

Message to the Congress Transmitting a Report and a Fact Sheet on Soviet Noncompliance With Arms Control Agreements

January 23, 1984

To the Congress of the United States:

If the concept of arms control is to have meaning and credibility as a contribution to global or regional stability, it is essential that all parties to agreements comply with them. Because I seek genuine arms control, I am committed to ensuring that existing agreements are observed. In 1982 increasing concerns about Soviet noncompliance with arms control agreements led me to establish a senior group within the Administration to examine verification and compliance issues. For its part the Congress, in the FY 1984 Arms Control and Disarmament Act, asked me to report to it on compliance. I am herewith enclosing a Report to the Congress on Soviet Noncompliance with Arms Control Agreements.

After a careful review of many months, and numerous diplomatic exchanges with the Soviet Union, the Administration has determined that with regard to seven initial issues analyzed, violations and probable violations have occurred with respect to a number of Soviet legal obligations and political commitments in the arms control field.

The United States Government has determined that the Soviet Union is violating the Geneva Protocol on Chemical Weapons, the Biological Weapons Convention, the Helsinki Final Act, and two provisions of SALT II: telemetry encryption and a rule concerning ICBM modernization. In addition, we have determined that the Soviet Union has almost certainly violated the ABM Treaty, probably violated the SALT II limit on new types, probably violated the SS - 16 deployment prohibition of SALT II, and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty.

Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. It increases doubts about the reliability of the U.S.S.R. as a negotiating partner, and thus damages the chances for establishing a more constructive U.S.-Soviet relationship.

The United States will continue to press its compliance concerns with the Soviet Union through diplomatic channels, and insist upon explanations, clarifications, and corrective actions. At the same time, the United States is continuing to carry out its own obligations and commitments under relevant agreements. For the future, the United States is seeking to negotiate new arms control agreements that reduce the risk of war, enhance the security of the United States and its Allies, and contain effective verification and compliance provisions.

We should recognize, however, that ensuring compliance with arms control agreements remains a serious problem. Better verification and compliance provisions and better treaty drafting will help, and we are working toward this in ongoing negotiations. It is fundamentally important, however, that the Soviets take a constructive attitude toward compliance.

The Executive and Legislative branches of our government have long had a shared interest in supporting the arms control process. Finding effective ways to ensure compliance is central to that process. I look forward to continued close cooperation with the Congress as we seek to move forward in negotiating genuine and enduring arms control agreements.

Ronald Reagan

The White House,

January 23, 1984.

Fact Sheet

Commitment to genuine arms control requires that all parties comply with agreements. Over the last several years the U.S.S.R. has taken a number of actions that have prompted renewed concern about an expanding pattern of Soviet violations or possible violations of arms control agreements. Because of the critical importance of compliance with arms control agreements, about one year ago the President established an interagency Arms Control Verification Committee, chaired by his Assistant for National Security Affairs, to address verification and compliance issues. In addition, many members of Congress expressed their serious concerns, and the Congress mandated in the FY 84 Arms Control and Disarmament Act Authorization that "The President shall prepare and transmit to the Congress a report of the compliance or noncompliance of the Soviet Union with existing arms control agreements to which the Soviet Union is a Party."

The President's Report to Congress covers seven different matters of serious concern regarding Soviet compliance: chemical, biological, and toxin weapons, the notification of military exercises, a large new Soviet radar being deployed in the Soviet interior, encryption of data needed to verify arms control provisions, the testing of a second new intercontinental ballistic missile (ICBM), the deployment status of an existing Soviet ICBM, and the yields of underground nuclear tests. Additional issues of concern are under active study.

Soviet violations of arms control agreements could create new security risks. Such violations deprive us of the security benefits of arms control directly because of the military consequences of known violations, and indirectly by inducing suspicion about the existence of undetected violations that might have additional military consequences.

We have discussed with the Soviets all of the activities covered in the report, but the Soviets have not been willing to meet our basic concerns which we raised in the Standing Consultative Commission in Geneva and in several diplomatic demarches. Nor have they met our requests to cease these activities. We will continue to pursue these issues.

The Findings

The Report examines the evidence concerning Soviet compliance with: the 1972 Biological Weapons Convention (BWC) and the 1925 Geneva Protocol and customary international law, the 1975 Helsinki Final Act, the 1972 ABM Treaty, the unratified SALT II Treaty, and the unratified Threshold Test Ban Treaty (TTBT) signed in 1974. Preparation of the Report entailed a comprehensive review of the legal obligations, political commitments under existing arms control agreements, and documented interpretations of specific obligations, analyses of all the evidence available on applicable Soviet actions, and a review of the diplomatic exchanges on compliance issues between the U.S. and the Soviet Union.

The findings for the seven issues covered in the Report, as reviewed in terms of the agreements involved, are as follows:

1. Chemical, Biological, and Toxin Weapons

-- Treaty Status: The 1972 Biological and Toxin Weapons Convention (the BWC) and the 1925 Geneva Protocol are multilateral treaties to which both the U.S. and U.S.S.R. are parties. Soviet actions not in accord with these treaties and customary international law relating to the 1925 Geneva Protocol are violations of legal obligations.

-- Obligations: The BWC bans the development, production, stockpiling or possession, and transfer of: microbial or other biological agents or toxins except for a small quantity for prophylactic, protective or other peaceful purposes. It also bans weapons, equipment and means of delivery of agents or toxins. The 1925 Geneva Protocol and related rules of customary international law prohibit the first use in war of asphyxiating, poisonous or other gases and of all analogous liquids, materials or devices; and prohibits use of bacteriological methods of warfare.

-- Issues: The study addressed whether the Soviets are in violation of provisions that ban the development, production, transfer, possession and use of biological and toxin weapons.

-- Finding: The Soviets, by maintaining an offensive biological warfare program and capabilities and through their involvement in the production, transfer and use of toxins and other lethal chemical warfare agents that have been used in Laos, Kampuchea and Afghanistan, have repeatedly violated their legal obligations under the BWC and customary international law as codified in the 1925 Geneva Protocol.

2. Helsinki Final Act -- Notification of Military Exercises

-- Legal Status: The Final Act of the Conference on Security and Cooperation in Europe was signed in Helsinki in 1975. This document represents a political commitment and was signed by the United States and the Soviet Union, along with many other states. Soviet actions not in accord with that document are violations of their political commitment.

-- Obligation: All signatory states of the Helsinki Final Act are committed to give prior notification of, and other details concerning, major military maneuvers, defined as those involving more than 25,000 ground troops.

-- Issues: The study examined whether notification of the Soviet military exercise Zapad - 81, which occurred on September 4 - 12, 1981, was inadequate and therefore a violation of their political commitment.

-- Finding: With respect to the Helsinki Final Act, the U.S.S.R. by its inadequate notification of the Zapad - 81 military exercise, violated its political commitment under this Act to observe the Confidence-Building Measure requiring appropriate prior notification of certain military exercises.

3. ABM Treaty -- Krasnoyarsk Radar

-- Treaty Status: The 1972 ABM Treaty and its subsequent Protocol ban deployment of ABM systems except that each party can deploy one ABM system around the national capital or at a single 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 a violation of a legal obligation.

-- Obligation: In an effort to preclude a territorial ABM defense, the Treaty limited the deployment of ballistic missile early warning radars, including large phased-array radars used for that purpose, to locations along the national periphery of each party and required that they be oriented outward. The Treaty permits deployment (without regard to location or orientation) of large phased-array radars for purposes of tracking objects in outer space or for use as national technical means of verification of compliance with arms control agreements.

-- Issue: The study examined the evidence on whether the Soviet deployment of a large phased-array radar near Krasnoyarsk in central Siberia is in violation of the legal obligation to limit the location and orientation of such radars.

-- Finding: The new radar under construction at Krasnoyarsk almost certainly constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty.

SALT II

-- Treaty Status: SALT II was signed in June 1979. It has not been ratified. In 1981 the United States made clear its intention not to ratify the Treaty. Prior to 1981 both nations were obligated under international law not to take actions which would "defeat the object and purpose" of the signed but unratified Treaty; such Soviet actions before 1981 are violations of legal obligations. Since 1981 the U.S. has observed a political commitment to refrain from actions that undercut SALT II as long as the Soviet Union does likewise. The Soviets have told us they would abide by these provisions also. Soviet actions contrary to SALT II after 1981 are therefore violations of their political commitment.

Three SALT II concerns are addressed: encryption, SS - X - 25, and SS - 16.

4. Encryption -- Impeding Verification

-- Obligation: The provisions of SALT II ban deliberate concealment measures that impede verification by national technical means. The agreement permits each party to use various methods of transmitting telemetric information during testing, including encryption, but bans deliberate denial of telemetry, such as through encryption, whenever such denial impedes verification.

-- Issue: The study examined the evidence whether the Soviets have engaged in encryption of missile test telemetry (radio signals) so as to impede verification.

-- Finding: Soviet encryption practices constitute a violation of a legal obligation prior to 1981 and a violation of their political commitment subsequent to 1981. The nature and extent of encryption of telemetry on new ballistic missiles is an example of deliberate impeding of verification of compliance in violation of this Soviet political commitment.

5. SS - X - 25 -- 2nd New Type, RV Weight to Throw-weight Ratio, Encryption

-- Obligation: In an attempt to constrain the modernization and the proliferation of new, more capable types of ICBMs, the provisions of SALT II permit each side to "flight test and deploy" just one new type of "light" ICBM. A new type is defined as one that differs from an existing type by more than 5 percent in length, largest diameter, launch-weight and throw-weight or differs in number of stages or propellant type. In addition, it was agreed that no single reentry vehicle ICBM of an existing type with a post-boost vehicle would be flight-tested or deployed whose reentry vehicle weight is less than 50 percent of the throw-weight of that ICBM. This latter provision was intended to prohibit the possibility that single warhead ICBMs could quickly be converted to MIRVed systems.

-- Issue: The study examined the evidence: whether the Soviets have tested a second new type of ICBM (the SS - X - 25) which is prohibited (the Soviets have declared the SS - X - 24 to be their allowed one new type ICBM); whether the reentry vehicle (RV) on that missile, if it is not a new type, is in compliance with the provision that for existing types of single RV missiles, the weight of the RV be equal to at least 50 percent of total throw-weight; and whether encryption of its tests impedes verification.

-- Finding: While the evidence is somewhat ambiguous, the SS - X - 25 is a probable violation of the Soviets' political commitment to observe the SALT II provision limiting each party to one new type of ICBM. Furthermore, even if we were to accept the Soviet argument that the SS - X - 25 is not a prohibited new type of ICBM, based on the one test for which data are available, it would be a violation of their political commitment to observe the SALT II provision which prohibits (for existing types of single reentry vehicle ICBMs) the testing of such an ICBM with a reentry vehicle whose weight is less than 50 percent of the throw-weight of that ICBM. Encryption on this missile is illustrative of the impeding of verification problem cited earlier.

6. SS - 16 ICBM -- Banned Deployment

-- Obligation: The Soviet Union agreed in SALT II not to produce, test or deploy ICBMs of the SS - 16 type and, in particular, not to produce the SS - 16 third stage, the reentry vehicle of that missile.

-- Issue: The study examined the evidence whether the Soviets have deployed the SS - 16 ICBM in spite of the ban on its deployment.

-- Finding: While the evidence is somewhat ambiguous and we cannot reach a definitive conclusion, the available evidence indicates that the activities at Plesetsk are a probable violation of their legal obligation not to defeat the object and purpose of SALT II prior to 1981 during the period when the Treaty was pending ratification, and a probable violation of a political commitment subsequent to 1981.

7. TTBT -- 150 kt Test Limit

-- Treaty Status: The Threshold Test Ban Treaty was signed in 1974. The Treaty has not been ratified but neither Party has indicated an intention not to ratify. Therefore, both Parties are subject to the obligation under international law to refrain from acts which would "defeat the object and purpose" of the TTBT. Soviet actions that would defeat the object and purpose of the TTBT are therefore violations of their obligation. The U.S. is seeking to negotiate improved verification measures for the Treaty. Both Parties have each separately stated they would observe the 150 kt threshold of the TTBT.

-- Obligation: The Treaty prohibits any underground nuclear weapon test having a yield exceeding 150 kilotons at any place under the jurisdiction or control of the Parties, beginning March 31, 1976. In view of the technical uncertainties associated with predicting the precise yield of nuclear weapons tests, the sides agreed that one or two slight unintended breaches per year would not be considered a violation.

-- Issue: The study examined whether the Soviets have conducted nuclear tests in excess of 150 kilotons.

-- Finding: While the available evidence is ambiguous, in view of ambiguities in the pattern of Soviet testing and in view of verification uncertainties, and we have been unable to reach a definitive conclusion, this evidence indicates that Soviet nuclear testing activities for a number of tests constitute a likely violation of legal obligations under the TTBT.

Conclusions

The President has said that the U.S. will continue to press compliance issues with the Soviets through confidential diplomatic channels, and to insist upon explanations, clarifications, and corrective actions. At the same time we are continuing to carry out our obligations and commitments under relevant agreements. We should recognize, however, that ensuring compliance with arms control agreements remains a serious problem. Improved verification and compliance provisions and better treaty drafting

will help, and we are working toward this in ongoing negotiations. It is fundamentally important, however, that the Soviets take a constructive attitude toward compliance.

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