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December 20, 1985

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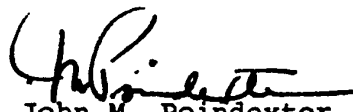
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MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE SECRETARY OF ENERGY
THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
THE DIRECTOR OF CENTRAL INTELLIGENCE
THE REPRESENTATIVE TO THE UNITED NATIONS
THE CHAIRMAN, JOINT CHIEFS OF STAFF
THE DIRECTOR, ARMS CONTROL AND DISARMAMENT
AGENCY
SPECIAL ADVISOR, AMBASSADOR PAUL NITZE
SPECIAL ADVISOR, AMBASSADOR EDWARD ROWNY
U.S. NEGOTIATOR FOR SPACE AND DEFENSIVE ARMS,
AMBASSADOR MAX KAMPELMAN
U.S. NEGOTIATOR FOR STRATEGIC ARMS, AMBASSADOR
JOHN TOWER
U.S. NEGOTIATOR FOR INTERMEDIATE-RANGE NUCLEAR
FORCES, AMBASSADOR MAYNARD GLITMAN
U.S. REPRESENTATIVE TO THE STANDING CONSULTATIVE
COMMISSION, AMBASSADOR RICHARD ELLIS

SUBJECT: National Security Decision Directive (NSDD-202)
on Soviet Noncompliance with Arms Control
Agreement *let u*

The attached National Security Decision Directive reflects the President's judgments concerning issues reviewed by the Administration and which are the subject of a classified report on Soviet noncompliance with arms control agreements being submitted to the U.S. Congress in response to Congressional request. A number of the judgments provided herewith will also be incorporated as appropriate into the unclassified version of the report submitted to the Congress. *let u*

FOR THE PRESIDENT:


John M. Poindexter

Attachment

NSDD-202

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NATIONAL SECURITY DECISION
DIRECTIVE NUMBER 202

December 20, 1985

SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS (C) u

In reporting to the Congress on February 7 of this year on Soviet noncompliance with arms control agreements, I stated that:

"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. To do so would undermine the arms control process and damage the chances for establishing a more constructive U.S.-Soviet relationship." (U)

I further stated 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. With regard to the issues analyzed in the January 1984 report, the Soviet Union has thus far not provided satisfactory explanations nor undertaken corrective actions sufficient to alleviate our concerns. The United States Government has vigorously pressed, and will continue to press, these compliance issues with the Soviet Union through diplomatic channels." (U)

The important role of treaty compliance for future arms control was recently recognized by the United Nations. On December 12, 1985, the General Assembly passed by a vote of 131-0 (with 16 abstentions) a resolution on arms control compliance which had been introduced by the United States and other co-sponsors. The resolution urged all parties to arms limitation and disarmament agreements to comply with their provisions and called 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. (U)

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Partially Declassified/Released on 5/24/95
under provisions of E.O. 12356
by D. Van Tassel, National Security Council

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At the request of the Congress, I have in the past two years provided three reports to the Congress on Soviet compliance issues. These include the Administration's reports of January 1984 and February 1985 and the report of the independent General Advisory Committee on Arms Control and Disarmament. (U)

Public Law 99-145 requires the Administration to provide on an annual basis by December 1 of each year a classified and unclassified report to the Congress containing the findings of the President and any additional information necessary to keep the Congress informed on Soviet compliance with arms control agreements. (U)

The current report responds to this Congressional requirement. It is the product of months of careful technical and legal analysis by all relevant agencies of the United States Government and represents the Administration's authoritative updated treatment of this important matter. (U)

THE SIGNIFICANCE OF SOVIET NONCOMPLIANCE (U)

The Administration's most recent studies support its conclusion that there is a pattern of Soviet noncompliance. Through its noncompliance, the Soviet Union has made military gains in the areas of strategic offensive arms as well as chemical, biological, and toxin weapons. If the yields of Soviet nuclear tests have been substantially above 150 kilotons, then Soviet testing would allow proportionately greater gains in nuclear weapons development than the U.S. could achieve. The possible extent of the Soviet Union's military gains by virtue of its noncompliance in the area of strategic defense also is of increasing importance and serious concern. (U)

In a fundamental sense, all deliberate Soviet violations are equally important. As violations of legal obligations or political commitments, they cause grave concern regarding Soviet commitment to arms control, and they darken the atmosphere in which current negotiations are being conducted in Geneva and elsewhere. (U)

In another sense, Soviet violations are not of equal importance. While some individual violations are of little apparent military significance in their own right, such violations can acquire importance if, left unaddressed, they are permitted to become precedents for future, more threatening violations. Moreover, some issues that individually have little military significance could conceivably become significant when taken in the aggregate. (U)

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THE SOVIET RESPONSE (U)

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. I expressed my personal concerns directly to General Secretary Gorbachev during my recent meeting with him in Geneva. (S)(u)

All of the violations, probable violations, and ambiguous situations included in this report and previously reported on have been raised with the Soviets, except for two sensitive issues. The Soviet Union has thus far not provided explanations sufficient to alleviate our concerns on these issues, nor has the Soviet Union taken actions needed to correct existing violations. Instead, they have continued to assert that they are in complete compliance with their arms control obligations and commitments. (S)(u)

US POLICY (U)

In contrast with the Soviet Union, the United States has fully observed its arms control obligations and commitments, including those under the SALT I and SALT II agreements. As I stated in my message to the Congress on June 10 of this year concerning US interim restraint policy:

"In 1982, on the eve of the Strategic Arms Reductions Talks (START), I decided that the United States would not undercut the expired SALT I agreement or the unratified SALT II agreement as long as the Soviet Union exercised equal restraint. Despite my serious reservations about the inequities of the SALT I agreement and the serious flaws of the SALT II agreement, I took this action in order to foster an atmosphere of mutual restraint conducive to serious negotiation as we entered START.

"Since then, the United States has not taken any action which would undercut existing arms control agreements. The United States has fully kept its part of the bargain. However, the Soviets have not. They have failed to comply with several provisions of SALT II, and we have serious concerns regarding their compliance with the provisions of other accords.

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"The pattern of Soviet violations, if left uncorrected, undercuts the integrity and viability of arms control as an instrument to assist in ensuring a secure and stable future world. The United States will continue to pursue vigorously with the Soviet Union the resolution of our concerns over Soviet noncompliance. We cannot impose upon ourselves a double standard that amounts to unilateral treaty compliance." (U)

On June 10, I invited the Soviet Union to join the United States in an interim framework of truly mutual restraint on strategic offensive arms and to pursue with renewed vigor our top priority of achieving deep reductions in the size of existing nuclear arsenals in the ongoing negotiations in Geneva. I noted that the U.S. cannot establish such a framework alone and that it would require the Soviet Union to take positive, concrete steps to correct its noncompliance, to resolve our other compliance concerns, to reverse its unparalleled and unwarranted military buildup, and actively to pursue arms reduction agreements in the Geneva negotiations. (U)

In going the extra mile, I have made clear that as an integral part of this policy, we will also take those steps required to assure our national security and that of our Allies that were made necessary by Soviet noncompliance. Thus, as I indicated to the Congress on June 10, "appropriate and proportionate responses to Soviet noncompliance are called for to ensure our security, to provide incentives to the Soviets to correct their noncompliance, and to make it clear to Moscow that violations of arms control obligations entail real costs." (U)

As we monitor Soviet actions for evidence of the positive, concrete steps needed on their part to correct these activities, I have directed the Department of Defense to conduct a comprehensive assessment aimed at identifying specific actions that the United States could take to augment as necessary the U.S. strategic modernization program as a proportionate response to, and as a hedge against the military consequences of those Soviet violations of existing arms control agreements which the Soviets fail to correct. We will carefully study this report as soon as it has been completed. (U)

As we press for corrective Soviet actions and while keeping open all programmatic options for handling future milestones as new U.S. strategic systems are deployed, we will continue to assess the situation in light of Soviet actions correcting their noncompliance, reversing their military buildup and promoting progress in Geneva. (U)

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

THE FINDINGS (U)

A. ABM Treaty (U)

1. The Krasnoyarsk Radar (U)

The U.S. Government reaffirms the conclusion in the February 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 U.S. requests, no corrective action has been taken. This and other ABM-related Soviet activities suggest that the U.S.S.R. may be preparing an ABM defense of its national territory. (U)

2. Mobility of ABM System Components (U)

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 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 U.S.S.R. may be preparing an ABM defense of its national territory. (S)(U)

3. Concurrent Testing of ABM and Air Defense Components (U)

The U.S. Government reaffirms the judgement made in the February 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. [REDACTED]

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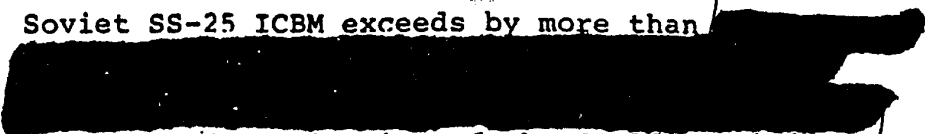
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Soviet SS-25 ICBM exceeds by more than



1.3 (u) (S)

The SS-25 (a derivative of the SS-16 ICBM) is a prohibited second "new type" of ICBM and 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 Treaty. The deployment of this missile during 1985 constitutes a further violation of the SALT II prohibition on a second "new type" of ICBM. (S)(u)

- b. RV-to-Throw-Weight Ratio: The U.S. Government reaffirms the conclusion of the January 1984 report regarding the SS-25 RV-to-throw-weight ratio. That is, if we were to accept the Soviet argument that the SS-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 throw-weight of the ICBM. (S)(u)
- c. Encryption: The U.S. Government reaffirms its judgment made in the January 1984 report regarding telemetry encryption during tests of the SS-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. (S)(u)

Despite U.S. requests for explanations and corrective actions with regard to the SS-25 ICBM-related activities, Soviet actions continue unchanged, and the Soviet Union has proceeded to deployment of these missiles. (S)(u)

2. Strategic Nuclear Delivery Vehicle Limits (S)(u)

The U.S. Government interprets the Soviet commitment to abide by SALT II as including the existence of a cap on SNDVs -- at a level of 2504 existing at the time SALT II was signed. The Soviet Union has deployed SNDVs above the 2504 cap in violation of its political commitment under SALT II. Such activity is indicative of a Soviet policy inconsistent with this political commitment. (S)(u)

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3. SS-16 Deployment (U)

The President's February 1985 Report to Congress, which noted that the evidence is somewhat ambiguous and we cannot reach a definitive conclusion

[REDACTED]

1.3(a)(4)

(S) (u)

4. Backfire Bomber Intercontinental Operating Capability (C)

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, 1984, and 1985, bases used by Soviet Naval Aviation (SNA) Backfires since 1975, is cause for concern and continued careful monitoring. By such 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 give Backfire the capability to strike targets on the territory of the United States. (S)

b. Engine Upgrade:

[REDACTED]

1.3(a)(4)

the Soviet Union's political commitment in the June 1979 Backfire statement not to increase Backfire's radius of action to enable it to strike the United States. (S) u

c. Aerial Refueling:

[REDACTED]

1.3(a)(4)

(S) u

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d. Cruise Missile Capability: 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 United States. (S)(u)

1.3(a)(4)

5. Backfire Bomber Production Rate (S)(u)

The U.S. Government judges that the Soviet Union is obligated to produce no more than 30 Backfire bomber aircraft per year. [REDACTED] [REDACTED] (S)(u)

1.3(a)(4)

6. A Soviet SLBM (S)(u)

This finding is being transmitted separately. (S)(u)

7. Concealment of Missile/Launcher Association (S)(u)

The U.S. Government judges Soviet activities related to the SS-25 to be a violation of the Soviet Union's political commitment to abide by the SALT II Treaty provision prohibiting concealment of the association between a missile and its launcher during testing. (S)(u)

C. SALT I Interim Agreement (U)

Use of "Remaining Facilities" at Former SS-7 Sites (S)(u)

The U.S. Government judges that Soviet use of former SS-7 ICBM facilities in support of the deployment and operation of [REDACTED]

1.3(a)(4)

[REDACTED] such use will also constitute Soviet violation of its political commitment under the SALT I Interim Agreement. (S)(u)

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D. Biological Weapons Convention and 1925 Geneva Protocol (U)

The U.S. Government judges that

[REDACTED]

1.3(a)(4)

[REDACTED] 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. (S)(u)

There have been no confirmed attacks with lethal chemicals or toxins in Kampuchea, Laos, or Afghanistan in 1985 according to our strict standards of evidence. However, there is no basis for amending the February 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. (S)(u)

E. Threshold Test Ban Treaty (U)

While ambiguities in the pattern of Soviet testing and verification uncertainties continued in 1985, the U.S. Government reaffirms the February 1985 finding that Soviet nuclear testing activities for a 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 continued despite U.S. requests for corrective measures. (S/NF) (u)

F. Limited Test Ban Treaty (U)

The U.S. Government reaffirms the judgment made in the February 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 U.S. demarches and requests for corrective action. (S)(u)

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G. Helsinki Final Act (U)

The U.S. 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 prior notification of exercise "ZAPAD-81." While the U.S.S.R. has generally taken an approach to the confidence-building measures of the Final Act which minimizes the information it provides, Soviet compliance with the exercise-notification provisions was improved in 1983. In 1984 the Soviets returned to a minimalist approach providing only the bare information required under the Final Act. The Soviet Union continued this approach during 1985. (S) (u)

U.S. POLICY RESPONSES (U)

U.S. 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 (U)

In response to Congressional requests, an unclassified report incorporating a number of 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. (S) (u)

A classified report, also requested by the Congress, is being forwarded to the Congress simultaneously with more detailed supplementary material to follow as appropriate. This report, consisting of an Introduction and detailed findings, 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) (u)

The classified report will form the basis for briefings and consultations with the Congress and our Allies. (S) (u)

Improved Security (U)

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 in terms of proportionate and appropriate responses to uncorrected Soviet noncompliance as required for national and Alliance security. (S) (u)

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Diplomatic and Public Affairs Context (U)

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. (S)(u)

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 U.S. negotiators in the nuclear arms reduction and space talks in Geneva. (S)(u)

The focus of public, Congressional, and Alliance briefings on compliance issues will be to: build knowledge and understanding about Soviet noncompliance activity; 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)(u)

ISSUES FOR FURTHER WORK (U)

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)(u)

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

The Arms Control Verification Committee will prepare a report on the implications of recent studies of changes in the correction used in the formula relating yields and seismic signals of Soviet yields. This report, to be commented on by the Interdepartmental Group on Nuclear Testing Limitations Policy, will report how these changes affect U.S. policy relating to the Threshold Test Ban

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and our judgment about Soviet compliance with that treaty. In addition, the Arms Control Verification Committee shall identify new studies and work they deem necessary to satisfy questions concerning compliance and verification aspects of the treaty. (S)(u)

The Arms Control Verification Committee will undertake additional work to resolve outstanding issues discussed in the current report concerning:

-- [REDACTED]
-- [REDACTED]
-- [REDACTED]
-- [REDACTED]
[REDACTED] (S)(u)

1.3(a)(4)

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. (S)(u)

The Arms Control Verification Committee will submit no later than February 1 a work program for completing work on above issues. (S)(u)

Ronald Reagan

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