Dear Mr. Speaker:

When I forwarded a report from my Administration to the Congress on Soviet Noncompliance with Arms Control Agreements on January 23, 1984, I said, "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." I continue to believe that compliance with arms control agreements is fundamental to the arms control process.

Congressional amendments to the FY 1985 Defense Authorization Bill calling for Administration reports on compliance issues, as well as for the transmittal of classified and unclassified versions of the report, A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983 prepared by the bipartisan General Advisory Committee on Arms Control and Disarmament, demonstrate the priority that Congress places on compliance.

In response to the Congressional requirement, an unclassified version of the General Advisory Committee's report, a summation prepared by the Committee, is provided herewith. Because the Committee's full report contains extensive classified intelligence information, the classified version is being transmitted to the two Select Committees of the Congress on Intelligence.

The General Advisory Committee's report to me resulted from a year-long analysis, by this bipartisan independent body, of Soviet practices with regard to arms control treaties, other agreements, unilateral political commitments, and statements of policy. Neither the methodology of analysis nor the conclusions reached in this report have been formally reviewed or approved by any agencies of the U.S. Government. The report reflects the General Advisory Committee's attempt to assemble as complete as possible an historical record of Soviet behavior and to identify long-term patterns of Soviet compliance practices.

For its part, the Administration continues to be seriously concerned about Soviet behavior with regard to compliance with arms control obligations and commitments. We are actively pursuing several such issues in confidential discussions with the Soviet Union and are seeking explanations, clarifications, and corrective actions. Issues of concern continue to be intensively studied by appropriate agencies, and I intend to keep the Congress informed on this important matter in the future.
Increased understanding of compliance issues and a solid Congressional consensus on the importance of compliance to achieving effective arms control will strengthen our efforts to negotiate equitable and verifiable agreements and will assist as we seek the resolution of important unresolved compliance issues. I look forward to continued close consultation with the Congress as we seek to make progress in resolving compliance issues relating to existing arms control agreements and in negotiating sound arms control agreements.

Sincerely,

The Honorable Thomas P. O'Neill, Jr.
Speaker of the House of Representatives
Washington, D.C. 20515
A QUARTER CENTURY OF SOVIET COMPLIANCE
PRACTICES UNDER ARMS CONTROL COMMITMENTS:
1958-1983

SUMMARY
OCTOBER 1984

The General Advisory Committee on Arms Control and Disarmament (GAC) is a Presidential advisory committee established by the Arms Control and Disarmament Act of 1961. The members are private citizens appointed by the President with the advice and consent of the Senate. Its duties are to advise the President, the Secretary of State, and the Director of the Arms Control and Disarmament Agency on matters affecting arms control and disarmament and world peace. The current General Advisory Committee is bipartisan, and its members have been drawn from the scientific, academic, business, and national security committees. A number of its members have held high government positions in previous administrations. The General Advisory Committee provides advice and analysis that is independent from the bureaucratic process, with a point of view not tied to any particular institution.
Introduction

In response to President Reagan's request and in accord with its statutory mandate, the President's General Advisory Committee on Arms Control and Disarmament has conducted an independent, comprehensive, one-year study of the long-term pattern of Soviet performance pertaining to arms control obligations arising from agreements and Soviet unilateral commitments. The classified report of that study, entitled A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983, was submitted to the President on December 2, 1983, with the Committee's unanimous endorsement, and has since been presented to senior administration officials and briefed to congressional committees and members upon their request. In accordance with Congressional Amendments to the Fiscal Year 1985 Defense Authorization Bill and in response to instruction from the White House, the General Advisory Committee has prepared this unclassified summary for transmittal to the Congress.

Using all available data concerning Soviet actions pertinent to such obligations, the Committee has determined that the Soviet Union's practices related to about half of its documentary arms control commitments have raised no questions regarding compliance. Soviet practices related to the other half, however, show material breaches -- violations, probable violations, or circumventions -- of contractual obligations.

Many of the compliance issues considered in the report have been reviewed by the U.S. Government, raised by the U.S. in the U.S.-Soviet Standing Consultative Commission, or brought to Soviet attention through diplomatic channels. The prevailing practice has been to consider each instance as an isolated event. The General Advisory Committee report is the first comprehensive U.S. study of all Soviet practices under arms control obligations since World War II and explores the cumulative pattern of pertinent Soviet conduct. Such a study, based on wide access to official information, has never before been done within the U.S. Government.

*As specified in Section 26 of the Arms Control and Disarmament Act of 1961 as amended. A list of members is attached.
Twenty-six documentary agreements were examined, along with numerous unilateral Soviet commitments. The sources of information included previous U.S. Government studies and documents, Soviet statements, and briefings by a wide range of U.S. Government officials and non-government experts. While the Committee is grateful for assistance from many quarters, the Committee acknowledges full responsibility for the content of its report and this summary.

The report used a conceptual framework based upon the norms of international law. According to these norms, treaty violations, circumventions which defeat the object and purpose of the treaty, and breaches of authoritative unilateral commitments all constitute material breaches and justify appropriate corrective measures. All types of material breaches are considered in the report, and the distinctions among them are noted.

The Committee has found that in most cases of alleged Soviet violations, the Soviets readily could have shown that the allegations were false -- if they had been false. Thus the Soviets have repeatedly failed to do, even though diplomatic and other channels have been used by the U.S. in seeking to clarify possible misconceptions.

Past analyses (other than the President's report to the Congress of January 23, 1984) have tended to invoke standards of proof applicable only when powers to collect and to inspect evidence, to subpoena witnesses, to take testimony under oath, to prosecute for perjury, etc., are available as legal tools.

The General Advisory Committee's report distinguishes between instances for which the evidence supports high confidence that material Soviet breaches have occurred, and those cases for which the evidence gives substantial reason for suspicion but is short of being conclusive.

*The Committee used the 1969 Vienna Convention on the Law of Treaties and decisions of the International Court of Justice as the principal legal bases for analyzing Soviet compliance behavior. The United States is a signatory of the Vienna Convention; the Soviet Union is not. Neither nation has ratified it, but the Vienna Convention is regarded by both the U.S. and the Soviet Union as a codification of customary international law on treaty obligations, applicable to parties and non-parties alike.*
Categories used in the report are:

- **Areas of Apparent Soviet Compliance** as determined within the limitations of U.S. verification capabilities.

- **Material Breaches** ranging from highly probable to certain, including:
  
  - violations of an international obligation involving conduct contrary to a treaty or other binding international agreement;

  - breaches of authoritative unilateral commitments, whether written or oral, as well as unilateral commitments reciprocally negotiated; and

  - circumventions, or practices incompatible with the essential objects or purposes of agreements though not in explicit violation of their terms.

- **Suspicious Events** indicative of possible material breaches.

- **Breach of the Duty of Good Faith** incumbent upon all nation states.

The following summarizes areas of apparent Soviet compliance:

**Areas of Apparent Soviet Compliance**

**Accident Avoidance**

- Direct Communications Link/Hot Line Agreement of 1963, amended 1971

- USSR-US Accidents Agreement of 1971 (one violation, judged to be inadvertent)

- USSR-United Kingdom Accidents Agreement of 1976
- 4 -

- USSR-France Accidents Agreement of 1973
  
  Nonproliferation

- Nonproliferation Treaty of 1968

- Guidelines for Nuclear Transfers, IAEA INFCIRC/209 of 1974

- Guidelines for Nuclear Transfers, IAEA INFCIRC/254 of 1978

- Protocol II of the Treaty of Tlatelolco (Latin American Nuclear Free Zone), USSR Ratification of 1979

- Convention on the Physical Protection of Nuclear Material, USSR Ratification 1983

  Other

- Antarctic Treaty of 1959

- Outer Space Treaty of 1967

- Seabed Treaty of 1971

- Convention on Environmental Modification of 1977

The following summarizes specific instances of probable to certain Soviet non-compliance, as determined by the Committee's study:

SOVIET VIOLATIONS, BREACHES OF UNILATERAL COMMITMENTS, AND CIRCUMVENTIONS DEFEATING THE OBJECT OR PURPOSE OF ARMS CONTROL AGREEMENTS: HIGH CONFIDENCE IN RELIABILITY OF DATA INTERPRETATION:

A. Non-SALT Matters:

In September 1961, the Soviet Union breached its unilateral commitment to the nuclear test moratorium upon giving three days of notice and while conducting related treaty negotiations with the U.S. This breach resulted in the Soviet Union testing a total explosive yield of more than 300 megatons in the ensuing 13 months.

2. Offensive Weapons in Cuba: breach of unilateral commitment not to send offensive weapons to Cuba—by the covert shipment and deployment of offensive weapons, 1962.

The Cuban missile crisis was caused by the breach of the Soviets' unilateral commitment not to send offensive weapons to Cuba, 1962.

3. Limited Test Ban Treaty of 1963: numerous violations of the prohibition on conducting nuclear tests that cause extraterritorial venting of radioactive debris—by testing nuclear devices that vent radioactive debris beyond the borders of the Soviet Union, 1965 to present.

The Limited Test Ban Treaty not only prohibits testing of nuclear weapons under water, in the atmosphere, and in space, but also bans the venting of underground explosions that cause radioactive debris to cross national boundaries. Since 1965, the Soviet Union has repeatedly allowed such radioactivity to vent in connection with many of its nuclear weapon tests. U.S. experience has shown that care can prevent such venting, and that Soviet violations of this treaty could reasonably have been prevented.

After the termination of the Cuban missile crisis, the record shows the Soviets did commit themselves not to base offensive weapons in Cuba if the U.S. refrained from invading Cuba. Soviet tending and operation of nuclear weapons submarines in Cuban territorial waters from 1970 to 1974 breached this unilateral commitment.

5. Biological Weapons Convention of 1972: violations of provisions requiring the destruction or diversion to peaceful purposes of all biological agents, toxins, weapons, equipment, and means of delivery—by the retention of facilities, continued biological munitions production, storage, transfer, and use, 1972 to present.

The Soviets' biological weapons program continued during the negotiating, signing, ratification, and entry into force of this treaty.

The Soviet reservations relative to the ratification of the Geneva Protocol of 1925, claiming exemption for first use against protocol Non-parties, might be put forward to explain the Soviet use of chemical and toxin weapons in Afghanistan, Laos, and Kampuchea. Such circumventions nevertheless defeat the object and purpose of banning first use of lethal chemical or toxin weapons. The Soviets have not asserted this or other legal defense of their actions, but rather they have denied the facts of the matter, falsely claiming no such use.

7. Montreux Convention of 1936: violations of the prohibition on the transit of aircraft carriers through the Turkish Straits—by the recurring transit of Soviet KIEV-class aircraft carriers, 1976 to present.

   The Soviets additionally have under construction at their Black Sea shipyards an even larger aircraft carrier that will also violate the Montreux Convention upon passage to the open seas.

8. Helsinki Final Act of 1975: violations of the commitment to notify Final Act Parties and provide specified data 21 days before conducting exercises of more than 25,000 troops—by undertaking major military troop maneuvers without providing specified information concerning the maneuvers, March and September 1981, and June 1983.


On March 16, 1982, President Brezhnev committed the Soviet Union to a moratorium on the completion of SS-20 launch facilities in the European part of the Soviet Union. In May 1982, President Brezhnev specified "an end to the construction of launching positions" as a part of the moratorium. The continued construction and completion of SS-20 sites in 1982 and 1983 violated that unilateral commitment.

B. SALT Matters

1. The SALT I Interim Agreement on Offensive Arms, 1972: circumvention defeating the stated U.S. object and purpose of limiting the throwweight of Soviet ICBMs and breach of the 1972 Principles Agreement--by the deployment of the large throwweight SS-19 and SS-17 ICBMs, 1972 to present.

The SALT I Interim Agreement prohibits the conversion of launchers for light ICBMs into launchers for heavy ICBMs. The intent of this provision was to limit the growth of ICBM throwweight and its resultant potential counterforce capability. The Soviet conversion of launchers for the light SS-11 into launchers for the SS-17 and SS-19 ICBMs circumvents this provision, thereby defeating an essential stated U.S. object and purpose in entering into the agreement. This action widened the disparity between Soviet and U.S. strategic missile throwweight and increased significantly the threat to U.S. ICBMs.
2. The SALT I Interim Agreement on Offensive Arms, 1972, Article V(3); ABM Treaty of 1972, Article XII(3); SALT II Treaty of 1979, Article XV(3): violation of the provisions not to use deliberate concealment measures which impede verification of compliance by national technical means--by numerous deliberate concealment activities that impede verification of SALT Agreements, 1972 to present.

The SALT I agreements and the exchange of commitments made concerning SALT II bind the U.S. and the Soviet Union not to use deliberate concealment measures which impede verification, by national technical means, of compliance with provisions of these agreements. However, during the decade of the 1970s, there has been a substantial increase in Soviet arms control-related concealment activities. An example of Soviet concealment activities that clearly impede U.S. verification efforts is the encryption of the SS-X-25 missile telemetry, which impedes the U.S. ability to determine the characteristics of this missile, including characteristics controlled by SALT II. (This issue is further discussed below.) A second example of prohibited deliberate Soviet concealment activity is connected with the probable continued deployment of the SS-16 ICBM at Plesetsk. The present Soviet concealment activities constitute a continuing violation of binding commitments.

3. The ABM Treaty of 1972: violation of the prohibition on the development and deployment of non-permanently fixed ABM radar [Article V(1) Common Understanding C]--by the development and deployment of such a radar on the Kamchatka Penninsula in 1975, and by continuing developmental activities between 1975 and the present.
The ABM Treaty prohibits the development, testing and deployment of mobile ABM components. During the negotiations the U.S. and the Soviet delegations agreed (on January 29, 1972 and April 13, 1972 respectively) that this provision would rule out deployment of ABM launchers and radars which "were not permanent fixed types." This agreement constitutes a binding interpretation of the treaty.

4. SALT I Interim Agreement of 1972, Protocol: violations of the numerical launcher limits--by the deployment of DELTA submarines exceeding the limit of 740 launch tubes on modern ballistic missile submarines without dismantling sufficient older ICBM or SLBM launchers, March 1976 to October 1977.

The SALT I Interim Agreement required the Soviets to dismantle ICBM launchers to compensate for modern SLBM launchers in excess of 740. Following the sea trials of new DELTA-class submarines in 1976 and 1977, the Soviets did not dismantle a sufficient number of launchers to compensate for deployments of their new submarine ballistic missile launchers. Upon U.S. inquiry, the Soviets admitted this excess, but failed to accelerate their dismantling activities.

The Committee has reviewed the data relative to this matter, and has concluded that the violation was probably not inadvertent, but rather was part of a deliberate Soviet effort to challenge U.S. arms control verification capabilities.
5. SALT II Treaty of 1979: probable violations of the provision banning the production, testing, and deployment of the SS-16 mobile ICBM—by the probable continued deployment of SS-16 ICBMs at Plesetsk, and by falsifying the SALT II data base identifying specific systems and their numbers covered by the Treaty, 1979 to present.

The SALT II Treaty prohibits the deployment of the SS-16 ICBM (Soviet designation - RS-14). Deliberate Soviet concealment which impedes verification of compliance by U.S. national technical means has been associated with the probable SS-16 deployment. Nevertheless, the SS-16 apparently has been maintained at Plesetsk since the signing of the Treaty, in violation of Soviet commitments relative to that treaty. The probable existence of the SS-16 at Plesetsk also shows that the Soviets deliberately falsified the SALT II data base concerning the number of ICBM launchers. This data base was to be corrected semi-annually; however, the Soviets have not corrected it.

6. SALT II Treaty of 1979: probable violation of Article IV (9) which limits each side to one new type ICBM—by the testing of a second new type ICBM, February 1983 to present; violation of the anti-MIRV provision of Article IV(10)—by testing a lighter warhead than the Treaty allows; and violation by the deliberate concealment (encryption) of data, contrary to Article XV(3), May 1983 to present.

SALT II allows each party to develop only one new type of ICBM. Since the Soviets have designated the SS-X-24 as that one new type, the SS-X-25, which appears to be another new type of ICBM, violates the Treaty. The Soviets, however, claim that this missile is a modification of the SS-13, an ICBM developed in the mid-60s.
While common sense judgment would hold a 1980's high technology missile to be new, the extensive encryption of the flight telemetry impedes U.S. understanding of the missile. U.S. analyses, however, indicate that it is very likely that the missile fits the Treaty definition of a new type of ICBM.

7. The SALT I ABM Treaty of 1972: violation of Article VI(b) limiting the location and orientation of radar deployment—by the construction of a large, phased array radar not located on the periphery of the Soviet Union and not oriented outward, 1981 to present.

The ABM Treaty restricts the deployment of early warning radars to sites on the periphery of the national territory; such radars must also be oriented outward. The construction and orientation of such a radar near the city of Krasnoyarsk, an interior site, violate this provision. The design of the facility is substantially identical to another radar declared by the Soviets to be an early warning radar. The Soviets, however, have stated that the Krasnoyarsk radar is a "space tracking" radar. All early warning radars can also perform limited "space tracking" functions, and while this radar is no exception, its location and geometry are inappropriate for a dedicated space tracking radar.

Suspicious Soviet Activities Related to Arms Control Commitments

The Committee also reviewed fifteen areas of Soviet activity that raise suspicion of further material breaches of arms control agreements. In these cases the data neither confirm that a material breach has occurred nor eliminate suspicion concerning non-compliance. Most of these suspicious activities have been connected with Soviet offensive forces and may indicate the existence of either an offensive force structure in excess of that
allowed by various agreements, or offensive weapons with greater capability than allowed by agreements. In addition, several events are indicative of further violations or circumventions of the ABM Treaty, and a review of Soviet testing of nuclear explosives strongly suggests that the Soviets may have repeatedly violated the Threshold Test Ban Treaty. Moreover, other Soviet activities may relate to obligations under the provisions of one or more accords addressing non-interference with national technical means of verification of compliance. Each of these activities may indicate Soviet plans and efforts to develop further military capabilities of considerable significance.

Breaches of the Duty of Good Faith

Customary international law, as codified by the Vienna Convention of the Law of Treaties and by decisions of the International Court of Justice, obligates nations to act in good faith in their dealings with other nations. The Committee reviewed a number of Soviet actions which, while not material breaches of binding agreements, were breaches of that duty of good faith. Some Soviet actions in this category have been misrepresentations made during arms control negotiations or after binding agreements came into effect. An example of such misrepresentation concerns the erroneous data provided by Soviet negotiators at the Mutual Balanced Force Reduction negotiations in Vienna concerning Warsaw Pact troop numbers. This material misrepresentation has been a major barrier in these negotiations.

The Soviets have also disregarded all six unilateral declarations made by the U.S. in SALT I to clarify constraints upon Soviet forces under that agreement. While unilateral declarations do not bind the other party, Soviet unwillingness either to concur promptly or to take exception to such U.S. statements constitutes a breach of the duty of good faith in negotiations.

Further, the Soviets have demonstrated a lack of good faith by their largely non-responsive posture concerning compliance concerns brought to their attention by the U.S. Government over a span of nearly two decades.
Patterns in Soviet Compliance Practices

The Soviet Union's actions since 1958 concerning arms control agreements demonstrate a pattern of pursuing military advantage through selective disregard for its international arms control duties and commitments.

The Committee found recurring instances of Soviet conduct involving deliberate deception, misdirection, and falsification of data during negotiations. In addition to the military value accruing to the Soviets from individual violations, the overall pattern of Soviet practices could have several possible motivations:

(1) The Soviets may be indifferent to U.S. objections and responses to their non-compliance with arms control treaties.

(2) The Soviets may be attempting to weigh the effectiveness of U.S. verification capabilities.

(3) The Soviets may be testing U.S. willingness to reach definitive conclusions concerning Soviet arms control compliance.

(4) The Soviets may be testing U.S. and international resolve and responses to their arms control behavior.

(5) These activities, as well as the other concealment activities, may be intended to raise the level of U.S. confusion in order to hide more serious covert activities, such as development and deployment of a ballistic missile defense system.

Soviet denial activities significantly increased over the last quarter century and today are challenging U.S. verification capabilities despite improvements in U.S. verification technology. Deliberate Soviet efforts to counter U.S. national technical means of verification strongly indicate a Soviet intention to persevere in circumventing and violating agreements.

U.S. verification capabilities have not deterred the Soviets from violating arms control commitments. Furthermore, the near total reliance on secret diplomacy in seeking to restore Soviet compliance has been largely ineffective. The U.S. record of raising its concerns about Soviet non-compliance exclusively in the Standing Consultative Commission and through various high level
diplomatic demarches demonstrates the ineffectiveness of this process. In contrast, the international participation in verifying the use of chemical and toxin weapons and the disclosure to the public of such use may have contributed to limiting the extent of these prohibited Soviet activities.

The United States has never had a long-range, comprehensive strategy to deter and if necessary initiate measures to offset Soviet arms control non-compliance. Development of a U.S. arms control policy that anticipates Soviet behavior in light of the historical compliance record was beyond the scope of the Committee's review. Nevertheless, the development of means to safeguard the U.S. against Soviet non-compliance is essential if the arms control process is to avoid being further undermined, if it is to have favorable long-term prospects, if it is to build trust among nations, and if it is to contribute to U.S. national security and the cause of peace.

U.S. efforts to obtain Soviet compliance have been most effective when reliable information about compliance has been presented to the American people and to the world. The strength of America's democracy lies in an informed citizenry. Fundamental to this nation's effort to negotiate equitable and verifiable arms control agreements is an American public informed on the critical issue of arms control compliance.
MEMBERS


Colin Spencer Gray. President of the National Institute for Public Policy in Virginia. Formerly the Director of National Security Studies at the Hudson Institute in New York.

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