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February 17, 1987

NATIONAL SECURITY DECISION
DIRECTIVE NUMBER 260

SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS (S)

At the request of the Congress, I have, in the past three years, provided four reports to the Congress on Soviet noncompliance with arms control agreements. These reports include the Administration's reports of January, 1984, and February and December, 1985, as well as the report on Soviet noncompliance prepared for me by the independent General Advisory Committee on Arms Control and Disarmament. Each of these reports has enumerated and documented, in detail, issues of Soviet noncompliance, their adverse effects to our national security, and our attempts to resolve the issues. When taken as a whole, this series of reports also provides a clear picture of the continuing pattern of Soviet violations and a basis for our continuing concerns. (U)

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 obligation 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." (U)

I have also expressed my personal concerns directly to General Secretary Gorbachev during my meetings with him, both in 1985 in Geneva and then again this past October in Reykjavik. (U)

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John T. Tavel, National Security Council
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Another year has passed and, despite these intensive efforts, the Soviet Union has failed to correct its noncompliant activities; neither have they provided explanations sufficient to alleviate our concerns on other compliance issues. (U)

Compliance is a cornerstone of international law; states are to observe and comply with obligations they have freely undertaken. In fact, in December 1985, the General Assembly of the United Nations recognized the importance of treaty compliance for future arms control, when, by a vote of 131-0 (with 16 abstentions), it passed a resolution that:

- Urges all parties to arms limitation and disarmament agreements to comply with their provisions;
- Calls upon those parties to consider the implications of noncompliance for international security and stability and for the prospects for further progress in the field of disarmament; and
- Appeals to all UN members to support efforts to resolve noncompliance questions "with a view toward encouraging strict observance of the provisions subscribed to and maintaining or restoring the integrity of arms limitation or disarmament agreements." (U)

Compliance with past arms control commitments is an essential prerequisite for future arms control agreements. As I have stated before:

"In order for arms control to have meaning and credibly contribute to national security and to global or regional stability, 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."

I have also said that:

"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.... The United States Government has vigorously pressed, and will continue to press, these compliance issues with the Soviet Union through diplomatic channels." (U)

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Soviet Noncompliance and US Restraint Policy

On June 10, 1985, I expressed concern that continued Soviet noncompliance increasingly affected our national security. I offered to give the Soviet Union additional time in order to take corrective actions to return to full compliance, and I asked them to join us in a policy of truly mutual restraint. At the same time, I stated that future US decisions would be determined on a case-by-case basis in light of Soviet behavior in exercising restraint comparable to our own, correcting their noncompliance, reversing their military buildup, and seriously pursuing equitable and verifiable arms reductions agreements. (U)

The December 23, 1985, report showed that the Soviets had not taken any actions to correct their noncompliance with their arms control commitments. In May 1986, I concluded that the Soviets had made no real progress toward meeting our concerns with respect to their noncompliance, particularly in those activities related to SALT II and the ABM Treaty. From June 1985 until May 1986, we saw no abatement of the Soviet strategic force buildup. (U)

The third yardstick I had established for judging Soviet actions, was their seriousness at negotiating deep arms reductions. In May 1986, I concluded that, since the November, 1985, summit, the Soviets had not followed up constructively on the commitment undertaken by General Secretary Gorbachev and me to build upon areas of common ground in the Geneva negotiations, including accelerating work toward an interim agreement on INF. (U)

In Reykjavik, General Secretary Gorbachev and I narrowed substantially the differences between our two countries on nuclear arms control issues. However, the Soviets took a major step backward by insisting that progress in every area of nuclear arms control must be linked together in a single package that has as its focus killing the US Strategic Defense Initiative. Furthermore, it became clear that the Soviets intended to make the ABM Treaty more restrictive than it is on its own terms by limiting our SDI research strictly to the laboratory. (U)

It was, however, the continuing pattern of noncompliant Soviet behavior that I have outlined above that was the primary reason why I decided, on May 27, 1986, to end US observance of the provisions of the SALT I Interim Agreement and SALT II. The decision to end the US policy of observing the provisions of the Interim Agreement (which had expired) and the SALT II Treaty (which was never ratified and would have expired on December 31, 1985) was not made lightly. The United States cannot, and will not, allow a double standard of compliance with arms control agreements to be established. (U)

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Therefore, on May 27, 1986, I announced:

"In the future, the United States must base decisions regarding its strategic force structure on the nature and magnitude of the threat posed by the Soviet strategic forces and not on standards contained in the SALT structure which has been undermined by Soviet noncompliance and especially in a flawed SALT II treaty which was never ratified, would have expired if it had been ratified, and has been violated by the Soviet Union." (U)

Responding to a Soviet request, the US agreed to hold a special session of the SCC in July 1986 to discuss my decision. During that session, the US made it clear that we would continue to demonstrate the utmost restraint. At this session we stated that, assuming there is no significant change in the threat we face, the United States would not deploy more strategic nuclear delivery vehicles or more strategic ballistic missile warheads than does the Soviet Union. We also repeated my May 27 invitation to the Soviet Union to join the US in establishing an interim framework of truly mutual restraint pending conclusion of a verifiable agreement on deep and equitable reductions in offensive nuclear arms. The Soviet response was negative. (U)

In my May 27 announcement, I had said the United States would remain in technical observance of SALT II until later in the year when we would deploy our 131st Heavy Bomber equipped to carry air-launched cruise missiles. The deployment of that bomber on November 28, 1986, marked the implementation of that policy. (U)

Now that we have put the Interim Agreement and the SALT II Treaty behind us, Soviet activities with respect to those agreements, which have been studied and reported to the Congress in detail in the past, are not treated in the body of this report. This is not to suggest that the significance of the Soviet violations has in any way diminished. We are still concerned about the increasing Soviet military threat. For example, we expect that at least three new Soviet ICBMs will be flight tested in the next three years; these include a new, silo-based heavy ICBM to replace the SS-18, a new version of the SS-X-24, and a new version of the SS-25 that could have a MIRVed payload option.

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A number of activities involving SALT II constituted violations of the core of central provisions of the Treaty frequently cited by the proponents of SALT II as the primary reason for supporting the agreement. These violations involve both the substantive provisions and the vital verification provisions of the Treaty. Through violation of the SALT II limit of one "new type" of ICBM, the Soviets are in the process of deploying illegal additions to their force that provide even more strategic capability. (U)

Soviet encryption and concealment activities have, in the past, presented special obstacles to verifying arms control agreements. The Soviets' almost total encryption of ballistic missile telemetry impeded US ability to verify key provisions of the SALT II Treaty. The Soviet encryption and concealment practices continue to present obstacles to monitoring Soviet programs today. Of equal importance, these Soviets activities undermine the political confidence necessary for concluding new treaties and underscore the necessity that any new agreement be effectively verifiable. (U)

Soviet Noncompliance and New Arms Control Agreements

Soviet noncompliance, as documented in this and previous Administration reports, has made verification and compliance pacing elements of arms control today. From the beginning of my Administration, I have sought deep and equitable reductions in the nuclear offensive arsenals of the United States and the Soviet Union and have personally proposed ways to achieve the objectives in my meetings with General Secretary Gorbachev. If we are to enter agreements of this magnitude and significance, effective verification is indispensable and cheating is simply not acceptable. (U)

I look forward to continued close consultation with the Congress as we seek to make progress in resolving compliance issues and in negotiating sound arms control agreements. (U)

THE FINDINGS

A. ABM Treaty

1. The Krasnoyarsk Radar

The US Government reaffirms the conclusion in the December, 1985, report 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 explanations have reinforced our assessment of its purpose. Despite US requests, no corrective action has been taken. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory. (U)

2. Mobility of ABM System Components

The US Government reaffirms the judgment of the December, 1985, report that the evidence on Soviet actions with respect to ABM component mobility is ambiguous, but that the USSR's development and testing of components of an ABM system, which apparently are designed to be deployable at sites requiring relatively limited special-purpose site preparation, represent a potential violation of its legal obligation under the ABM Treaty. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory. (U)

3. Concurrent Testing of ABM and Air Defense Components

The US Government reaffirms the judgment made in the December, 1985, 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 US 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 Soviet ABM-related activities suggest that the USSR may be preparing an ABM defense of its national territory. (U)

4. ABM Capabilities of Modern SAM Systems

The US Government reaffirms the judgment made in the December, 1985, 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. (U)

5. Rapid Reload of ABM Launchers

The US Government reaffirms the judgment of the December, 1985, 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. (U)

6. ABM Territorial Defense

The US Government reaffirms the judgment of the December, 1985, 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, and ABM mobility) suggests that the USSR may be preparing an ABM defense of its national territory. Our concern continues. (U)

B. Biological Weapons Convention and 1925 Geneva Protocol

The US Government judges that continued activity during 1986 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, and February, 1985, reports 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. (U)

There have been no confirmed attacks with lethal chemicals or toxins in Kampuchea, Laos, or Afghanistan in 1986 according to our strict standards of evidence. Although several analytical efforts have been undertaken in the past year to investigate continuing reports of attacks, these studies have so far had no positive results. Therefore, there is no basis for amending the December, 1985, conclusion that, prior to this time, 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. (U)

C. Threshold Test Ban Treaty

During the past year, the US Government has been reviewing Soviet nuclear weapons test activity that occurred prior to the self-imposed moratorium of August 6, 1985, and has been reviewing related US Government methodologies for estimating Soviet nuclear test yields. The work is continuing. In December 1985, the US Government found that: "Soviet nuclear testing activities for a number of tests constitute a likely violation of legal obligations under the Threshold Test Ban Treaty." At present, with our existing knowledge of this complex topic, that finding stands. It will be updated when studies now underway are completed. Such studies should provide a somewhat improved basis for assessing past Soviet compliance. Ambiguities in the nature and features of past Soviet testing and significant verification difficulties will continue, and much work remains to be done on this technically difficult issue. Such ambiguities demonstrate the need for effective verification measures to correct the verification inadequacies of the Threshold Test Ban Treaty and its companion accord, the Peaceful Nuclear Explosions Treaty. (U)

D. Limited Test Ban Treaty

The US Government reaffirms the judgment made in the December, 1985, report that the Soviet Union's underground nuclear test practices 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 failed to take the precautions necessary to minimize the contamination of man's environment by radioactive substances despite numerous US demarches and requests for corrective action. (U)

E. Helsinki Final Act

The US Government previously judged and continues to find that the Soviet Union in 1981 violated its political commitment to observe provisions of Basket I of the Helsinki Final Act by not providing all the information required in its notification of exercise "ZAPAD-81." Since 1981, the Soviets have observed provisions of the Helsinki Final Act in letter, but rarely in spirit. The Soviet Union has a very restrictive interpretation of its obligations under the Helsinki Final Act, and Soviet implementation of voluntary confidence-building measures has been the exception rather

than the rule. The Soviets have notified all exercises requiring notification (i.e., those of 25,000 troops or over), but have failed to make voluntary notifications (i.e., those numbering fewer than 25,000 troops). In their notifications, they have provided only the bare minimum of information. They have also observed only minimally the voluntary provisions providing that observers be invited to exercises, having invited observers to only fifty percent of notified activities. (U)

US POLICY RESPONSES

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

Reports to Congress

In response to Congressional requests, an unclassified report incorporating the above findings is being forwarded to the Congress and made available to the public. In view of its unclassified nature, this report does not contain issues that have not previously been raised with the Soviet Union. (U)

A classified report, also requested by the Congress, is being forwarded to the Congress at the same time. This report, consisting of an Introduction and detailed findings, will cover all issues analyzed by the Arms Control Verification Committee and will form the basis for briefings and consultations with the Congress and our Allies. (U)

Improved Security

Existing and potential Soviet noncompliance will continue to be factored into US force modernization plans in strategic and chemical weapons and in planning for the Strategic Defense Initiative research program in terms of proportionate and appropriate responses to uncorrected Soviet noncompliance as required for national and Alliance security. (U)

Diplomatic and Public Affairs Context

In the appropriate diplomatic channels, to include high-level demarches and discussions, the United States 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. (U)

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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 US negotiators in the nuclear arms reduction and space talks in Geneva and in other arms control negotiations. (S)

The focus of public, Congressional, and Alliance briefings on compliance issues will be to: build knowledge and understanding about Soviet noncompliance activities; aid in maintaining pressure on the Soviet Union to correct 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 WORK

The Arms Control Verification Committee, working with the interagency Backstopping Committee for the Standing Consultative Committee (SCC), will assist in developing proposals for raising Soviet noncompliance activities in the SCC. (S)

As previously directed, the Arms Control Verification Committee and the appropriate Interdepartmental Groups will continue to support the preparation of comprehensive assessments of verification issues associated with US negotiating proposals. Such assessments should address the overall effectiveness of verification, US monitoring capability (to include Soviet cheating scenarios), and the possibility of safeguards. As directed earlier, the Committee's assessments will apply to non-nuclear, as well as nuclear, arms control negotiation proposals. (S)

The Arms Control Verification Committee will oversee analytical studies intended to resolve the outstanding issues relating to estimating the yields of Soviet underground nuclear explosions. These compliance-related studies are to include examination of the value of both seismic and non-seismic methods of yield estimation. A preliminary report of results and a finalized plan for a completion of the studies is due no later than April 17, 1987. (S)

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The Arms Control Verification Committee will submit recommendations on additional compliance issues of concern to the Administration and/or raised by the Congress that are to be studied. (S)

The Arms Control Verification Committee will prepare a work program for completing work on the above issues on a timely basis. (C)

A handwritten signature in black ink that reads "Ronald Reagan". The signature is written in a cursive style with a large, prominent initial "R".