The ABM Treaty is in force and is of indefinite duration. Soviet actions not in accord with the ABM Treaty are, therefore, violations of a legal obligation.

1. The Krasnoyarsk Radar

Obligation: To preclude the development of a territorial defense or providing the base for a territorial ABM defense, the ABM Treaty provides that radars for early warning of ballistic missile attack may be deployed only at locations along the periphery of the national territory of each party and that they be oriented outward. The Treaty permits deployment (without regard to location or orientation) of large phased-array radars (LPARs) for purposes of tracking objects in outer space or for use as national technical-means (NTM) of verification of compliance with arms control agreements.

Issue: The December 1987 Report examined the issue of whether the Krasnoyarsk radar meets the provisions of the ABM Treaty governing phased-array radars. This Report reexamines this issue.

Finding: The U.S. Government has determined that the large phased-array radar deployed near Krasnoyarsk constitutes a significant violation of a central element of the Anti-Ballistic Missile Treaty of 1972. Its associated siting, orientation, and capability are prohibited by this Treaty. The absence of credible alternative explanations have reinforced our assessment of its purpose. Despite U.S. requests, no action has been taken, nor Soviet proposals made, that would correct this violation. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

2. Mobility of ABM System Components

Obligation: Paragraph 1 of Article V of the ABM Treaty prohibits the development, testing or deployment of mobile land-based ABM systems or components. The parties reached a general common understanding that they could not deploy ABM launchers and radars that were not permanent fixed types.

Issue: The December 1987 Report examined whether the Soviet Union has developed a mobile land-based ABM system, or components for such a system, in violation of its legal obligation under the ABM Treaty. This Report reexamines this issue.

Finding: The U.S. Government reaffirms the judgment of the December 1987 Report that the evidence on Soviet actions with respect to ABM component mobility is ambiguous, but that the USSR's development and testing of elements of an ABM system, part of which is designed to be deployable at sites requiring essentially no preparation (Pawn Shop) and part of which is of modular design that enables assembly at a prepared structural foundation in a relatively short time (Flat Twin), represent a potential violation of its legal obligation under the ABM Treaty.

3. Concurrent Testing of ABM and Air Defense Components

Obligation: The ABM Treaty and its Protocol limit the parties to one ABM deployment area. In addition to the ABM systems and components at that one deployment area, the parties may have ABM systems and components for development and testing purposes so long as they are located at agreed test ranges. The Treaty also prohibits giving components, other than ABM system components, the capability "to counter strategic ballistic missiles or their elements in flight trajectory" and prohibits the parties from testing them "in an ABM mode."

Issue: The December 1987 Report examined whether the Soviet Union has concurrently tested SAM and ABM system components in violation of its legal obligation since 1978 not to do so. It was the purpose of that obligation to further constrain testing of air defense systems in an ABM mode. This Report reexamines this issue.

Finding: The U.S. Government reaffirms the judgment made in the December 1987 Report that the evidence of Soviet actions with respect to concurrent operations is insufficient fully to assess compliance with Soviet obligations under the ABM Treaty. However, the Soviet Union has conducted tests that have involved air defense radars in ABM-related activities. The large number, and consistency over time, of incidents of concurrent operation of ABM and SAM components, plus Soviet failure to accommodate fully U.S. concerns, indicate the USSR probably has violated the prohibition on testing SAM components in an ABM mode. In several cases, this may be highly probable. This and other such ABM-related activities suggest that the USSR may be preparing an ABM defense of its national territory.

4. ABM Capability of Modern SAM Systems

Obligation: Under subparagraph (a) of Article VI of the ABM Treaty, each party undertakes not to give non-ABM interceptor missiles, launchers or radars "capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode

Issue: The December 1987 Report examined whether the Soviet Union has tested a SAM system or component in an ABM mode or given it the capability to counter strategic ballistic missiles or their elements in flight trajectory in violation of their legal obligation under the ABM Treaty. This Report reexamines this issue.

Finding: The U.S. Government reaffirms the judgment made in the December 1987 Report that the evidence of Soviet actions with respect to SAM upgrade is insufficient to assess compliance with the Soviet Union's obligations under the ABM Treaty. However, this and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

5. Rapid Reload of ABM Launchers

Obligation: The ABM Treaty limits to 100 the number of deployed ABM interceptor launchers and deployed interceptor missiles at launch sites. It does not limit the number of interceptor missiles that can be built and stockpiled. Paragraph 2, Article V of the Treaty, prohibits the development, testing or deployment of "automatic or semi-automatic or other similar systems for rapid reload" of the permitted launchers.

Issue: The December 1987 Report examined whether the Soviet Union has developed, tested or deployed automatic, semi-automatic, or other similar systems for rapid reload of ABM launchers in violation of its legal obligation under the ABM Treaty. This Report reexamines this issue.

Finding: The U.S. Government reaffirms the judgment made in the December 1987 Report that, on the basis of the evidence available, the USSR's actions with respect to the rapid reload of ABM launchers constitute an ambiguous situation as concerns its legal obligations under

the ABM Treaty not to develop systems for rapid reload. The Soviet Union's reload capabilities are a serious concern. These and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

6. Gomel

Obligation: The ABM Treaty provides that ABM radars that have been tested in an ABM mode cannot be "deployed" outside of the one permitted ABM system deployment area or designated ABM test ranges for any purpose.

Issue: The December 1987 Report examined whether the Soviets violated the ABM Treaty by deploying ABM system components outside a permitted ABM system deployment area or designated test range. This Report reexamines this issue.

Finding: The U.S. Government reaffirms the judgment made in the December 1987 Report that the USSR's activities with respect to moving a Flat Twin ABM radar and a Pawn Shop van, a component of an ABM system, from a test range and initiating deployment at a location outside of an ABM deployment area or ABM test range constitute a violation of the ABM Treaty. While it is not likely that the actions at Gomel are to support an ABM defense at that locality, deployment of such radars at Gomel to carry out any function would be inconsistent with ABM Treaty obligations. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

7. ABM Territorial Defense

Obligation The ABM Treaty and Protocol allow each party a single deployment area, explicitly permit modernization and replacement of ABM systems or their components, and explicitly recognize the existence of ABM test ranges for the development and testing of ABM components. The ABM Treaty prohibits, however, the deployment of an ABM system for defense of the national territory of the parties and prohibits the parties from providing a base for such a defense.

Issue: The December 1987 Report examined whether the Soviets have deployed an ABM system for the defense of their territory or provided a base for such a defense. This Report reexamines this issue.

Finding: The U.S. Government reaffirms the judgment of the December 1987 Report that the aggregate of the Soviet Union's ABM and ABM-related actions (e.g., radar construction, concurrent testing, SAM upgrade, ABM rapid reload, ABM mobility, and deployment of ABM components to Gomel) suggests that the USSR may be preparing an ABM defense of its national territory. Our concern continues.