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National Security Decision
Directive Number 161

February 6, 1985

SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS (C)

On January 14, 1984, upon completion of the U.S. Government's review of seven issues of possible Soviet noncompliance with arms control agreements, I issued NSDD-121 which stated:

"The expanding pattern of Soviet noncompliance with existing arms control agreements raises serious questions for U.S. national security, our Alliances, arms control, and U.S.-Soviet relations. In order to assure that these Soviet activities and their implications receive the highest level of consideration within the U.S. Government, the interagency Verification Committee was established and tasked, working with the interagency Senior Arms Control Policy Group, to provide assessments and recommendations for U.S. policy. In addition, we sought to ensure full responsiveness to concerns expressed by many members of Congress and to the request of the Congress for a comprehensive report on Soviet noncompliance activity and its implications. (S)"

During the past year, further analysis by the interagency Arms Control Verification Committee has demonstrated continued Soviet noncompliance with arms control agreements and new instances of questionable Soviet compliance behavior. With the forthcoming resumption of the Geneva negotiations with the U.S.S.R. on a wide spectrum of arms control issues, Soviet compliance with existing accords becomes even more critically relevant, for there can be no real arms control without compliance. To be serious about arms control is to be serious about compliance. (S)

Accordingly, in response to further Congressional requests, as set forth in the FY 1985 Defense Authorization Act, and to continue to encourage understanding and support for U.S. compliance policy, I have reviewed the seven issues previously analyzed for the January 1984 report to the Congress and twelve newly analyzed issues. Judgments on nineteen issues of possible Soviet noncompliance with arms control agreements follow. A twentieth issue, on the subject of denial of data required for monitoring agreements, should be completed on an urgent basis. (C)

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Partially Declassified/Released on 3/14/96
under provisions of E.O. 12958
by J. Saunders: National Security Council
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JUDGMENTSBIOLOGICAL AND TOXIN WEAPONS CONVENTION AND 1925 GENEVA PROTOCOL1. Chemical, Biological, and Toxin Weapons

The U.S. Government judges that continued expansion during 1984 at suspect biological and toxin weapon facilities in the Soviet Union, and reports that a Soviet BW program may now include investigation of new classes of BW agents; confirm and strengthen the conclusion of the January 1984 report that the Soviet Union has maintained an offensive biological warfare program and capability in violation of its legal obligation under the Biological and Toxin Weapons Convention of 1972.

(S)

Although there have been no confirmed chemical and toxin attacks in Kampuchea, Laos, or Afghanistan in 1984 according to our strict standards of evidence, there is no basis for amending the January 1984 conclusion that the Soviet Union has been involved in the production, transfer, and use of trichothecene mycotoxins for hostile purposes in Laos, Kampuchea, and Afghanistan in violation of its legal obligation under international law as codified in the Geneva Protocol of 1925 and the Biological and Toxin Weapons Convention of 1972. (C)

LIMITED TEST BAN TREATY2. Underground Nuclear Test Venting

The U.S. Government judges that the Soviet Union's underground nuclear test practices have resulted in the venting of radioactive matter on numerous occasions and caused radioactive matter to be present outside the Soviet Union's territorial limits in violation of its legal obligation under the Limited Test Ban Treaty. The Soviet Union has failed to take the precautions necessary to minimize the contamination of man's environment by radioactive substances despite numerous U.S. demarches and requests for corrective action.

(C)

THRESHOLD TEST BAN TREATY3. Nuclear Testing and the 150-Kiloton Limit

The U.S. Government judges that, while ambiguities in the pattern of Soviet testing and verification uncertainties continued in 1984, evidence available through the year confirms the January 1984 finding that Soviet nuclear testing

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activities for number of tests constitute a likely violation of legal obligations under the Threshold Test Ban Treaty of 1974, which banned underground nuclear tests with yields exceeding 150 kilotons. These Soviet actions continue despite U.S. requests for corrective measures. (U)

HELSINKI FINAL ACT

4. Helsinki Final Act -- Notification of Military Exercises

The U.S. Government previously judged that the Soviet Union violated its political commitment to observe the prior-notification provisions of Basket I of the Helsinki Final Act, which requires notification and other information concerning exercises exceeding 25,000 ground troops. A major Warsaw Pact maneuver (Zapad-81), exceeding the 25,000 troop limit, was conducted in 1981 at a time great pressure was being put on Poland, and the Soviet Union did not provide the pre-notification or other information required. The judgment in 1984 that the Soviet Union did not observe the prior-notification provisions of the Helsinki Final Act is confirmed. (U)

While the U.S.S.R. and Warsaw Pact states have generally taken an approach to the confidence-building measures of the Final Act that minimizes the information they provide, Soviet compliance with the exercise-notification provisions was much improved in 1983. During 1984, the U.S.S.R. returned to a minimalist stance, providing only the bare minimum required under the Final Act. (U)

SALT I INTERIM AGREEMENT

5. Mobile Missile Base Construction at Dismantled SS-7 ICBM Sites

The U.S. Government judges that Soviet activity at two former SS-7 ICBM sites does not at present violate the agreed implementing procedures of the SALT I Interim Agreement. However, ongoing construction activities raise concerns about compliance for the future, since use of "remaining facilities" -- such as missile-ready buildings -- to support ICBMs at deactivated SS-7 ICBM sites would be in violation of Soviet commitments. The U.S. will continue to monitor developments closely.

[REDACTED]

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6. Reconfiguration of Yankee-Class Ballistic Missile Submarines

The U.S. Government judges that the Soviet Union's conversion of a dismantled SSBN into a submarine longer than the original and carrying modern, long-range cruise missiles is not a violation of its political commitment under the SALT I Interim Agreement, but it constitutes a threat to U.S. and Allied security similar to the original Yankee-Class submarine. (U)

SALT II

7. Encryption of Ballistic Missile Telemetry

The U.S. Government reaffirms the conclusion in the January 1984 report that Soviet encryption practices constitute a violation of a legal obligation under SALT II prior to 1981 and a violation of their political commitment since 1982. The nature and extent of such encryption of telemetry on new ballistic missiles, despite U.S. requests for corrective action, continue to be an example of deliberately impeding verification of compliance in violation of this Soviet political commitment. (U)

8. The SS-X-25 ICBM

a. Second New Type

The U.S. Government judges, based on convincing evidence gathered from two years of Soviet testing of the SS-X-25, that the SS-X-25 is a prohibited second "new type" of ICBM and that its testing, in addition to the testing of the SS-X-24 ICBM, thereby is a violation of the Soviet Union's political commitment to observe the "new type" provision of the SALT II Treaty. (S)

b. RV-to-Throwweight Ratio

The U.S. Government reaffirms the conclusion of the January 1984 report regarding the SS-X-25 RV-to-throwweight ratio. That is, if we were to accept the Soviet argument that the SS-X-25 is not a prohibited "new type" of ICBM, it would be a violation of their political commitment to observe the SALT II provision which prohibits the testing of such an existing ICBM with a single reentry vehicle whose weight is less than 50 percent of the throwweight of the ICBM. (U)

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c. Encryption

The U.S. Government reaffirms its judgment made in the January 1984 report regarding telemetry encryption during tests of the SS-X-25. Encryption during tests of this missile is illustrative of the deliberate impeding of verification of compliance in violation of the U.S.S.R.'s political commitment. (U)

Despite U.S. requests for explanations and corrective actions with regard to SS-X-25 ICBM-related activities, Soviet actions continued unchanged. (S)

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d. SS-16 Descendency

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9. SS-16 Deployment

The U.S. Government reaffirms the judgment made in the January 1984 report. While the evidence is somewhat ambiguous and we cannot reach a definitive conclusion, the available evidence indicates that the mobile missile activities at Plesetsk, in the four areas historically associated with the SS-16, are a probable violation of the U.S.S.R.'s legal obligation not to defeat the object and purpose of SALT II prior to 1981 when the Treaty was pending ratification, and a probable violation of a political commitment subsequent to 1982. (S)

10. Strategic Nuclear Delivery Vehicle Limits

The U.S. Government interprets the Soviet commitment to abide by SALT II as including the existence of a cap on SNDVs -- at the level of 2504 existing at the time SALT II was signed.

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11. BACKFIRE Production

The U.S. Government judges that the Soviet Union is obligated to produce no more than 30 BACKFIRE bomber aircraft per year.

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12. BACKFIRE Bomber Intercontinental Operating Capability

a. Arctic Staging

The U.S. Government judges that the temporary deployment of BACKFIRES of the Soviet Air Force (SAF) to Arctic bases in 1983 and 1984, bases used by Soviet Naval Aviation (SNA) BACKFIRES since 1975, is cause for concern and continued careful monitoring. With regard to the temporary deployment of SAF BACKFIRES, the Soviet Union acted in a manner inconsistent with its political commitment in the June 1979 BACKFIRE statement not to increase the radius of action of this aircraft to enable it to strike the U.S. territory, based on the U.S. estimate of that radius of action. (S)

b. Engine Upgrade

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c. Aerial Refueling

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d. Cruise Missile

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The U.S. Government judges that, on the basis of [REDACTED]
[REDACTED] as concerns its political
commitment under SALT II not to give BACKFIRE an
increased radius of action that would enable it to strike
the U.S. (S/NF/WN)

13. Throwweight of an SLBM

This finding is presented separately in an Annex.

ANTI-BALLISTIC MISSILE TREATY

14. The Krasnoyarsk Radar

The U.S. Government judges, on the basis of evidence that continued to be available through 1984, that the new large phased-array radar under construction at Krasnoyarsk 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. Continuing construction, and the absence of credible alternative Soviet explanations, have reinforced our assessment of its purpose. Despite U.S. requests, no corrective action has been taken. (S)

15. Rapid Reload of ABM Launchers

The U.S. Government judges, on the basis of the evidence available, that the U.S.S.R.'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. This and other ABM-related Soviet activities suggest that the U.S.S.R. may be preparing an ABM defense of its national territory. (S/NF/WN)

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16. Mobility of a New ABM System

The U.S. Government judges that the evidence on Soviet actions with respect to ABM component mobility is ambiguous, but that the U.S.S.R.'s development and testing of components of an ABM system, which apparently are designed to be deployable at sites requiring relatively little or no special-purpose site preparation, represent a potential violation of its legal obligation under the ABM Treaty. These and other ABM-related Soviet activities suggest that the U.S.S.R. may be preparing an ABM defense of its national territory. (S/NF/WN)

17. ABM Capability of Modern SAM Systems

The U.S. Government judges 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, these and other ABM-related Soviet activities suggest that the U.S.S.R. may be preparing an ABM defense of its national territory. (S/NF/WN)

18. Concurrent Testing of ABM and SAM Components

The U.S. Government judges 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. This and other such Soviet ABM-related activities suggest that the U.S.S.R. may be preparing an ABM defense of its national territory. The large number, and consistency over time, of incidents of concurrent operation of ABM and SAM components, plus Soviet failure to accommodate U.S. concerns, indicate the U.S.S.R. probably has violated the prohibition on testing SAM components in an ABM mode. In several cases this may be highly probable. (S/NF/WN)

19. Territorial Defense

The U.S. Government judges that the aggregate of the Soviet Union's ABM-related actions (e.g., radar construction, concurrent testing, SAM upgrade, ABM rapid reload, and ABM mobility) suggest that the U.S.S.R. may be preparing an ABM defense of its national territory. (S/NF/WN)

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POLICY RESPONSES

U.S. policy responses to activities of the Soviet Union in violation of its arms control obligations and commitments will include the following:

-- Reports to Congress

- ° In response to Congressional requests, an unclassified report incorporating the above findings was forwarded to the Congress on February 1, 1985 and made available to the public. In view of its unclassified nature, this report did not contain issues that have not previously been raised with the Soviet Union. (S)
- ° A classified report, also requested by the Congress, will be forwarded to the Congress on February 7, 1985, with more detailed annexes to follow by February 20. This report, consisting of an Executive Summary and detailed classified annexes, will cover all issues analyzed by the Verification Committee, except that issues of special intelligence sensitivity may be briefed to Congress under special existing intelligence arrangements. (S)
- ° The classified report will form the basis for briefings and consultations with the Congress and our Allies. (C)

-- Improved Security

- ° Existing and potential Soviet noncompliance will continue to be factored into U.S. force modernization plans in strategic and chemical weapons and in planning for the Strategic Defense Initiative research program. (S)

-- Diplomatic and Public Affairs Context

- ° In the appropriate diplomatic channels, to include high-level demarches and discussions, the U.S. will inform the Soviet Union of our conclusions regarding issues included in the unclassified report, and will continue to press for their resolution and for corrective action terminating noncompliance activity. (S/NF/NC/OC)

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- This Administration report will be handled in the context of our broader arms control and national security objectives. Compliance will be stressed as essential to the arms control process, and the importance of effective verification and unambiguous provisions in future arms control agreements will be emphasized. In this context, the report shall be made available to the arms reduction negotiators for their use in preparing for the Geneva negotiations. (S)
- The focus of public and Congressional briefings on compliance issues will be to: build knowledge and understanding about Soviet noncompliance activity; aid in maintaining pressure on the Soviet Union to alter its noncompliance activities; develop support for appropriate responses; and direct attention to the need for more effective verification provisions in future agreements. (S)

ISSUES FOR FURTHER STUDY

The following issues are to receive further study:

- The Arms Control Verification Committee will provide an analysis through appropriate intelligence channels of the issue of denial of data impeding verification. In preparing annexes to the classified report to be provided to the Congress by February 20, 1985, the Committee will also further study the issue of the consistency of the SS-X-25 with the SALT II ban on ICBMs of the type known as SS-16, the issue of concurrent testing of ABM and SAM components, and the issue of ABM territorial defense. (S)
- The Arms Control Verification Committee, working with the U.S. Commissioner to the Standing Consultative Committee (SCC), will assist in developing proposals for raising Soviet noncompliance activities in the SCC. (S)
- The Arms Control Verification Committee will submit recommendations on additional compliance issues of concern to the Administration and/or raised by the Congress which are to be studied and will submit a work program for completing work on those additional issues expeditiously. (S)
- As directed in NSDD-160, the Arms Control Verification Committee and the appropriate Interdepartmental Groups will support the Senior Arms Control Group in assuring comprehensive assessments of verification issues associated with U.S. negotiating proposals. Such assessments should address the overall effectiveness of verification, U.S.

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monitoring capability (to include Soviet cheating scenarios), and the possibility of safeguards. As directed earlier in NSDD-121, assessments will apply to non-nuclear, as well as nuclear, arms control negotiation proposals. (S)

- Additionally, as directed in NSDD-160, the Director of the Central Intelligence and the Director of the Arms Control and Disarmament Agency, working with other departments and agencies as appropriate, are requested to forward to the National Security Advisor a report for my review by March 15, 1985, providing a detailed assessment of the handling of verification issues in the policy development process and specific recommendations as to how the process can be strengthened. (S)

Ronald Reagan

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