

JUNE 13, 1972

DEPARTMENT OF STATE  
WASHINGTON

JUNE 10, 1972

The President:

I have the honor to submit to you the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty) and the Interim Agreement between the United States of America and the Union of Soviet Socialist Republics on Certain Measures with respect to the Limitation of Strategic Offensive Arms (Interim Agreement), including an associated Protocol. It is my recommendation that the ABM Treaty be transmitted to the Senate for its advice and consent to ratification.

The Interim Agreement, as its title indicates, is an agreement limited in scope and time. It is designed to limit the aggregate number of intercontinental ballistic missile (ICBM) launchers and submarine-launched ballistic missile (SLBM) launchers, and the number of modern ballistic missile submarines, pending the negotiation of a treaty covering more complete limitations of strategic offensive arms. In these circumstances, I am submitting to you the Interim Agreement and its Protocol (which is an integral part of the Agreement), with the recommendation that they be transmitted to both Houses of Congress for approval by a Joint Resolution.

The Interim Agreement can by its terms enter into force only upon the exchange of written notices of acceptance by both countries and only when and if the ABM Treaty is brought into force. Both signatories understand that, pending ratification and acceptance, neither will take any action that would be prohibited by the ABM Treaty or the Interim Agreement and Protocol, in the absence of notification by either signatory of its intention not to proceed with ratification or acceptance.

ABM TREATY

In broad outline, the ABM Treaty, signed on May 26, 1972, provides that:

- A nationwide ABM deployment, and a base for such deployment, are prohibited;
- An ABM deployment for defense of an individual region is prohibited, except as specifically permitted;
- Permitted ABM deployments will be limited to two widely separated deployment areas in each country -- one for defense of the national capital, and the other for the defense of ICBMs;
- For these purposes no more than 100 ABM launchers and no more than 100 ABM interceptor missiles at launch sites may be deployed within each 150-kilometer radius ABM

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deployment area, for a total of 200 deployed ABM interceptors and 200 deployed ABM launchers for each Party;

- ABM radars will be strictly controlled; radars to support the ABM defense of the national capital may be deployed only in a specified number of small radar complexes within the ABM deployment area; radars to support the ICBM defense will be limited to a specified number within the ABM deployment area and will also be subject to qualitative constraint.

In order to assure the effectiveness of these basic provisions of the Treaty, a number of detailed corollary provisions were also agreed:

- Development, testing and deployment of ABM systems or ABM components that are sea-based, air-based, space-based or mobile land-based are prohibited;
- Deployment of ABM systems involving new types of basic components to perform the current functions of ABM launchers, interceptors or radars is prohibited;
- The conversion or testing of other systems, such as air defense systems, or components thereof to perform an ABM role is prohibited.

The Treaty also contains certain general provisions relating to the verification and implementation of the Treaty and to further negotiations:

- Each side will use national technical means for verification and the Parties agree not to interfere with such means and not to take deliberate concealment measures;
- A Standing Consultative Commission will be established to facilitate implementation of the Treaty and consider questions arising thereunder;
- The Parties will continue active negotiations for limitations on strategic offensive arms.

The ABM Treaty consists of a preamble and sixteen Articles. As indicated in Article I(1), it provides for limitations on anti-ballistic missile (ABM) systems as well as certain related measures. In the course of the negotiations, agreement was reached on a number of interpretive matters related to the Treaty. Enclosure 3 contains agreed interpretations and certain noteworthy unilateral statements.

#### PREAMBLE

The preamble contains six paragraphs that set forth common premises and objectives of the United States and the Soviet Union which are the basis for entering into this Treaty.

The first preambular paragraph states the basic premise that nuclear war would have devastating consequences for all mankind.

The second and third preambular paragraphs indicate the rationale for the ABM Treaty and the accompanying Interim Agreement. Effective limits on anti-ballistic missile systems will be an important factor in curbing competition in the strategic offensive arms race, will decrease

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the risk of the outbreak of nuclear war, and will, together with certain agreed measures on the limitation of strategic offensive arms, create a favorable climate for future negotiations on limiting strategic arms.

The fourth and fifth preambular paragraphs indicate the relationship of this Treaty to the undertaking of the Parties in Article VI of the Non-Proliferation Treaty to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament", and express the intention of the Parties to achieve further progress in disarmament at the earliest possible date.

The sixth paragraph reflects the broad international consensus that effective measures to limit strategic arms will assist in relaxing international tensions and strengthening trust between nations. As the first bilateral agreements between nuclear powers limiting strategic nuclear arms, this Treaty and the Interim Agreement should serve as historic steps toward these broader political goals.

#### A. LIMITATIONS ON ABM SYSTEMS

##### (1) Deployment

Article I(2) prohibits the deployment of ABM systems which would provide defense covering substantially the whole of the territory of a Party. ABM defenses of individual regions are also prohibited except as specifically set forth in Article III. As more fully explained below, that Article limits not only the number, size and location of the permitted ABM deployment areas of each Party, but also limits to low levels the numbers of ABM launchers and ABM interceptors at launch sites, and places restrictions on ABM radars, and thus has the effect of precluding thick regional ABM defenses.

Article I(2) also includes an undertaking not to provide a "base" for a nationwide ABM defense. This would, for example, prohibit the construction and deployment of ABM radars, or even ABM-capable radars deployed for other purposes, that could provide a base for a nationwide ABM system. (Articles III, IV, V and VI contain specific constraints that reinforce this prohibition.) The Treaty does not restrict air defense, space tracking, intelligence or other non-ABM systems per se. However, it does prohibit the testing or conversion of such systems or their components to perform an ABM role; moreover, the Parties have agreed not to deploy any phased-array radars over a certain size except as otherwise provided in the Treaty and except for the purpose of tracking objects in outer space or for use as national technical means of verification. This would prevent the possible use of such radars as a base for a nationwide ABM defense.

Article II defines an ABM system as "a system to counter strategic ballistic missiles or their elements in flight trajectory". It indicates that such systems currently consist of ABM interceptor missiles, ABM launchers and ABM radars. ABM interceptor missiles are interceptor missiles constructed and deployed for an ABM role, or of a type hereafter tested in an ABM mode. ABM launchers are launchers constructed and deployed for launching ABM interceptor missiles. (A launcher associated with an interceptor missile that is hereafter tested in an ABM mode falls within the definition of an ABM launcher.) ABM radars are radars constructed and deployed for an ABM role (including target tracking or

missile control, but not early warning), or of a type hereafter tested in an ABM mode.

The second paragraph of Article II makes it clear that the ABM system components listed in the first paragraph of the Article include not only those which are operational, but also those under construction, undergoing testing, undergoing overhaul, repair or conversion, or mothballed.

Article III prohibits the deployment of any ABM systems or their components except as provided therein. Under Article III, the Parties may deploy only systems consisting of ABM interceptor missiles, ABM launchers and ABM radars. The limited deployment of such systems described in the next two paragraphs below is permitted only (a) within one deployment area centered on the nation's capital and having a radius of 150 kilometers, and (b) within one other deployment area having the same radius and containing ICBM silo launchers. The centers of the two deployment areas will be separated by no less than 1,300 kilometers.

In each of these deployment areas a Party may deploy no more than 100 ABM launchers and no more than 100 ABM interceptor missiles at launch sites. These totals would include any deployments within such areas for training purposes and, as indicated in Article II(2), would not be confined to those in operational status. In view of Article V(1), discussed below, only fixed, land-based ABM components may be deployed.

The restrictions on ABM radars cover radars of both existing types: phased-array radars (a modern type which scans by electronic means, a capability especially useful for ABM purposes) and mechanical-scan radars (an older type). These restrictions are as follows:

(i) Within the 150-kilometer radius deployment area centered on the nation's capital, no qualitative or quantitative constraints on radars are imposed, but location is circumscribed as follows: a Party may have ABM radars within no more than 6 ABM radar complexes, the permitted area of each complex being circular and having a diameter of no more than 3 kilometers. Phased-array ABM radars may not be located outside such complexes, regardless of when they become operational. Mechanical-scan ABM radars that become operational after May 26, 1972 are similarly constrained. The Parties understand that in addition to the ABM radars which may be deployed in accordance with this provision, the Soviet mechanical-scan ABM radars operational on May 26, 1972 within the deployment area for defense of its national capital may be retained.

(ii) Within the 150-kilometer radius deployment area for defense of ICBM silo launchers, the location of radars is not circumscribed, but qualitative and quantitative constraints are imposed. A Party may have:

- 2 large phased-array ABM radars comparable in potential to corresponding ABM radars operational or under construction on the date of signature of the Treaty in such a deployment area; and
- no more than 18 ABM radars each having a potential less than that of the smaller of the 2 large phased-array ABM radars referred to above.

The only two large phased-array ABM radars operational or under construction in such a deployment area on the date of signature were the Perimeter Acquisition Radar (PAR) and Missile Site Radar (MSR) under construction

near Grand Forks Air Force Base, North Dakota. The Parties understand that the potential -- the product of mean emitted power in watts and antenna area in square meters -- of the smaller of these two radars (the MSR) is considered for purposes of the Treaty to be three million.

The impact of Article III on ABM systems currently deployed or under construction would be as follows: it would not prohibit the ABM system deployed around Moscow or the ABM system being deployed by the United States in the vicinity of Grand Forks Air Force Base in North Dakota, but it would preclude the completion or retention of the ABM complex on which construction had been started in the vicinity of Malmstrom Air Force Base in Montana. (The signatories understand that, pending ratification and acceptance of the agreements, neither will take any action that would be prohibited thereby in the absence of notification by either signatory of its intention not to proceed with ratification or approval.)

The United States has not started construction at a deployment area centered on its national capital, and the Soviet Union has not started construction at a deployment area for defense of ICBM silo launchers.

### (2) Development, Testing, and Other Limitations

Article IV provides that the limitations in Article III shall not apply to ABM systems or ABM components used for development or testing, and located within current or additionally agreed test ranges. It is understood that ABM test ranges encompass the area within which ABM components are located for test purposes, and that non-phased-array radars of types used for range safety or instrumentation purposes may be located outside of ABM test ranges. Article IV further provides that each Party may have no more than a total of 15 ABM launchers at test ranges. The current United States test ranges for ABM systems are located at White Sands, New Mexico and Kwajalein Atoll in the Pacific. The current Soviet test range for ABM systems is located near Sary Shagan, Kazakhstan SSR. ABM components are not to be deployed at any other test ranges without prior agreement between the Parties.

Article V limits development and testing, as well as deployment, of certain types of ABM systems and components. Paragraph V(1) limits such activities to fixed, land-based ABM systems and components by prohibiting the development, testing or deployment of ABM systems or components which are sea-based, air-based, space-based, or mobile land-based. It is understood that the prohibitions on mobile ABM systems apply to ABM launchers and ABM radars which are not permanent fixed types.

Paragraph V(2) prohibits the development, testing or deployment of ABM launchers for launching more than one ABM interceptor missile at a time from each launcher; modification of deployed launchers to provide them with such a capability; and the development, testing or deployment of automatic or semi-automatic or other similar systems for rapid reload of ABM launchers. The Parties agree that this Article includes an obligation not to develop, test, or deploy ABM interceptor missiles with more than one independently guided warhead.

### (3) Future ABM Systems

A potential problem dealt with by the Treaty is that which would be created if an ABM system were developed in the future which did not consist of interceptor missiles, launchers and radars. The Treaty would not permit the deployment of such a system or of components

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thereof capable of substituting for ABM interceptor missiles, launchers, or radars: Article II(1) defines an ABM system in terms of its function as "a system to counter strategic ballistic missiles or their elements in flight trajectory", noting that such systems "currently" consist of ABM interceptor missiles, ABM launchers and ABM radars. Article III contains a prohibition on the deployment of ABM systems or their components except as specified therein, and it permits deployment only of ABM interceptor missiles, ABM launchers, and ABM radars. Devices other than ABM interceptor missiles, ABM launchers, or ABM radars could be used as adjuncts to an ABM system, provided that such devices were not capable of substituting for one or more of these components. Finally, in the course of the negotiations, the Parties specified that "In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty." (As explained below, Article XIII calls for establishment of a Standing Consultative Commission, and Article XIV deals with amendments to the Treaty.)

(4) Modernization and Replacement

Article VII provides that, subject to the provisions of this Treaty, modernization and replacement of ABM systems or their components may be carried out. Modernization or replacement of present ABM systems or components is constrained by the various limitations and prohibitions in the Treaty. (See paragraph 2 of Article I, Article III, Article V, and Article VI.)

(5) Destruction and Dismantling

Article VIII provides that ABM systems or their components in excess of the numbers or outside the areas specified in the Treaty, as well as ABM systems or components prohibited by the Treaty, shall be destroyed or dismantled under agreed procedures within the shortest possible agreed period of time. Since no more than one ABM system deployment area for defense of ICBM silo launchers is permitted by Article III, this Article will apply, when the Treaty enters into force, to the ABM components previously under construction in the vicinity of Malmstrom Air Force Base in Montana.

B. OTHER RELATED MEASURES

(1) Constraints on Non-ABM Systems or Components

Article VI is designed to enhance assurance of the effectiveness of the basic limitations on ABM systems and their components provided by the Treaty. To this end, each Party undertakes in this Article (a) not to give missiles, launchers or radars, other than ABM interceptor missiles, ABM launchers and ABM radars, capabilities to counter strategic ballistic missiles or their elements in flight trajectory; (b) not to test such non-ABM missiles, launchers and radars "in an ABM mode" and (c) not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward.

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The first of these undertakings would, for example, prohibit the modification of air-defense missiles (SAMs) to give them a capability against strategic ballistic missiles.

The undertaking not to test non-ABM interceptor missiles, launchers, and radars in an ABM mode subsequent to the date of signature of this Treaty would prohibit testing of non-ABM components for ABM purposes, but would not affect ABM testing of ABM components, or prevent testing of non-ABM components for non-ABM purposes.

With respect to the third of the undertakings in Article VI, it should be noted that the Treaty, while not intended to prohibit the further deployment of radars for early warning of strategic ballistic missile attack, requires their location along the periphery of each Party's national territory and oriented outward in order to minimize the possibility that they could contribute to an effective ABM defense of points in the interior.

Article VI also has the effect of prohibiting the future deployment in third countries of radars for early warning of strategic ballistic missile attack. Existing ballistic missile early-warning radars would not be affected. Article VI imposes no limitation on radars for national means of verification.

In recognition of the fact that phased-array radars with more than a certain potential, though deployed for non-ABM missions such as air defense or air traffic control, would have an inherent capacity for ABM use, the Parties agreed not to deploy phased-array radars having a potential exceeding three million watt-square meters, except as provided in Articles III, IV and VI of the Treaty and except for the purpose of tracking objects in outer space or for use as national technical means of verification. Deployment of non-ABM radars currently planned by the United States would not be affected.

## (2) International Transfers

Article IX provides that, to assure the viability and effectiveness of the Treaty, each Party undertakes not to transfer to other States, and not to deploy outside its national territory, ABM systems or their components limited by the Treaty. The Parties understand that the first undertaking includes an obligation not to provide to other states technical descriptions or blueprints specially worked out for the construction of ABM systems and their components limited by the Treaty. In addition, the United States Delegation made clear that the provisions of this Article do not set a precedent for whatever provisions may be considered for a treaty on limiting strategic offensive arms, noting that the question of transfer of strategic offensive arms is a far more complex issue, which may require a different solution.

## (3) Conflicting Obligations

Article X contains an undertaking by the Parties not to assume any international obligations which would conflict with the Treaty. The obligations in this Treaty are not inconsistent with any obligation of the United States under any international agreement.

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## C. VERIFICATION AND CONSULTATION

### (1) Verification

Article XII relates to verification of compliance with the Treaty's provisions, which is to be accomplished by national technical means. Paragraph 1 states that each Party will use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law for purposes of providing assurance of compliance with provisions of the Treaty. It does not require changes from current operating practices and procedures with respect to systems which will be used as national technical means of verification.

The second paragraph of this Article provides that each Party agrees not to interfere with the national technical means of verification of the other which are operating in accordance with paragraph 1 of the Article. This provision would, for example, prohibit interference with a satellite in orbit used for verification of the Treaty.

Paragraph 3 contains an agreement not to use deliberate concealment measures which impede verification by national technical means. This paragraph expressly permits continuation of current construction, assembly, conversion and overhaul practices.

### (2) Standing Consultative Commission

Article XIII provides that the Parties shall establish promptly a Standing Consultative Commission (hereafter referred to as the Commission) to promote the objectives and to facilitate the implementation of the ABM Treaty. The Parties have further agreed to use the Commission to promote the objectives and implementation of the Interim Agreement. (See Article VI of the Interim Agreement.) The Commission will provide a consulting framework within which the Parties may consider various matters relating to the Treaty and the Interim Agreement. The Parties may also consider these matters in other channels.

A principal function of the Commission will be to consider questions of compliance with the obligations assumed under this Treaty and the Interim Agreement and also related situations which may be considered ambiguous. Each Party may voluntarily provide through the Commission information it considers necessary to assure confidence in compliance. Thus one Party might raise a question of compliance based on information gathered by national technical means of verification and the other Party could provide information to clarify the matter.

Attention was called above to the provisions in Article XII prohibiting intentional interference with national technical means of verification operating in accordance with its provisions. The Commission is charged by Article XIII with the responsibility to consider any questions of interference with such means. The Commission may also consider questions of concealment impeding verification by national means. The Commission may consider changes in the general strategic situation which have a bearing on the provisions of the Treaty. Related to this is the Commission's authority to consider proposals to further increase the viability of the Treaty -- such as agreed interpretations after the Treaty has entered into force -- and to consider proposals for amendment of the Treaty. (Amendments to the Treaty would have to be ratified pursuant to Articles XIV and XVI.) The Commission may also consider other

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appropriate measures, not specifically enumerated in Article XIII, aimed at further limiting strategic arms. Finally, through the Commission the Parties are to agree on procedures and dates for the implementation of Article VIII concerning destruction or dismantling of ABM systems or ABM components. (For corresponding responsibility of the Commission under the Interim Agreement, see section C of the discussion thereof.)

The second paragraph of Article XIII provides for the establishment of regulations for the Commission governing procedures, composition and other relevant matters. Such matters can be worked out early in the follow-on negotiations. Meanwhile, any consultation desired by either side under these Articles can be carried out by the Delegations during such negotiations or, when they are not in session, through other diplomatic channels.

The Commission is intended as a means to facilitate the implementation of the agreements and would not replace follow-on negotiations or use of other diplomatic channels.

#### D. DURATION, WITHDRAWAL AND FURTHER NEGOTIATIONS

Article XV provides that the Treaty shall be of unlimited duration, but contains a withdrawal clause of the type that has become standard in post-war arms control treaties. This clause provides that each Party, in exercising its national sovereignty, shall have the right to withdraw from the Treaty if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized its supreme interests. Notice of such decision is to be given to the other Party six months prior to withdrawal from the Treaty. Such notice is required to include a statement of the extraordinary events involved.

In this connection, the United States has stressed the unique relationship between limitations on offensive and defensive strategic arms. This interrelationship lends extraordinary importance to the undertaking in Article XI "to continue active negotiations for limitations on strategic offensive arms."

The special importance we attach to this relationship was reflected in the following formal statement relating to Article XI, which was made by the Head of the United States Delegation on May 9, 1972:

The US Delegation has stressed the importance the US Government attaches to achieving agreement on more complete limitations on strategic offensive arms, following agreement on an ABM Treaty and on an Interim Agreement on certain measures with respect to the limitation of strategic offensive arms. The US Delegation believes that an objective of the follow-on negotiations should be to constrain and reduce on a long-term basis threats to the survivability of our respective strategic retaliatory forces. The USSR Delegation has also indicated that the objectives of SALT would remain unfulfilled without the achievement of an agreement providing for more complete limitations on strategic offensive arms. Both sides recognize that the initial agreements would be steps toward the achievement of more complete limitations on strategic arms. If an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, US supreme interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty.

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The US does not wish to see such a situation occur, nor do we believe that the USSR does. It is because we wish to prevent such a situation that we emphasize the importance the US Government attaches to achievement of more complete limitations on strategic offensive arms. The US Executive will inform the Congress, in connection with Congressional consideration of the ABM Treaty and the Interim Agreement, of this statement of the US position.

#### E. OTHER PROVISIONS

Article XIV deals with amendments and review. Paragraph 1 provides that the Parties may propose amendments to the Treaty. Agreed amendments shall enter into force upon exchange of instruments of ratification. The second paragraph of Article XIV provides for formal review of the Treaty by the Parties at five year intervals. Paragraph 2 does not preclude agreement on proposed amendments of the Treaty during the first five years, or between formal reviews thereafter; it simply reflects recognition of the possibility of changes in the strategic relationship and the development of new strategic systems. These questions are also within the purview of the Standing Consultative Commission.

Article XVI and the final paragraph of the Treaty contain standard provisions on entry into force, registration pursuant to the United Nations Charter, and equal authenticity of the English and Russian language texts.

#### INTERIM AGREEMENT AND PROTOCOL

The Interim Agreement between the United States of America and the Union of Soviet Socialist Republics on Certain Measures with respect to the Limitation of Strategic Offensive Arms (Interim Agreement), including a Protocol which is integral thereto, was signed on May 26, 1972. The Interim Agreement consists of a preamble and eight operative articles. In the course of the negotiations, agreement was reached on a number of interpretive matters related to the Interim Agreement. Enclosure 3 contains agreed interpretations and certain noteworthy unilateral statements.

This Agreement provides for a restriction of five years on strategic offensive missile launcher deployments pending negotiation of more complete limitations on strategic offensive arms. The main effects of the Interim Agreement will be that:

- the aggregate number of fixed, land-based ICBM launchers and SLBM launchers will be limited;
- starting construction of additional fixed, land-based ICBM launchers is prohibited;
- the number of launchers for modern heavy ICBMs, such as the Soviet SS-9, will be limited to that number currently operational and under construction;
- ceilings will be placed on the number of SLBM launchers and modern ballistic missile submarines operational on each side; and
- up to the agreed ceilings, deployment of additional SLBM launchers above a specified number for each Party requires an offsetting reduction of ICBM launchers of older types or SLBM launchers on older ballistic missile submarines.

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In the first paragraph of the preamble of the Agreement the Parties express the conviction that the ABM Treaty and the Interim Agreement will contribute to the creation of more favorable conditions for active negotiation on limiting strategic arms and will improve international relations. In the second paragraph the Parties acknowledge the relationship between strategic offensive and defensive arms, and in the third they acknowledge their obligations under Article VI of the Non-Proliferation Treaty to pursue disarmament negotiations.

#### A. ICBM LAUNCHERS

Article I of the Interim Agreement prohibits starting construction of additional fixed land-based ICBM launchers. While the text of Article I prescribes July 1, 1972 as the freeze date, the United States and the Soviet Union understand that, pending ratification and acceptance of the agreements, neither will take any action that will be prohibited thereby, in the absence of notification by either signatory of its intention not to proceed with ratification or approval.

This construction freeze covers all fixed land-based ICBM launchers, both silo and soft-pad, but does not include test and training ICBM launchers or mobile land-based ICBM launchers. Test and training launchers are, however, subject to other constraints. The United States has made clear to the Soviets that we would consider the deployment of operational land-mobile ICBM launchers during the period of the Interim Agreement to be inconsistent with the objectives of the Agreement. The Parties have agreed that the term ICBM includes any land-based strategic ballistic missile capable of ranges in excess of the shortest distance between the northeastern border of the continental United States and the northwestern border of the continental Soviet Union. Launchers for fractional orbital bombardment systems are considered to be ICBM launchers.

On May 26, 1972, the United States had 1,054 operational land-based ICBM launchers and none under construction; on that date, the Soviet Union had a total of land-based ICBM launchers operational and under active construction estimated to be about 1,618. (ICBM launchers for testing and training purposes are excluded in each case.) Under the freeze, the Soviet Union may complete construction of ICBM launchers under active construction on May 26, 1972. While the Interim Agreement remains in effect, neither Party may start new construction (nor resume previously suspended construction) of fixed ICBM launchers except test and training launchers.

#### B. HEAVY ICBM LAUNCHERS

Article II provides that the Parties shall not convert land-based launchers for light, or older heavy, ICBMs into land-based launchers for modern heavy ICBMs, such as the Soviet SS-9. All currently operational ICBMs other than the SS-9 are either "light" (the United States Minuteman and the Soviet SS-11 and SS-13) or "older" ICBM launchers of types first deployed prior to 1964 (the United States Titan and the Soviet SS-7 and SS-8).

Article II would thus prohibit the conversion of a launcher for an SS-7, SS-8, SS-11 or SS-13 ICBM into a launcher for an SS-9 or any new modern heavy ICBM, and would similarly prohibit the conversion of a launcher for a Minuteman or Titan into a launcher for

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a modern heavy ICBM. The Parties agree that in the process of modernization and replacement the dimensions of land-based ICBM silo launchers will not be significantly increased, and that this means that any increase will not be greater than 10-15 percent of the present dimensions. The United States has also made clear that it would consider any ICBM having a volume significantly greater than that of the largest light ICBM now operational on either side (which is the Soviet SS-11) to be a heavy ICBM.

#### C. SLBM LAUNCHERS AND MODERN BALLISTIC MISSILE SUBMARINES

Article III limits SLBM launchers and modern ballistic missile submarines to the numbers operational and under construction on May 26, 1972.

In addition, Article III and the Protocol permit launchers and submarines beyond 740 SLBM launchers on nuclear-powered submarines for the Soviet Union and 656 SLBM launchers on nuclear-powered submarines for the United States, subject to two constraints. First, additional SLBM launchers may become operational only as replacements for an equal number of ICBM launchers of types first deployed prior to 1964, or for launchers on older nuclear-powered submarines or for modern SLBM launchers on any type of submarine. Second, such substitution may not result in:

- the Soviet Union having operational more than 62 modern ballistic missile submarines or more than 950 SLBM launchers, including all SLBM launchers on nuclear-powered submarines and all modern SLBM launchers on any type of submarine;
- the United States having operational more than 44 modern ballistic missile submarines or more than 710 SLBM launchers.

Construction of replacement SLBM launchers up to the limits under the Protocol would require the dismantling or destruction, under agreed procedures, of an equal number of ICBM launchers of older types or of SLBM launchers on nuclear-powered submarines. Moreover, modern SLBM launchers deployed on any type of submarine would count against the total ceiling on SLBM launchers. Dismantling or destruction would be required to commence no later than the date on which sea trials of a replacement ballistic missile submarine begin and to be completed in the shortest possible agreed period of time. Thus the Soviets will have to begin dismantling older ICBM or SLBM launchers no later than when the 741st SLBM launcher on a nuclear-powered submarine enters sea trials. Dismantling or destruction, as well as timely notification thereof, are to be carried out in accordance with procedures to be agreed upon in the Standing Consultative Commission.

#### D. TEST AND TRAINING LAUNCHERS

The Parties agree that the number of test and training launchers for ICBMs and SLBMs, including "modern heavy" ICBMs, shall not be increased significantly above the current number of test and training launchers for such missiles. It is understood that construction or

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conversion of ICBM launchers at test ranges shall be undertaken only for the purposes of testing and training. It is also understood that ICBM launchers for test and training purposes may be constructed at operational sites.

#### E. MODERNIZATION AND REPLACEMENT

Article IV provides that, subject to the provisions of the Interim Agreement, modernization and replacement of strategic ballistic missiles and launchers covered by the Interim Agreement may be undertaken. The conversion of current United States ICBM launchers to handle Minuteman III missiles, the conversion of current submarine launchers to handle Poseidon missiles, and the construction of new submarines as replacements for older submarines, are not prohibited by the Agreement.

#### F. OTHER PROVISIONS

Article V of the Interim Agreement contains the same provisions on verification as appear in Article XII of the ABM Treaty. Verification will be carried out by national technical means operating in accordance with generally recognized principles of international law. Interference with, or deliberate concealment from, such means is prohibited. Neither Party is required to change its current practices of construction, assembly, conversion, or overhaul.

Article VI provides that in order to promote the objectives and implementation of the Interim Agreement, the Parties shall use the Standing Consultative Commission to be established pursuant to Article XIII of the ABM Treaty.

In Article VII the Parties agree to continue active negotiation for limitations on strategic offensive arms. This Article also provides that the terms of this Interim Agreement will not prejudice the scope and terms of the limitations on strategic offensive arms which may be worked out in the subsequent negotiations. It is expected that these subsequent negotiations will start in the near future.

The first paragraph of Article VIII of the Interim Agreement provides that it shall enter into force upon the exchange of written notices of acceptance, simultaneously with the exchange of instruments of ratification of the ABM Treaty.

Paragraph 2 of Article VIII provides that the Interim Agreement shall remain in effect for five years, unless earlier replaced by agreement on more complete measures limiting strategic offensive arms.

The third paragraph of this Article provides each Party with a right, parallel to that contained in paragraph 2 of Article XV of the ABM Treaty, to withdraw upon six months' notice if such Party decides its supreme interests have been jeopardized by extraordinary events related to the subject matter of the Interim Agreement.

#### CONCLUSION

I believe the Treaty limiting anti-ballistic missile systems, together with the accompanying Interim Agreement and its Protocol constraining

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strategic offensive arms, constitute the most important step in arms limitation ever taken by this country. In these agreements, the two most powerful nations on earth are adopting measures designed to curb the deployment of strategic arms.

The Parties have protected their vital interests during the careful negotiation and elaboration of these agreements. We did not agree to anything adversely affecting the national interests of our Allies, who were regularly consulted during the negotiations. The Congress has been kept closely informed throughout the negotiations. Ambassador Smith and other Delegation members conducted a total of thirty executive session briefings for Congressional Committees.

These Agreements should help to improve Soviet-American relations and preserve and strengthen international security and world order. The entry into force of these measures should significantly advance the cause of peace in the world, and I hope that they can be brought into force as soon as practicable.

Respectfully submitted,

WILLIAM P. ROGERS

Enclosures:

1. The ABM Treaty.
2. The Interim Agreement and associated Protocol.
3. Agreed Interpretations and Unilateral Statements.

# # # #

May 26, 1972

TREATY  
BETWEEN THE UNITED STATES OF AMERICA  
AND  
THE UNION OF SOVIET SOCIALIST REPUBLICS  
ON THE LIMITATIONS OF ANTI-BALLISTIC MISSILE SYSTEMS

The United States of America and the Union of Soviet Socialist Republics,  
hereinafter referred to as the Parties,

Proceeding from the premise that nuclear war would have devastating consequences for all mankind,

Considering that effective measures to limit anti-ballistic missile systems would be a substantial factor in curbing the race in strategic offensive arms and would lead to a decrease in the risk of outbreak of war involving nuclear weapons,

Proceeding from the premise that the limitation of anti-ballistic missile systems, as well as certain agreed measures with respect to the limitation of strategic offensive arms, would contribute to the creation of more favorable conditions for further negotiations on limiting strategic arms,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to take effective measures toward reductions in strategic arms, nuclear disarmament, and general and complete disarmament,

Desiring to contribute to the relaxation of international tension and the strengthening of trust between States,

Have agreed as follows:

Article 1

1. Each Party undertakes to limit anti-ballistic missile (ABM) systems and to adopt other measures in accordance with the provisions of this Treaty.
2. Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for defense of an individual region except as provided for in Article III of this Treaty.

## Article II

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1. For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of:

(a) ABM interceptor missiles, which are interceptor missiles constructed and deployed for an ABM role, or of a type tested in an ABM mode;

(b) ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles; and

(c) ABM radars, which are radars constructed and deployed for an ABM role, or of a type tested in an ABM mode.

2. The ABM system components listed in paragraph 1 of this Article include those which are:

(a) operational;

(b) under construction;

(c) undergoing testing;

(d) undergoing overhaul, repair or conversion; or

(e) mothballed.

## Article III

Each Party undertakes not to deploy ABM systems or their components except that:

(a) within one ABM system deployment area having a radius of one hundred and fifty kilometers and centered on the Party's national capital, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, and (2) ABM radars within no more than six ABM radar complexes, the area of each complex being circular and having a diameter of no more than three kilometers; and

(b) within one ABM system deployment area having a radius of one hundred and fifty kilometers and containing ICBM silo launchers, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites. (2) two large phased-array ABM radars comparable in potential to corresponding ABM radars operational or under construction on the date of signature of the Treaty in an ABM system deployment area containing ICBM silo launchers, and (3) no more than eighteen ABM radars each having a potential less than the potential of the smaller of the above-mentioned two large phased-array ABM radars.



#### Article IV

The limitations provided for in Article III shall not apply to ABM systems their components used for development or testing, and located within current or additionally agreed test ranges. Each Party may have no more than a total of fifteen ABM launchers at test ranges.

#### Article V

1. Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.
2. Each Party undertakes not to develop, test, or deploy ABM launchers for launching more than one ABM interceptor missile at a time from each launcher, nor to modify deployed launchers to provide them with such a capability, nor to develop, test, or deploy automatic or semi-automatic or other similar systems for rapid reload of ABM launchers.

#### Article VI

To enhance assurance of the effectiveness of the limitations on ABM systems and their components provided by this Treaty, each Party undertakes:

- a) not to give missiles, launchers, or radars, other than ABM interceptor missiles, ABM launchers, or ABM radars, capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode; and
- b) not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward.

#### Article VII

Subject to the provisions of this Treaty, modernization and replacement of ABM systems or their components may be carried out.

#### Article VIII

ABM systems or their components in excess of the numbers or outside the areas specified in this Treaty, as well as ABM systems or their components prohibited by this Treaty, shall be destroyed or dismantled under agreed procedures within the shortest possible agreed period of time.

(e) agree upon procedures and dates for destruction or dismantling of ABM systems or their components in cases provided for by the provisions of this Treaty;

(f) consider, as appropriate, possible proposals for further increasing the viability of this Treaty, including proposals for amendments in accordance with the provisions of this Treaty;

(g) consider, as appropriate, proposals for further measures aimed at limiting strategic arms.

2. The Parties through consultation shall establish, and may amend as appropriate, Regulations for the Standing Consultative Commission governing procedures, composition and other relevant matters.

#### Article XIV

1. Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing the entry into force of this Treaty.

2. Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty.

#### Article XV

1. This Treaty shall be of unlimited duration.

2. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

#### Article XVI

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. The Treaty shall enter into force on the day of the exchange of instruments of ratification.

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### Article IX

To assure the viability and effectiveness of this Treaty, each Party undertakes not to transfer to other States, and not to deploy outside its national territory, ABM systems or their components limited by this Treaty.

### Article X

Each Party undertakes not to assume any international obligations which would conflict with this Treaty.

### Article XI

The Parties undertake to continue active negotiations for limitations on strategic offensive arms.

### Article XII

1. For the purpose of providing assurance of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.
2. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.
3. Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Treaty. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

### Article XIII

1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall establish promptly a Standing Consultative Commission, within the framework of which they will:
  - (a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;
  - (b) provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;
  - (c) consider questions involving unintended interference with national technical means of verification;
  - (d) consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty;

2. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at Moscow on May 26, 1972, in two copies, each in the English and Russian languages, both texts being equally authentic.

FOR THE UNITED STATES OF  
AMERICA

RICHARD NIXON  
President of the United States  
of America

FOR THE UNION OF SOVIET  
SOCIALIST REPUBLICS

LEONID I. BREZHNEV  
General Secretary of the Central  
Committee of the CPSU

# # # #

INTERIM AGREEMENT  
BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS  
AND  
THE UNITED STATES OF AMERICA  
ON CERTAIN MEASURES WITH RESPECT TO THE  
LIMITATION OF STRATEGIC OFFENSIVE ARMS

The Union of Soviet Socialist Republics and the United States of America hereinafter referred to as the Parties,

Convinced that the Treaty on the Limitation of Anti-Ballistic Missile Systems and this Interim Agreement on Certain Measures with Respect to the Limitation of Strategic Offensive Arms will contribute to the creation of more favorable conditions for active negotiations on limiting strategic arms as well as to the relaxation of international tension and the strengthening of trust between States,

Taking into account the relationship between strategic offensive and defensive arms,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Have agreed as follows:

Article 1

The Parties undertake not to start construction of additional fixed land-based intercontinental ballistic missile (ICBM) launchers after July 1, 1972.

Article 11

The Parties undertake not to convert land-based launchers for light ICBMs, or for ICBMs of older types deployed prior to 1964, into land-based launchers for heavy ICBMs of types deployed after that time.

Article 111

The Parties undertake to limit submarine-launched ballistic missile (SLBM) launchers and modern ballistic missile submarines to the numbers operational and under construction on the date of signature of this Interim Agreement, and in addition launchers and submarines constructed under procedures established by the Parties as replacements for an equal number of ICBM launchers of older types deployed prior to 1964 or for launchers on older submarines.

Article IV

Subject to the provisions of this Interim Agreement, modernization and replacement of strategic offensive ballistic missiles and launchers covered by this Interim Agreement may be undertaken.

## Article V

1. For the purpose of providing assurance of compliance with the provisions of this Interim Agreement, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.
2. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.
3. Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Interim Agreement. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

## Article VI

To promote the objectives and implementation of the provisions of this Interim Agreement, the Parties shall use the Standing Consultative Commission established under Article XIII of the Treaty on the Limitation of Anti-Ballistic Missile Systems in accordance with the provisions of that Article.

## Article VII

The Parties undertake to continue active negotiations for limitations on strategic offensive arms. The obligations provided for in this Interim Agreement shall not prejudice the scope or terms of the limitations on strategic offensive arms which may be worked out in the course of further negotiations.

## Article VIII

1. This Interim Agreement shall enter into force upon exchange of written notices of acceptance by each Party, which exchange shall take place simultaneously with the exchange of instruments of ratification of the Treaty on the Limitation of Anti-Ballistic Missile Systems.
2. This Interim Agreement shall remain in force for a period of five years unless replaced earlier by an agreement on more complete measures limiting strategic offensive arms. It is the objective of the Parties to conduct active follow-on negotiations with the aim of concluding such an agreement as soon as possible.
3. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Interim Agreement if it decides that extraordinary events related to the subject matter of this Interim Agreement have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from this Interim Agreement. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

May 26, 1972

PROTOCOL

TO THE INTERIM AGREEMENT BETWEEN  
THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET  
SOCIALIST REPUBLICS ON CERTAIN MEASURES WITH RESPECT  
TO THE LIMITATION OF STRATEGIC OFFENSIVE ARMS

The United States of America and the Union of Soviet Socialist Republics,  
hereinafter referred to as the Parties,

Having agreed on certain limitations relating to submarine-launched  
ballistic missile launchers and modern ballistic missile submarines,  
and to replacement procedures, in the Interim Agreement,

Have agreed as follows:

The Parties understand that, under Article III of the Interim Agreement,  
for the period during which that Agreement remains in force:

The US may have no more than 710 ballistic missile launchers on sub-  
marines (SLBMs) and no more than 44 modern ballistic missile submarines.  
The Soviet Union may have no more than 950 ballistic missile launchers  
on submarines and no more than 62 modern ballistic missile submarines.

Additional ballistic missile launchers on submarines up to the above-  
mentioned levels, in the U. S. - over 656 ballistic missile launchers on  
nuclear-powered submarines, and in the U. S. S. R. - over 740 ballistic  
missile launchers on nuclear-powered submarines, operational and  
under construction, may become operational as replacements for equal  
numbers of ballistic missile launchers of older types deployed prior to  
1964 or of ballistic missile launchers on older submarines.

The deployment of modern SLBMs on any submarine, regardless of type,  
will be counted against the total level of SLBMs permitted for the U. S.  
and the U. S. S. R.

This Protocol shall be considered an integral part of the Interim Agreement

FOR THE UNITED STATES  
OF AMERICA

RICHARD NIXON

The President of the United  
States of America

FOR THE UNION OF SOVIET  
SOCIALIST REPUBLICS

LEONID I. BREZHNEV

The General Secretary of the  
Central Committee of the CPSU

# # #

JUNE 13, 1972

ENCLOSURE 3

1. Agreed Interpretations.

(a) Initialed Statements.

The texts of the statements set out below were agreed upon and initialed by the Heads of the Delegations on May 26, 1972.

ABM Treaty

[A]

The Parties understand that, in addition to the ABM radars which may be deployed in accordance with subparagraph (a) of Article III of the Treaty, those non-phased-array ABM radars operational on the date of signature of the Treaty within the ABM system deployment area for defense of the national capital may be retained.

[B]

The Parties understand that the potential (the product of mean emitted power in watts and antenna area in square meters) of the smaller of the two large phased-array ABM radars referred to in subparagraph (b) of Article III of the Treaty is considered for purposes of the Treaty to be three million.

[C]

The Parties understand that the center of the ABM system deployment area centered on the national capital and the center of the ABM system deployment area containing ICBM silo launchers for each Party shall be separated by no less than thirteen hundred kilometers.

[D]

The Parties agree not to deploy phased-array radars having a potential (the product of mean emitted power in watts and antenna area in square meters) exceeding three million, except as provided for in Articles III, IV and VI of the Treaty, or except for the purposes of tracking objects in outer space or for use as national technical means of verification.

[E]

In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty.

[F]

The Parties understand that Article V of the Treaty includes obligations not to develop, test or deploy ABM interceptor missiles for the delivery

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by each ABM interceptor missile of more than one independently guided warhead.

[G]

The Parties understand that Article IX of the Treaty includes the obligation of the US and the USSR not to provide to other States technical descriptions or blueprints specially worked out for the construction of ABM systems and their components limited by the Treaty.

Interim Agreement

[H]

The Parties understand that land-based ICBM launchers referred to in the Interim Agreement are understood to be launchers for strategic ballistic missiles capable of ranges in excess of the shortest distance between the northeastern border of the continental U.S. and the northwestern border of the continental USSR.

[I]

The Parties understand that fixed land-based ICBM launchers under active construction as of the date of signature of the Interim Agreement may be completed.

[J]

The Parties understand that in the process of modernization and replacement the dimensions of land-based ICBM silo launchers will not be significantly increased.

[K]

The Parties understand that dismantling or destruction of ICBM launchers of older types deployed prior to 1964 and ballistic missile launchers on older submarines being replaced by new SLBM launchers on modern submarines will be initiated at the time of the beginning of sea trials of a replacement submarine, and will be completed in the shortest possible agreed period of time. Such dismantling or destruction, and timely notification thereof, will be accomplished under procedures to be agreed in the Standing Consultative Commission.

[L]

The Parties understand that during the period of the Interim Agreement there shall be no significant increase in the number of ICBM or SLBM test and training launchers, or in the number of such launchers for modern land-based heavy ICBMs. The Parties further understand that construction or conversion of ICBM launchers at test ranges shall be undertaken only for purposes of testing and training.

(b) Common Understandings.

Common understanding of the Parties on the following matters was reached during the negotiations:

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#### A. Increase in ICBM Silo Dimensions

Ambassador Smith made the following statement on May 26, 1972:  
"The Parties agree that the term 'significantly increased' means that an increase will not be greater than 10-15 percent of the present dimensions of land-based ICBM silo launchers."

Minister Semenov replied that this statement corresponded to the Soviet understanding.

#### B. Location of ICBM Defenses

The U.S. Delegation made the following statement on May 26, 1972:  
"Article III of the ABM Treaty provides for each side one ABM system deployment area centered on its national capital and one ABM system deployment area containing ICBM silo launchers. The two sides have registered agreement on the following statement: 'The Parties understand that the center of the ABM system deployment area centered on the national capital and the center of the ABM system deployment area containing ICBM silo launchers for each Party shall be separated by no less than thirteen hundred kilometers.' In this connection, the U.S. side notes that its ABM system deployment area for defense of ICBM silo launchers, located west of the Mississippi River, will be centered in the Grand Forks ICBM silo launcher deployment area." (See Initialed Statement [C].)

#### C. ABM Test Ranges

The U.S. Delegation made the following statement on April 26, 1972:  
"Article IV of the ABM Treaty provides that 'the limitations provided for in Article III shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges.' We believe it would be useful to assure that there is no misunderstanding as to current ABM test ranges. It is our understanding that ABM test ranges encompass the area within which ABM components are located for test purposes. The current U.S. ABM test ranges are at White Sands, New Mexico, and at Kwajalein Atoll, and the current Soviet ABM test range is near Sary Shagan in Kazakhstan. We consider that non-phased array radars of types used for range safety or instrumentation purposes may be located outside of ABM test ranges. We interpret the reference in Article IV to 'additionally agreed test ranges' to mean that ABM components will not be located at any other test ranges without prior agreement between our Governments that there will be such additional ABM test ranges."

On May 5, 1972, the Soviet Delegation stated that there was a common understanding on what ABM test ranges were, that the use of the types of non-ABM radars for range safety or instrumentation was not limited under the Treaty, that the reference in Article IV to "additionally agreed" test ranges was sufficiently clear, and that national means permitted identifying current test ranges.

#### D. Mobile ABM Systems

On January 28, 1972, the U.S. Delegation made the following statement:  
"Article V(1) of the Joint Draft Text of the ABM Treaty includes an undertaking not to develop, test, or deploy mobile land-based ABM systems and their components. On May 5, 1971, the U.S. side indicated that, in its view, a prohibition on deployment of mobile ABM systems and components would

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rule out the deployment of ABM launchers and radars which were not permanent fixed types. At that time, we asked for the Soviet view of this interpretation. Does the Soviet side agree with the U.S. side's interpretation put forward on May 5, 1971?"

On April 13, 1972, the Soviet Delegation said there is a general common understanding on this matter.

#### E. Standing Consultative Commission

Ambassador Smith made the following statement on May 23, 1972: "The United States proposes that the sides agree that, with regard to initial implementation of the ABM Treaty's Article XIII on the Standing Consultative Commission (SCC) and of the consultation Articles to the Interim Agreement on offensive arms and the Accidents Agreement\*, agreement establishing the SCC will be worked out early in the follow-on SALT negotiations; until that is completed, the following arrangements will prevail: when SALT is in session, any consultation desired by either side under these Articles can be carried out by the two SALT Delegations; when SALT is not in session, ad hoc arrangements for any desired consultations under these Articles may be made through diplomatic channels."

Minister Semenov replied that, on an ad referendum basis, he could agree that the U.S. statement corresponded to the Soviet understanding.

#### F. Standstill

On May 6, 1972, Minister Semenov made the following statement: "In an effort to accommodate the wishes of the U.S. side, the Soviet Delegation is prepared to proceed on the basis that the two sides will in fact observe the obligations of both the Interim Agreement and the ABM Treaty beginning from the date of signature of these two documents."

In reply, the U.S. Delegation made the following statement on May 20, 1972: "The U.S. agrees in principle with the Soviet statement made on May 6 concerning observance of obligations beginning from date of signature but we would like to make clear our understanding that this means that, pending ratification and acceptance, neither side would take any action prohibited by the agreements after they had entered into force. This understanding would continue to apply in the absence of notification by either signatory of its intention not to proceed with ratification or approval."

The Soviet Delegation indicated agreement with the U.S. statement.

\* See Article 7 of Agreement to Reduce the Risk of Outbreak of Nuclear War Between the United States of America and the Union of Soviet Socialist Republics, signed September 30, 1971.

## 2. Unilateral Statements.

(a) The following noteworthy unilateral statements were made during the negotiations by the United States Delegation: --

### A. Withdrawal from the ABM Treaty

On May 9, 1972, Ambassador Smith made the following statement: "The U.S. Delegation has stressed the importance the U.S. Government attaches to achieving agreement on more complete limitations on strategic offensive arms, following agreement on an ABM Treaty and on an Interim Agreement on certain measures with respect to the limitation of strategic offensive arms. The U.S. Delegation believes that an objective of the follow-on negotiations should be to constrain and reduce on a long-term basis threats to the survivability of our respective strategic retaliatory forces. The USSR Delegation has also indicated that the objectives of SALT would remain unfulfilled without the achievement of an agreement providing for more complete limitations on strategic offensive arms. Both sides recognize that the initial agreements would be steps toward the achievement of more complete limitations on strategic arms. If an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, U.S. supreme interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty. The U.S. does not wish to see such a situation occur, nor do we believe that the USSR does. It is because we wish to prevent such a situation that we emphasize the importance the U.S. Government attaches to achievement of more complete limitations on strategic offensive arms. The U.S. Executive will inform the Congress, in connection with Congressional consideration of the ABM Treaty and the Interim Agreement of this statement of the U.S. position."

### B. Land-Mobile ICBM Launchers

The U.S. Delegation made the following statement on May 20, 1972: "In connection with the important subject of land-mobile ICBM launchers, in the interest of concluding the Interim Agreement the U.S. Delegation now withdraws its proposal that Article I or an agreed statement explicitly prohibit the deployment of mobile land-based ICBM launchers. I have been instructed to inform you that, while agreeing to defer the question of limitation of operational land-mobile ICBM launchers to the subsequent negotiations on more complete limitations on strategic offensive arms, the U.S. would consider the deployment of operational land-mobile ICBM launchers during the period of the Interim Agreement as inconsistent with the objectives of that Agreement."

### C. Covered Facilities

The U.S. Delegation made the following statement on May 20, 1972: "I wish to emphasize the importance that the United States attaches to the provisions of Article V, including in particular their application to fitting out or berthing submarines."

### D. "Heavy" ICBMs

The U.S. Delegation made the following statement on May 26, 1972: "The U.S. Delegation regrets that the Soviet Delegation has not been willing

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to agree on a common definition of a heavy missile. Under these circumstances, the U.S. Delegation believes it necessary to state the following: The United States would consider any ICBM having a volume significantly greater than that of the largest light ICBM now operational on either side to be a heavy ICBM. The U.S. proceeds on the premise that the Soviet side will give due account to this consideration. "

#### E. Tested in ABM Mode

On April 7, 1972, the U.S. Delegation made the following statement: "Article II of the Joint Draft Text uses the term 'tested in an ABM mode,' in defining ABM components, and Article VI includes certain obligations concerning such testing. We believe that the sides should have a common understanding of this phrase. First, we would note that the testing provisions of the ABM Treaty are intended to apply to testing which occurs after the date of signature of the Treaty, and not to any testing which may have occurred in the past. Next, we would amplify the remarks we have made on this subject during the previous Helsinki phase by setting forth the objectives which govern the U.S. view on the subject, namely, while prohibiting testing of non-ABM components for ABM purposes: not to prevent testing of ABM components, and not to prevent testing of non-ABM components for non-ABM purposes. To clarify our interpretation of 'tested in an ABM mode,' we note that we would consider a launcher, missile or radar to be 'tested in an ABM mode' if, for example, any of the following events occur: (1) a launcher is used to launch an ABM interceptor missile, (2) an interceptor missile is flight tested against a target vehicle which has a flight trajectory with characteristics of a strategic ballistic missile flight trajectory, or is flight tested in conjunction with the test of an ABM interceptor missile or an ABM radar at the same test range, or is flight tested to an altitude inconsistent with interception of targets against which air defenses are deployed, (3) a radar makes measurements on a cooperative target vehicle of the kind referred to in item (2) above during the reentry portion of its trajectory or makes measurements in conjunction with the test of an ABM interceptor missile or an ABM radar at the same test range. Radars used for purposes such as range safety or instrumentation would be exempt from application of these criteria. "

#### F. No-Transfer Article of ABM Treaty

On April 18, 1972, the U.S. Delegation made the following statement: "In regard to this Article [IX], I have a brief and I believe self-explanatory statement to make. The U.S. side wishes to make clear that the provisions of this Article do not set a precedent for whatever provision may be considered for a Treaty on Limiting Strategic Offensive Arms. The question of transfer of strategic offensive arms is a far more complex issue, which may require a different solution. "

#### G. No Increase in Defense of Early Warning Radars

On July 28, 1970, the U.S. Delegation made the following statement: "Since Hen House radars [Soviet ballistic missile early warning radars] can detect and track ballistic missile warheads at great distances, they have a significant ABM potential. Accordingly, the U.S. would regard any increase in the defenses of such radars by surface-to-air missiles as inconsistent with an agreement. "

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(b) The following noteworthy unilateral statement was made by the Delegation of the U.S.S.R. and is shown here with the U.S. reply: --

On May 17, 1972, Minister Semenov made the following unilateral "Statement of the Soviet Side:" "Taking into account that modern ballistic missile submarines are presently in the possession of not only the U.S., but also of its NATO allies, the Soviet Union agrees that for the period of effectiveness of the Interim 'Freeze' Agreement the U.S. and its NATO allies have up to 50 such submarines with a total of up to 800 ballistic missile launchers thereon (including 41 U.S. submarines with 656 ballistic missile launchers). However, if during the period of effectiveness of the Agreement U.S. allies in NATO should increase the number of their modern submarines to exceed the numbers of submarines they would have operational or under construction on the date of signature of the Agreement, the Soviet Union will have the right to a corresponding increase in the number of its submarines. In the opinion of the Soviet side, the solution of the question of modern ballistic missile submarines provided for in the Interim Agreement only partially compensates for the strategic imbalance in the deployment of the nuclear-powered missile submarines of the USSR and the U.S. Therefore, the Soviet side believes that this whole question, and above all the question of liquidating the American missile submarine bases outside the U.S., will be appropriately resolved in the course of follow-on negotiations."

On May 24, Ambassador Smith made the following reply to Minister Semenov: "The United States side has studied the 'statement made by the Soviet side' of May 17 concerning compensation for submarine basing and SLBM submarines belonging to third countries. The United States does not accept the validity of the considerations in that statement."

On May 26 Minister Semenov repeated the unilateral statement made on May 17. Ambassador Smith also repeated the U.S. rejection on May 26.

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