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THE WHITE HOUSE

WASHINGTON

January 14, 1984

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Declassified/Released on 2/8/96
under provisions of E.O. 12958
by J. Saunders, National Security Council

NATIONAL SECURITY DECISION
DIRECTIVE NUMBER 121

SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS (C)

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 highest-level 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)

INITIAL JUDGMENTS

I have reached the following judgments concerning the initial seven major issues that have been reviewed by the Administration thus far, and which are the subject of a report to be submitted to the U.S. Congress:

1. Chemical, Biological, and Toxin Weapons

The judgment previously made when the U.S. Government publicly charged the Soviet Union with violations of its obligations is confirmed. On the basis of the available evidence, the U.S. has concluded that the Soviet Union is in violation of its legal obligations under the Geneva Protocol of 1925 and customary international law, which prohibit the use of poisonous gases, and the Biological and Toxin Weapons Convention, which entered into force in 1975 and which bans the development, production, stockpiling, or transfer of biological agents and toxins. (C)

2. Helsinki Final Act

The judgment previously made when the U.S. Government publicly charged the Soviet Union with violations of its political

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commitments under the Helsinki Final Act is confirmed concerning the provisions of the Act that require prenotification and other information concerning exercises exceeding 25,000 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 prenotification or other information required. (S)

3. Encryption

It is the judgment of the U.S. Government, on the basis of available evidence, that the continued high degree of encryption evident in Soviet missile telemetry since 1979 impedes verification and constitutes, under the SALT II Treaty, a violation of a legal obligation (not to defeat the object and purpose of the Treaty) during the period the Treaty was pending ratification (to 1981) and a violation of a political commitment subsequent to 1981. The SALT II Treaty prohibits encryption which impedes verification of compliance with the Treaty. (S)

4. Krasnoyarsk Radar

It is the judgment of the U.S. Government, on the basis of available evidence, that the new radar under construction at Krasnoyarsk almost certainly constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty. (S)

5. SS-16 ICBM

It is the judgment of the U.S. Government that while the evidence is somewhat ambiguous, and we cannot reach a definitive conclusion, the available evidence indicates that, under the SALT II Treaty, the Soviet Union's activities are in probable violation of a legal obligation (not to defeat the object and purpose of the Treaty) during the period the Treaty was pending ratification (to 1981) and a probable violation of a political commitment subsequent to 1981 that bans deployment of the SS-16 missile under the SALT II Treaty. (S)

6. SS-X-25 ICBM

Testing of this missile has raised several serious compliance concerns with respect to:

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- The RV-Weight to Throw-Weight Ratio. It is the judgment of the U.S. Government that on the one test for which data are available, and which occurred in 1983, the ratio of the RV-Weight to the Throw-Weight was less than the 50% required under the SALT II Treaty (if we were to accept the Soviet argument that this is not a prohibited second new-type missile) and that, under such circumstances, the Soviet activity constitutes a violation of political commitments under the SALT II Treaty.
- The New-Type Missile Issue. It is the judgment of the U.S. Government that while the evidence is somewhat ambiguous, the Soviets are probably in violation of their political commitment under the SALT II Treaty in that the SS-X-25 missile probably does not fall within permissible modernization parameters and probably is a second "new type" ICBM prohibited by the SALT II Treaty.
- Encryption. The high degree of encryption on this missile is an illustrative example of the violation of a commitment under the SALT II Treaty, which prohibits impeding verification of provisions of the Treaty. (S)

7. Nuclear Testing

It is the judgment of the U.S. Government that while (in view of ambiguities in the pattern of Soviet testing and in view of verification uncertainties) the available evidence is ambiguous and we have been unable to reach a definitive conclusion, this evidence indicates that Soviet nuclear testing activities for a number of tests constitutes a likely violation of legal obligations under the Threshold Test Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1976, which banned underground nuclear tests with yields exceeding 150 kilotons. (S)

INITIAL POLICY RESPONSES

I have decided that initial U.S. policy responses to the violations of arms control obligations and commitments on the part of the Soviet Union will include the following:

- Report to Congress -- Initial Consultations and Public Affairs
 - ° A Secret-level report, prepared by the Verification Committee on intelligence findings and policy judgments for the seven initial major noncompliance issues, will be provided to the Congress in the near future. The report will be the subject of briefings and consultations with

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the Congress and our Allies and will also be the subject of discussions in diplomatic channels, including forthcoming discussions between Secretary Shultz and Soviet Foreign Minister Gromyko. Detailed guidance is being provided separately for these efforts.

- Classified discussions with Congress and Allies will, as appropriate, include summaries of the U.S.-Soviet exchanges on compliance issues.
- A low-profile public affairs approach will include press backgrounders and an unclassified fact sheet.
- The Verification Committee will, on a priority basis, continue its analysis of the additional noncompliance problems and items tasked earlier for review and requested by the Congress. (S)

-- Improved Security

- Existing and potential Soviet noncompliance will continue to be factored into U.S. force modernization plans in strategic and chemical weapons. (S)

-- Improved Verification

- The Verification Committee will continue its evaluation of the verifiability of current U.S. arms control policies and proposals, including cooperative procedures, in light of Soviet noncompliance activities. Issues involved should include START, INF, MBFR, TTBT, CW Ban, strengthening the Biological Weapons Convention, and Outer Space arms control.
- A Red Team review panel will be established to consider and anticipate possible Soviet noncompliance, concealment, and deception activity.
- Consideration will be given to modestly enhancing current and programmed intelligence capabilities, focusing primarily on enhancements to analysis. (S)

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• Diplomacy

- In the appropriate diplomatic channels, to include high-level demarches and discussions, the U.S. will inform the Soviet Union of our conclusions regarding the initial seven issues analyzed, and will continue to press for their resolution and for termination of noncompliance activity.
- Consideration will be given to a Presidential-level communication to the Soviet General Secretary, focused on Soviet violations.
- Consideration will be given to bringing the issue of Soviet CBW use to the United Nations Security Council. (S)

POLICY OPTIONS FOR FURTHER STUDY

In addition to the above measures involving near-term policy responses, further longer-term options will also be considered. The Verification Committee, in addition to the completion of tasking assigned earlier, is to study such options in detail for review by the Senior Arms Control Policy Group. The options are to be studied in terms of their feasibility, cost effectiveness, Congressional impact, and impact on U.S. arms control positions as follows:

-- Improved Security

- Assess a variety of possible longer-term military countermeasures that could negate the benefits of specific areas of Soviet noncompliance. (S)

-- Enhanced Verification

- Assess the benefits and feasibility of significant additional funding for current and programmed intelligence collection and analysis capabilities, including the addition of major new collection and associated programs. (S)

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-- Arms Control Options

- Assess Soviet intentions concerning their noncompliance activity and the net benefit to the U.S. of seeking improvements to agreements and of continuing compliance with, or not undercutting, legal obligations and political commitments that the Soviets have violated.
(S)

In implementing the above tasking, the Chairmen of the Verification Committee's Policy and Analysis Groups will forward by February 3 a proposed Work Program for review by the Senior Arms Control Policy Group. (C)

Ronald Reagan

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