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## TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF ANTI-BALLISTIC MISSILE SYSTEMS (ABM TREATY)

*Note: As of February 2008, this file will no longer be updated.*

**Signed:** 26 May 1972.

**Entered into Force:** 3 October 1972.

**Duration:** Ceased to be in force on 13 June 2002, after the US formally withdrew from the Treaty.

**Parties:** United States and USSR (Russia, Belarus, Kazakhstan, Ukraine).

### Treaty Text

In 1967, the United States proposed the adoption of strict limitations on strategic anti-ballistic missile (ABM) systems. The USSR did not accept this proposal, but in its counter proposal suggested that negotiations on ABM defenses should include discussion of strategic offensive arms. This counter proposal was accepted by the United States. On 1 July 1968, at the signing of the Nuclear Non-proliferation Treaty, President Johnson announced that the United States and USSR had reached an agreement to limit and reduce both strategic offensive and defensive systems, but not until 1969 were the sides prepared to begin a substantive dialogue. On 17 November 1969, the United States and Soviet Union began the Strategic Arms Limitation Talks (SALT I) on limiting both ABM defensive systems and strategic nuclear offensive systems. The first real exploration of possible packages began in the spring of 1970. In 1970, the United States proposed to limit ABMs to the defense of national capitals. After the USSR had accepted this proposal, the United States tried to backtrack and proposed more ABM sites. The discussion reached an impasse due to disagreement on the scope of the future treaty. The Soviet Union proposed that the negotiations be limited to discussions of ABM systems only, while the United States insisted that it was essential to make at least a beginning at limiting offensive systems as well. Finally, after some back-channel negotiations, in May 1971, the sides reached a preliminary agreement on the outlines of a limited ABM Treaty. On 26 May 1972, the talks

were concluded with the signing of two basic SALT I documents:

- an Interim Agreement on certain measures limiting strategic offensive arms (see SALT I Section);
- the ABM Treaty on the limitation of strategic defensive systems.

**Obligations:** The Parties undertook to limit ABM systems, and not to deploy ABM systems for the defense of their countries or an individual region except as provided by the Treaty (Article I). The Treaty obligated the Parties to limit their deployed ABM systems to two sites: one around the national capital with no more than 100 ABM launchers and no more than 100 ABM interceptor missiles, and the other around ICBM silo launchers with no more than 100 ABM launchers and no more than 100 ABM interceptor missiles, with the requirement that the two sites must be separated by no less than thirteen hundred kilometers (Article III, Agreed Statement C). These limitations did not apply to ABM systems nor their components used for development or testing, nor those located within agreed test ranges, where each party could have no more than a total of 15 ABM launchers (Article IV). The Treaty and the ensuing Agreed Statements specified in detail the number and characteristics of radars permitted by the Treaty. The Treaty prohibited development, testing, or deployment of sea-based, air-based, space-based, or mobile land-based ABM systems or components (Article V). Agreed Statement D obligated the Parties, in case of the future creation of ABM systems based on other physical principles, to discuss specific limitations on such systems in a Standing Consultative Commission (SCC). The Treaty also banned development, testing, or deployment of ABM launchers for launching more than one ABM interceptor missiles at a time, automatic or semi-automatic or other similar systems for rapid reload of ABM launchers, and ABM interceptor missile with more than one independently guided

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warhead (Article V, Agreed Statement E). The Parties further undertook 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 ABM mode, as well as not to deploy in the future early warning radars (EWR) except at locations along the periphery of their national territory and oriented outward (Article VI). The Treaty provided for the destruction or dismantlement of the ABM systems or their components in excess of the numbers or outside the areas specified by the Treaty, or those prohibited by it (Article VIII). The Parties also undertook not to transfer to other States, and not to deploy outside their national territories, ABM systems or their components limited by the Treaty, as well as not to provide to other States technical descriptions or blueprints of the ABM systems prohibited by the Treaty (Article IX, Agreed Statement G). The Parties established an SCC to handle compliance issues, matters related to dismantlement and destruction procedures, ambiguous situations that may arise during the Treaty's implementation, etc.

**Verification and Compliance:** Verification: To ensure compliance with the Treaty, the parties were entitled to use their national technical means (NTM) of verification and were obligated not to interfere with such NTM and not to use deliberate concealment measures that impede such verification (Article XII). Compliance: The Standing Consultative Commission (SCC) was established to promote the objectives and implementation of the provisions of the Treaty. The SCC was to establish and approve regulations governing procedures and other relevant matters and amend them as it deemed appropriate. To address non-compliance, the United States and the USSR/Russian Federation exchanged documents since 1972 stating that no activities contrary to the 1972 ABM Treaty had been carried out.

**Amendments and Withdrawal:** The Parties were entitled to propose amendments to the Treaty, which were to be considered by the SCC. The SCC was also required to consider possible changes in the strategic situation that have a bearing on the provisions of the Treaty (Articles XIII and XIV). The Treaty gave the Parties the right to withdraw from it with a six-month notice in the event of extraordinary circumstances that jeopardize their supreme interests (Article V). The United States withdrew from the Treaty in June 2002.

## Developments:

**2002:** In January, the US Secretary of Defense announced the redesignation of the Ballistic Missile Defense Organization (BMDO) as the Missile Defense Agency (MDA). The MDA is tasked with developing a missile defense system and establishing a baseline for its capabilities and configuration. The first round of US-Russia Arms Control Discussions took place on 15-16 January in Washington. The countries discussed the war on terrorism, the issue of offensive nuclear forces, the unilateral strategic nuclear weapons reductions that the United States and Russia have already announced and the issue of missile defense. At the end of the talks, the Parties decided to create a number of working groups to develop bi-lateral arrangements and agreements.

On 19 February, the second round of Russian-American talks on the issue of START/ABM Treaty and the formation of a new framework for strategic relations between the two countries took place in Moscow. The talks focused on the promotion of strategic stability and international security, nuclear disarmament, and nonproliferation. The Parties agreed to increase their efforts in the preparation of a legally binding document on a radical reduction in strategic offensive weapons and a declaration on the formation of a new strategic partnership between the United States and Russia.

On 13 June, US President Bush declared that US withdrawal from the ABM Treaty, which he had announced six months earlier in accordance with the Treaty's provisions, was formally taking effect, thereby marking the end of the ABM Treaty. The following day, US Deputy Secretary of Defense Paul Wolfowitz reiterated the US commitment to developing, testing, and deploying effective defenses against limited missile attacks. In this regard, he announced the construction by 2004 in Alaska of silos to house missile defense interceptors, which would be part of the testing program but would also give the United States an emergency capability to protect the country in a crisis situation. He also stated that initial deployments of sea-based interceptors would begin in 2004-2005, and that the prototype airborne laser was scheduled for testing. On 14 June, the Russian Federation announced its withdrawal from START II due to US refusal to ratify the treaty and to US withdrawal from the ABM Treaty.

**2001:** On 20 February, Russian Minister of Defense Igor Sergeyev officially presented to NATO Secretary-General George Robertson Russia's proposal for a European non-strategic ballistic missile defense  
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system. Expanding on the June 2000 proposal made by President Putin, the proposal represented the most comprehensive outline of this concept. According to this proposal, the system would be created in the interests of all European countries, regardless of their membership in NATO or other alliances or international organizations; it would be implemented following the assessment of the missile threat to Europe (which would be accomplished through multilateral consultations) and the development of a conceptual framework of the system. The European missile defense would consist of rapidly deployable mobile missile defense units manned by multi-national crews, and would be deployed in threatened areas. Russia stressed that this proposal did not in itself constitute an acknowledgement of the existence of a threat, thus refuting comments, including those by the NATO Secretary-General, that the proposal represented a shift in the Russian position. However, Russia also emphasized that the mobile anti-missile units could be created only after a need for a military solution to the missile threat is identified during negotiations, and that Russia continued to adhere to the view that changes in the world situation did not warrant resorting to solely military solutions.

On 1 May, US President Bush, in his remarks to students and faculty at the National Defense University, noted that the changed world required a new policy of active nonproliferation, counterproliferation and defenses and new concepts of deterrence that rely on both offensive and defensive forces. This new framework would allow the country to build missile defenses to counter the different emerging threats. Therefore, he called for moving “beyond the constraints of the 30-year old ABM Treaty.” The President indicated that the final solution of what the national missile defense (NMD) would look like had not been found yet, but the Pentagon was actively exploring options, stressing that the question was not whether the United States would deploy NMD but when. The President said that the United States would consult closely on the subject with its “friends and allies” and announced that he was dispatching high-level representatives to allied capitals in Europe, Asia, Australia, and Canada to conduct “real consultations,” and not to present them with unilateral decisions already made. He also said the United States would reach out to Russia and China.

Russian officials interpreted this statement as a sign of US unwillingness to withdraw from the Treaty unilaterally and positively commented on Bush's willingness to consult with Russia on issues of international security and to take into consideration Russia's concerns on strategic stability. However, during

the May 2001 bilateral consultations, no apparent progress was made.

Republicans in US Congress applauded Bush's 1 May speech calling for the deployment of NMD and scrapping the ABM Treaty. Democrats challenged the arguments and intentions. They questioned the administration's threat assessment, claiming that NMD would undermine rather than enhance US security because of Russia's and China's development of new ways to overwhelm the defense and because of the build-up of nuclear arsenals in Asia in response to NMD deployment. Finally, Democrats indicated that they would not blindly follow presidential decisions by saying that the president's speech opened one of the most important and consequential debates the United States would see in their lifetime.

In May, senior US officials conducted a nine-day tour during which they visited 19 countries, including Russia and China, and briefed NATO. Along with the ABM issue, the delegations discussed such topics as nonproliferation, counterproliferation, and unilateral nuclear reductions. During the consultations, the United States failed to provide details on the future of NMD, saying that at that moment it was still a concept, and that there had been no decision about how to deal with the Treaty. Upon completion of the tour, the Pentagon described reactions as mixed, saying there was skepticism from some of the capitals, as well as some positive reactions.

Russia proposed establishing two working groups, one to examine threats and another to look at how to solve the problems posed by these threats. Russia still reiterated its adherence to the Treaty's language, spoke of the unacceptability of unilateral actions to destroy it, and expressed the desirability of continuing the dialogue and narrowing differences.

China reiterated its harsh criticism of US NMD plans, stressed that its position would not change, and warned that if the United States deployed NMD, it would harm others without benefiting the United States. China also voiced strong objection to the planned TMD in East Asia.

During 14 June testimony before a subcommittee of the House Armed Services Committee, Lieutenant General Kadish, director of the Ballistic Missile Defense Organization (BMDO) said that all ABM testing conducted by the United States complied with the Treaty.

In June, US President Bush toured several European countries, visited NATO headquarters in Brussels and met with Russian President Putin in Slovenia. Meetings with European leaders and NATO did not bring

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new support to the US NMD proposal. France reiterated its concern over NMD's potential to trigger a new arms race, the United Kingdom said it understood the US position but reserved judgment until it knew the program's specificities, and Germany emphasized the need for further consultations and clarification of certain issues. During their first meeting in Slovenia, Bush and Putin discussed differences around the Treaty and NMD system, but the disagreements over future development of a US NMD system remained to be resolved. Putin proposed a US-Russian cooperative effort to ensure that "rogue" states would not become threats in the future, but warned again that should the United States withdraw from the Treaty, it would give Russia the right to withdraw from START I and II. Both presidents assigned their two top diplomatic and military advisers to meet to discuss differences.

On 17 June, US National Security Advisor Rice named Spain, Turkey, the United Kingdom, Italy, Poland, and the Czech Republic as countries where Bush's initiative had received positive reactions.

Two days after the meeting with Bush, Putin called for further consultations with the United States and noted that the Parties should look at what specific provisions in the Treaty would prevent the United States from countering perceived threats, implying that the Treaty originally allowed for two regional defenses. He invited the United States to a discussion on what it viewed as threat and sought clarification of what the Bush administration meant when it said NMD would be limited.

During the 22 July G-8 Summit meeting, Presidents Bush and Putin discussed the ABM Treaty issue once again. The Parties issued a Joint Statement in which they expressed their intention to begin "intensive consultations on the interrelated subjects of offensive and defensive systems." Commenting on the Statement, US officials insisted that it provided for a "link" between the issues of offense and defense. The visit of Rice to Moscow and two expert meetings in Washington and Moscow did not produce any results. The United States was unable to provide Russia with detailed parameters of the conceived NMD and intended START III reductions, while Russia reiterated its preference to preserve the Treaty. The Parties also voiced divergent approaches to the status of their possible agreement: Russia opted for codifying it in a formal document, while the US said it was not seeking a formal agreement on offenses or defenses.

On 30 July, the Pentagon's ABM Treaty Compliance Review Group reported preliminary findings that proposed testing plans could violate the Treaty.

These plans called for the testing of ground- and ship-based interceptors, as well as air-borne lasers (ABL). The Pentagon offered three possibilities for future violations: the start of the construction of a testing site in Alaska, the use of ship-based radars to track long-range targets, and the use of ABM and non-ABM radars together during a short-range interceptor test. It said, however, that violations would not occur before the end of September. Nevertheless, US Deputy Secretary of Defense Paul Wolfowitz stated that if the United States and Russia failed to reach an agreement on the Treaty's modifications, the United States would not violate the Treaty, and the test would be postponed or would be modified so that it would comply with the Treaty. On 16 August 2001, Secretary of Defense Rumsfeld echoed this position saying the United States was "certainly not going to breach the Treaty or violate it in any way." The US administration made a point that nothing in the Treaty prevented research of or laboratory work on anything.

Contrary to statements by the Pentagon, on 15 August President Bush declared that building NMD would require getting rid of the Treaty. Administration officials claimed also that the preferred course of action would be either to withdraw with Russia from the Treaty or to issue a joint political statement stating that NMD was permissible.

On 28 August, a private Alaskan company began preparatory work at Fort Greely in Alaska, where the Pentagon planned to deploy the primary "emergency capability" of up to five ground-based interceptors. The construction was planned to start in April 2002 and finish as early as 2004. This site was described by the Pentagon as a test site, but it did not rule out the possibility of converting it into an operational site and underscored the importance of using this facility for an emergency deployment. The construction of the site was likely to violate the Treaty if the United States pursued the intention of turning it into an operational capability.

At the summit meeting between President Bush and Putin in November, in Crawford, Texas no agreement was reached on the question of the future of the Treaty. The Bush administration made it clear that it preferred unilateral or joint withdrawal from the Treaty in order to pursue missile defenses unfettered, whereas Russia wanted to preserve the accord or at least to keep in place some limits on future strategic missile defenses. The presidents, however, pledged to continue their discussions.

On 13 December, President Bush officially announced that the United States was withdrawing from

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the ABM Treaty. As provided in Article 15 of the Treaty, the effective date of withdrawing will be six months from 13 December. President Bush announced that by leaving the 29-year-old Treaty, the United States would be able to conduct the type of research, testing, and development necessary to determine if a workable anti-ballistic missile defensive system can be fielded. The United States already had begun testing a ground-based system designed to intercept intercontinental ballistic missiles (ICBMs). The US Navy had also been testing some components of a shipboard missile intercept system. Russian President Vladimir Putin called the US decision to withdraw from the ABM Treaty a “mistake.” In a later statement, the Russian President declared that the US withdrawal presented “no threat to the national security of the Russian Federation,” which has an effective system capable of overcoming any new missile program. President Putin also called for continued cuts in nuclear stockpiles.

**2000:** On 19-21 January, US-Russian consultations took place in Geneva where the United States presented Russia with several documents, including the “NMD Protocol: Topics for Discussion,” a Unilateral Statement, and the text of a proposed Protocol to the Treaty with Annex.

The “NMD Protocol: Topics for Discussion” document noted that the United States was planning to make a decision on the deployment of the NMD system no earlier than mid-2000. The United States recognized that the planned system would contravene the current provisions of the ABM Treaty, but assured Russia it would not be directed against it and would not weaken Russia’s strategic deterrence potential. The document further invited Russia to negotiate a draft protocol containing amendments to the Treaty allowing for the United States to deploy a limited NMD system corresponding to the initial Phase I of the conceived system. This would involve establishing an ABM site in Alaska, maintaining the total of 100 interceptors with the addition of a phased-array ABM radar, and enabling existing early warning radars (EWRs) to exercise ABM functions.

### **Proposed Amendments to the Treaty by the Clinton Administration**

The Protocol would allow the Parties to deploy a missile defense system for purposes of limited defense of their national territory against limited long-range ballistic missile strikes as an alternative to deploying the ABM systems permitted by Articles I and III of the Treaty (Article I). Article II of the Protocol would permit the Parties to each deploy no more than

100 ABM launchers and no more than 100 antimissile missiles at launching positions within one deployment region within their national territory; to enable EWRs in existence on 1 December 1999 to perform ABM radar functions to support the limited territorial missile defense system; and to deploy one additional ABM radar each at any site within their national territory. If the Parties decided to deploy such limited territorial missile defense system, the Protocol would obligate them to dismantle or destroy ABM launchers deployed pursuant to Article III of the Treaty that were operational, under construction or undergoing testing, major overhaul, repair, or refurbishment as of 1 December 1999, so that there would be no more than 100 ABM launchers deployed at any time. Under the Protocol, the ABM launchers deployed in accordance with Article III of the Treaty that are not operational, under construction or undergoing testing, overhaul, repair, or refurbishment on 1 December 1999, and ABM radars deployed pursuant to Article III of the Treaty on 1 December 1999 would not have to be dismantled or destroyed (Article III). Article VI of the Protocol says that no sooner than 1 March 2001, one of the Parties could request negotiations to review the Protocol to take into account further changes in the strategic situation caused by the WMD proliferation and long-range ballistic missiles that might require deployment of more effective limited national territorial defense systems necessary to counter these long-range missiles.

In the proposed Annex to the Protocol, the United States put forward transparency and verification measures to insure compliance with the Treaty, including information exchange and notifications, system demonstrations, and inspections.

During the January-February 2000 visit by Secretary of State Albright to Moscow, the Russian President reportedly agreed to continue consultations on amendments to the Treaty that would allow the United States to deploy a limited NMD system, but insisted on protecting the Treaty’s “fundamental principles.” Later in February, Russia expressed concern with US-Japanese plans to deploy a TMD in East Asia.

On 18 April 2000, Russia stated that the Globus-2 radar station under construction in the Norwegian town of Vardo represented a violation of the ABM Treaty. Dismissing the US claims that the radar was aimed at tracking space objects, Russia insisted that prior to being located in Norway, the radar was used in ABM tests in the United States, making it clear that the radar could be used as part of a US NMD system. On 20 April 2000, Russian Strategic Rocket

Forces (SRF) Commander-in-Chief General Vladimir Yakovlev requested that negotiations be held between the Parties on the radar station. Once installed in Norway, according to Yakovlev, the radar would be able to monitor a large portion of Russian territory, including missile launches from the Plesetsk cosmodrome and SLBM launches from training areas in the Barents Sea.

In the 6 June 2000 Joint Statement, the Presidents of Russia and the United States reaffirmed their commitment to strengthening the Treaty and recognized its importance as a cornerstone of strategic stability and its contribution to offensive forces reductions. At the same time, the presidents recognized that the proliferation of WMD and their means of delivery posed an emerging threat to international security and noted that the Treaty contained provisions on considering new developments in strategic situation. Both presidents directed their cabinet members and experts to prepare a report on concrete measures that would address emerging threats while preserving strategic stability. The Parties also noted the importance of the consultative process and expressed their desire to continue consultations in the future as a means of promoting the objectives and implementation of the Treaty. The United States officially interpreted this Joint Statement as permitting amending the Treaty in response to threats posed by the proliferation of WMD and related technologies. Russia opposed such an interpretation and reiterated its opposition to amending the Treaty.

The same day, the Parties signed a Memorandum of Understanding (MOU) establishing a Joint Data Exchange Center, with the goal of “near real-time” exchange of data produced by US and Russian space- and land-based missile launch early warning systems. The MOU specified that the center would begin operations in June 2001, that it would be located in Russia, and that it would be manned by 16 US and 16 Russian officers, as well as 60 support personnel. Data exchanged at the center was to include submarine-launched ballistic missile (SLBM) launch information as well as information on third country ballistic missile launches capable of posing a direct threat to either Russia or the United States or creating an ambiguous situation, which might lead to incorrect interpretation. The center is also to gather data on the place and time of preparations for missile launches in any spot of the globe.

On 21 June 2000, during his visit to Norway, Russian Foreign Minister Igor Ivanov said that he received assurances from Norway that the Globus-2 radar construction and operation would remain fully under

Norwegian control and that it would not be used in the interests of US plans to create an NMD system.

On 21 July 2000, a Russian Foreign Ministry spokesman expressed Russia’s surprise and concern regarding an announcement by the Norwegian military’s chief of staff that Norway intended to examine the possibility of participating in US plans for an NMD. He said that the new announcement cast doubt on Norway’s earlier assurances that the Globus-2 radar station currently under construction would not be used as part of the planned US NMD and contradicted earlier Norwegian statements of support for the ABM Treaty.

During the G-8 Summit in Okinawa on 21-23 July 2000, Russia solicited international support for its opposition to US plans to develop and deploy a NMD system. Canada stated that it had not formulated a position on US NMD plans, and attached great importance to Russia’s position; and France expressed doubts about the need for such system and noted that the majority of EU members shared France’s position. Presidents Clinton and Putin also issued a Joint Statement on cooperation on strategic stability, which underscored the Treaty’s importance and created a constructive basis for progress in further reducing nuclear arsenals, preserving and strengthening the Treaty, and counteracting new challenges to international security. The United States and Russia also affirmed their readiness to continue cooperation on TMD systems.

On 16 December 2000, the Parties signed a bilateral Memorandum of Understanding (MOU) establishing procedures for notification of ballistic missile launches. The new MOU expanded ballistic missile and space launch vehicle pre- and post-launch notification procedures and complemented the June 2000 MOU on exchanging early warning information. In a press conference following the signing, Albright and Ivanov stated that the bilateral notification regime provided for by this MOU could be converted into a multilateral notification regime.

**1999:** In January, the United States indicated to Russia that it was willing to negotiate changes to the Treaty, which prohibited the development of NMD in order to respond to the WMD threat posed by such “rogue” states as North Korea and Iraq. Russia reacted negatively to this proposal and stated that it would regard any attempts to modify the Treaty as upsetting strategic stability and directed against Russia’s security interests, and dismissed any possibility that the “rogue” states were able to pose any serious threat to the US mainland. The Russian Foreign Ministry rejected any possibility for amending the Treaty,

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while the Ministry of Defense announced that should the United States unilaterally withdraw from the Treaty, Russia would take measures “adequate to the international situation.”

On 16 March, during its visit to Russia, the US Congressional delegation proposed that the Parties should jointly develop missile defenses against “pariah states.” Russia dismissed this proposal because of financial constraints that would make it impossible for Russia to work on the joint NMD.

On 17 March, the US Senate voted 97-3 to pass the National Missile Defense Act of 1999, which called for the deployment as soon as is technologically possible of an effective NMD system capable of defending US territory against limited ballistic missile attacks (whether accidental, unauthorized, or deliberate). Similar legislation passed in the US House of Representatives on 18 March by a vote of 317-105. The Russian Foreign Minister harshly criticized this decision, reiterating Russia's opposition to amending the Treaty and noting that the country would withdraw from the START treaties if the United States withdrew from the ABM Treaty.

On 20 June, during the US-Russian Summit meeting, the Parties agreed to hold preliminary consultations on START III and to begin discussions on “possibly reopening” the Treaty in August in Moscow. In the Russia-US Joint Statement, the Parties recognized the “fundamental importance” of the ABM Treaty and reaffirmed their current obligations to consider possible changes in the strategic situation that have a bearing on the Treaty and, as appropriate, possible proposals for further increasing the viability of this Treaty.

During the 17-19 August US-Russian consultations, the Parties outlined their approaches to the Treaty and to further efforts to strengthening it and to enhance its viability and efficiency, but did not discuss any specific amendments. Russia reiterated that it did not see any practical need for the Treaty's amendment and that it would withdraw from the START treaties if the United States unilaterally deployed NMD. During the September 1999 meeting of the US-Russian group for strategic stability and the September and October 1999 additional consultations, the Parties were unable to make progress on the issue.

In an attempt to secure Russia's agreement to amend the Treaty, on 17 October, the United States proposed possible cooperative measures to include: assistance in completing the EWR at Mischelevka, Irutsk Oblast; joint computer simulations of antimissile systems; expanded intelligence sharing on threats from rogue

states; collaboration in developing missile launch early warning satellites; a joint presence at one US and one Russian radar site; joint exercises in battle-field missile defense; sharing of the US radar data with Russia, and mediation with Azerbaijan to help Russia regain the use of a former Soviet early warning radar site at Lyaki, Azerbaijan, which would cover the Middle East. Russian officials, however, showed no willingness to seriously consider modifying the Treaty. Later, Russia stated that it would not accept any trading with respect to the Treaty.

On 16 November, the Russian Minister of Defense stated that should the United States deploy an ABM system, the Russian government would give its highest priority to modernizing existing systems and designing and creating a new generation of strategic and tactical systems in order to maintain a credible threat and to ensure its nuclear deterrent remained viable.

On 1 December, the UN General Assembly (UNGA) passed a resolution, sponsored by Russia, China, and Belarus, calling for renewed efforts by Russia and the United States to preserve and strengthen the Treaty through full and strict compliance. The vote on the resolution was 80-4, with 68 abstentions. The United States, Israel, Albania, and Micronesia voted against the resolution. Most Western European countries abstained, although France voted for the resolution.

**1998:** On 13 October, the United States, Russia, Belarus, Kazakhstan, and Ukraine signed an agreement that finalized some details of the theater missile defense (TMD) demarcation agreements concluded in September 1997. The new agreement would make it possible to implement the September 1997 agreements as soon as they were ratified by the Parties and entered into force.

**1997:** On 21 January, Senate Majority Leader Trent Lott introduced the “National Missile Defense Act of 1997,” calling for the deployment of an NMD system by 2003. The same day, Senator Lugar introduced the “Defend the United States of America Act of 1997,” which required the United States to develop an NMD system capable of being deployed by the end of 2003 with a congressional vote in 2000 to determine whether or not to deploy such a system.

On 21 March, during the Summit meeting, the Parties issued a Joint Statement regarding the demarcation negotiations. The Parties reaffirmed their commitment to the ABM Treaty and proclaimed their common task to preserve the ABM Treaty, prevent circumvention of it, and enhance its viability. The Parties acknowledged their right to establish and to de-

ploy effective TMD systems without violating the Treaty and agreed that such a system:

1. will not pose a realistic threat to the strategic nuclear force of the other side;
2. will not be tested to give such systems that capability; and
3. will not be deployed by the sides for use against each other.

The Parties stated that they had no plans before April 1999 to flight test against a ballistic target missile the theater missile defense (TMD) interceptor missiles subject to the agreement on demarcation with respect to higher-velocity TMD systems; to test TMD systems against target missiles with multiple independently targetable re-entry vehicles (MIRVs) or against reentry vehicles deployed or planned to be deployed on strategic ballistic missiles; nor did the Parties have plans for TMD systems with interceptor missiles faster than 5.5 km/sec for land-based and air-based systems or 4.5 km/sec for sea-based systems.

The document laid down elements for the agreement on higher-velocity TMD systems:

1. The velocity of the ballistic target missiles will not exceed 5 km/sec;
2. The flight range of the ballistic target missiles will not exceed 3500 km;
3. The sides will not develop, test, or deploy space-based TMD interceptor missiles or components based on other physical principles that are capable of substituting for such interceptor missiles;
4. The sides will exchange detailed information annually on TMD plans and programs.

The Parties agreed that there was considerable scope for cooperation in TMD and voiced readiness to explore integrated cooperative defense efforts in the provision of early warning support for TMD activities, technology cooperation in areas related to TMD, and expansion of the ongoing program of cooperation in TMD exercises.

On 26 September, the United States, Russia, Belarus, Kazakhstan and Ukraine signed the Memorandum of Understanding on Succession to the ABM Treaty, and four related documents: 1) First Agreed Statement Relating to the ABM Treaty; 2) Second Agreed Statement Relating to the ABM Treaty; 3) Confidence-Building Measures Agreement; and 4) Regulations of the Standing Consultative Commission.

## ABM/TMD Demarcation Agreement

In the First Agreed Statement, the Parties agreed on the characteristics of the non-strategic ABM systems, including:

1. The velocity of the interceptor missile does not exceed 3 km/sec over any part of its flight trajectory;
2. The velocity of the ballistic target-missile does not exceed 5 km/sec over any part of its flight trajectory;
3. The range of the ballistic target-missile does not exceed 3,500 km.

In the Common Understandings related to the First Agreed Statement and constituting its integral part, the Parties agreed that the velocity of space-based interceptor missiles shall be considered to exceed 3 km/sec.

In the Second Agreed Statement, the Parties undertook that in the course of testing, separately or in a system, interceptor missiles, interceptor missile launchers, and radars, of systems covered by this Agreed Statement, which were not ABM interceptor missiles, ABM launchers, or ABM radars, the velocity of the ballistic target-missile would not exceed 5 km/sec over any part of its flight trajectory and the range of the ballistic target-missile would not exceed 3,500 km. They also undertook not to develop, test, or deploy space-based interceptor missiles to counter ballistic missiles other than strategic ballistic missiles, or space-based components based on other physical principles.

The Agreement on Confidence-Building Measures obligated the Parties to provide notifications to the other Parties of test ranges and other test areas where launches of interceptor missiles of systems subject to this Agreement (THAAD, NTW, S-300V (SA-12) and other systems as agreed upon by the Parties in the future) would take place either within 30 days after entry into force of this Agreement, or no later than 90 days in advance of the first launch of an interceptor missile of a system subject to this Agreement. The Agreement provided for the notifications of each launch of an interceptor missile of systems subject to this Agreement no later than 10 days in advance of the planned date of the interceptor missile launch. The Parties further committed not to deploy systems subject to this Agreement in numbers and locations so that these systems could pose a realistic threat to the strategic nuclear force of another Party.

The SCC Joint Statement provided for the annual information exchange by the Parties on the status of

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their plans and programs with respect to systems to counter ballistic missiles other than strategic ballistic missiles, specified in the Agreement on Confidence-Building Measures, including:

1. Whether or not the Parties have plans before April 1999 to test, against a ballistic target-missile, interceptor missiles with the velocity exceeding 3 km/sec over any part of their flight trajectory;
2. Whether or not the Parties have plans to develop such systems with interceptor missiles, whose velocity over any part of their flight trajectory exceeds 5.5 km/sec for land-based and air-based systems or 4.5 km/sec for sea-based systems;
3. Whether or not the Parties have plans to test such systems against MIRVed ballistic target-missiles or against re-entry vehicles deployed or planned to be deployed on strategic ballistic missiles.

All the Parties, in the ensuing separate statements, declared that they had no plans to implement the three above-mentioned points.

### ABM Succession

The Memorandum of Understanding (MOU) decreed that the United States, Russia, Belarus, Kazakhstan, and Ukraine constituted the Parties to the Treaty and that the USSR Successor States shall assume the rights and obligations of the former USSR under the Treaty and its associated documents. The Parties agreed that the term “Union of Soviet Socialist Republics” shall mean the USSR Successor States; that the terms “national territory” and “territory of its country” when used to refer to the former USSR shall mean the combined national territories of the USSR Successor States, and the term “periphery of its national territory” when used to refer to the former USSR shall mean the periphery of the combined national territories of those States; and the term “capital” when used to refer to the capital of the Union of Soviet Socialist Republics shall continue to mean the city of Moscow. Under the MOU, the USSR Successor States shall collectively be limited at any one time to a single ABM system deployment area and to a total of no more than 15 ABM launchers at ABM test ranges, in accordance with the provisions of the Treaty and its associated documents, including the Protocols of 3 July 1974. The MOU entitled the USSR Successor States to continue to use any facility that was subject to the provisions of the Treaty and that was currently located on the territory of any State that was not a Party to the Treaty, with the consent of

such State, and provided that the use of such facility shall remain consistent with the provisions of the Treaty. The Parties agreed that Treaty obligations regarding ABM system transfers shall not apply to transfers between or among the USSR Successor States. The work of the SCC with the new composition was regulated by the adopted Regulations of the SCC.

**1996:** On 6 March, the United States announced its “3+3” program calling for the development over the next three years of the basic elements of an NMD system that could be deployed in three more years if a threat emerged that would justify such a decision.

On 24 June, during the SCC Session, the Parties concluded an initial agreement on the low-velocity TMD systems, under which all TMD systems with interceptor velocities up to and including 3 km/sec would be permitted under the ABM Treaty as long as they were not tested against target missiles with velocities above 5 km/sec or ranges greater than 3,500 km. The Parties agreed to convene the SCC meeting on 1 October to sign the low-velocity TMD part of the final document and begin discussions on the high-velocity TMD issues. The Parties also reached a preliminary agreement regarding confidence-building measures (CBM) and ABM Treaty succession.

On 23 September, during the UNGA 51st session, the Parties issued a joint statement containing an outlook for a second agreement on higher-velocity strategic and TMD systems. The Statement also said that an Agreement on Confidence-Building Measures applicable to these systems would be completed, which would expand on the basic document. The Parties noted that there was a basis for a constructive outcome of the demarcation negotiations on the higher-velocity TMD systems.

On 31 October, the planned signing ceremony of the low-velocity demarcation agreement was cancelled. Russia refused to sign the first-phase (low-velocity) agreement without a second-phase (high-velocity) agreement on more capable systems. The United States refused to link the two agreements and canceled the signing.

**1995:** During the May Summit, the United States and Russian Presidents agreed that the deployed TMD systems would not pose a realistic threat to the strategic nuclear force of the other side, would not be tested to give such systems that capability, would not be deployed by the sides for use against each other, and the scale of TMD deployment by either side would be consistent with TMD programs confronting that side.

On 17 November, the Parties agreed on a framework for establishing a “demarcation line” between permitted TMD and restricted ABM systems. Under the agreed framework, TMD systems with interceptor velocities of 3 km/sec or less will be considered treaty-compliant provided that they are not tested against ballistic missile targets with ranges greater than 3,500 km or velocities above 5 km/sec.

**1994:** In January, in response to the July 1993 proposal by the United States, Russia proposed that, in addition to placing limits on the speed of target re-entry vehicles, TMD interceptors themselves should be limited to a velocity of 3 km/sec. The proposal was rejected by the United States because the proposed limitation would not have allowed the United States to deploy such higher-speed TMD systems as the Navy upper-tier or the Air Force air-launched boost-phase intercept systems.

On 11-13 July, the United States proposed a speed limit of 3 km/sec for land-based interceptors, 4.5 km/sec for sea-based interceptors, and 5.5 km/sec for air-based interceptors. Russia proposed to restrict higher-speed TMD interceptors to the test phase.

The September 1994 “Contract with America” Republican pre-election platform called for the deployment at the earliest possible moment of an ABM system that was capable of providing a highly effective defense against ballistic missile attacks directed towards the United States and to provide at the earliest possible date highly effective TMD systems to protect forward-deployed and expeditionary elements of the US Armed Forces and friendly forces and allies of the United States.

**1993:** On 13 July, the United States confirmed that it was adhering to the “narrow” interpretation of the ABM system, which prohibits the development, testing, and deployment of sea-based, air-based, space-based, and mobile land-based ABM systems and components without regard to the technology utilized.

From 27 September to 1 October, the Parties conducted the fourth review of the Treaty. Delegations from the United States, Russia, Belarus, and Ukraine were present at the review. Among other questions, the participants discussed the question of succession. They reaffirmed their commitment to the Treaty, agreed on the importance of maintaining the viability of the Treaty in view of political and technological changes, and advocated continued efforts to strengthen the Treaty.

In November 1993, the US proposed establishing guidelines for deployment of TMD systems, without

violation of the ABM Treaty, formally withdrew the revisions to the ABM Treaty put forward by the Bush administration in September 1992, and agreed to multilateralize the Treaty. The United States proposed that the TMD interceptor should be capable of intercepting a ballistic missile with the re-entry vehicle velocity not exceeding 5 km/sec and with a range not exceeding 3,500 km.

**1992:** On 28 January, in his annual State of the Union address, President Bush called for congressional support in funding a program to protect the country from limited ballistic missile attack.

On 31 January, President Yeltsin proposed the elimination of existing anti-satellite (ASAT) programs and a ban on weapons especially designed to destroy satellites. As an alternative to the Strategic Defense Initiative (SDI) program, Russia proposed the creation of a jointly operated global defense system with the faithful observance of the provisions of the ABM Treaty.

On 17 June, the Parties issued a Joint Statement, in which they agreed that the two countries should work together with allies and other interested States in developing a concept for a Global Protection System (GPS) as part of an overall strategy regarding the proliferation of ballistic missiles and weapons of mass destruction. The Parties agreed to establish a high-level group to explore on a priority basis the following practical steps: 1) the potential for sharing of early warning information through the establishment of an early warning center; 2) the potential for cooperation with participating States in developing ballistic missile defense capabilities and technologies; and 3) the development of a legal basis for cooperation, including new treaties and agreements and possible changes to existing treaties and agreements necessary to implement a GPS.

On 21-22 September, during the Second US-Russian GPS meeting, the American side tabled a Draft Protocol of the ABM Treaty. The Protocol provided for:

1. six ABM sites with 150 interceptors each;
2. unlimited ABM development and testing;
3. unlimited space-based sensor development and testing;
4. increase in capabilities of TMD systems;
5. transfer of ABM systems to other States.

During the final weeks of his presidential campaign, Bill Clinton renounced the goal of a space-based defense system and supported the development of an option for “a limited missile defense system within the strict framework” of the ABM Treaty.

**1991:** On 29 January, the United States announced that from then on the SDI program — which would contemplate the deployment of 1,000 space-based “Brilliant Pebbles” interceptors, 750 to 1,000 long-range ground-based interceptors at six sites, space-based and mobile sensors, and transportable theater ballistic missile defenses — would be redesigned to protect not a large-scale ballistic missile attack, but against limited ballistic missile strikes.

On 27 September, the United States called on the USSR to join it in taking immediate concrete steps to permit the limited deployment of non-nuclear defenses to protect against limited ballistic missile strikes without undermining the credibility of existing deterrent forces.

**1990:** In April, the United States proposed an executive agreement, not tied to the ABM Treaty, that included the exchange of data on defensive programs, meetings of experts, briefings, visits to laboratories, observations of tests, and notifications of ABM tests.

**1989:** During the ministerial meeting on 22-23 September, the USSR dropped the requirement to link the Defense and Space Talks (DST) agreement on the future of ABM systems with completing and implementing START, but stated that it reserved the right to withdraw from START if the United States failed to abide by the ABM Treaty. The Soviet Union also agreed to eliminate its radar near Krasnoyarsk without preconditions.

**1988:** On 22-23 March, the United States presented the Soviet side with a new initiative that would permit the development, testing, and deployment of space-based sensors without restriction.

From 24 to 31 August 1988, the Parties conducted the third review of the Treaty. Unlike at the two previous reviews, the Parties were unable to issue a joint statement, but came forward with unilateral statements. The United States accused the USSR of violating the Treaty, by constructing a phased-array radar near Krasnoyarsk. The United States demanded that the radar be dismantled and noted that the continuing existence of the Krasnoyarsk radar would make it impossible to conclude any future arms agreements in the START or defense and space areas. The United States also pointed to radars at Gomel, which it considered to be another violation of the Treaty and discussed “compliance concerns” that made the United States believe that the Soviet Union might be preparing a prohibited ABM territorial defense.

The USSR accused the United States of adopting a confrontational and unobjective approach to the re-

view and the situation around the radar in Krasnoyarsk, of reluctance in giving practical consideration to Soviet concerns, and of seeking to reduce the entire review of the operation of the ABM Treaty to the acceptance by the Soviet side of the American demand for the dismantling of the Krasnoyarsk radar station, which arguably did not exist at the time of the review meeting. The Soviet Union announced that in order to show goodwill, it expressed readiness to dismantle the equipment of this station in a way that would be verifiable, if an accord were reached on compliance with the ABM Treaty as was signed in 1972. It argued that US concerns over the USSR planning of a territorial defense was unfounded, and, in turn, raised the issue of US radar stations at Thule, Greenland, and Fylingdales, the United Kingdom, which it considered a violation of the Treaty as well as other alleged occasions of US noncompliance with the Treaty.

**1987:** In April, during the DST talks, the US proposed to commit through 1994 not to withdraw from the ABM Treaty, to condition such commitment on the implementation of the START reductions, and to open the option to deploy defensive systems of each Party's choosing after 1994, unless mutually agreed otherwise. The United States also proposed that the Parties exchange data on their planned strategic defense activities on an annual basis, provide reciprocal briefings on their respective strategic defense efforts, permit visits to associated research facilities, and agree to procedures for reciprocal observation of strategic defense testing.

**1986:** During the October Reykjavik Summit, the Soviet side proposed that the Parties should commit not to withdraw from the Treaty within the 10-year period. The United States conditioned such a commitment upon a 50 percent reduction in the strategic offensive forces of the Parties by 1991, elimination by 1996 of all the Parties' offensive ballistic missiles, and agreement that either Party could deploy advanced strategic defenses after 1996 unless both sides agreed otherwise. The USSR also proposed to ban testing of any space-based element of a missile defense system outside of laboratories, the proposal was rejected by the United States due to its potential impact on the SDI program.

**1985:** During the March US-Soviet DST, the United States sought to discuss a transition from deterrence based solely on the threat of nuclear retaliation to increased reliance on defenses, either ground- or space-based, against ballistic missiles. The USSR in turn sought a comprehensive ban on research, devel-

opment, testing, and deployment of space-based weapons.

In October, the United States introduced a “broad” interpretation of the ABM Treaty, i.e. space-based and mobile ABM systems and components that are based on “other physical principles” (i.e., lasers, particle beams) may be developed and tested but not deployed, while the “narrow” interpretation allows the development and testing, but not the deployment, of ABM systems based on other physical principles only for fixed, land-based systems and components. However, the United States decided that the SDI program would be continued according to the more restrictive interpretation of the Treaty.

In November, during the DST, the United States proposed to jointly explore how a cooperative transition could be accomplished should new defensive technologies prove possible, provide information on each other's strategic defense R&D programs, and exchange visits to associated laboratories.

**1983:** On 23 March, US President Reagan announced the launching of the program that came to be known as the SDI. He called for a research program, consistent with US obligations under the ABM Treaty, which would examine the feasibility of defensive measures against ballistic missiles to eliminate the threat posed by strategic nuclear missiles and render nuclear weapons impotent and obsolete.

In July, the United States revealed that it had detected the construction of a large phased-array radar near Krasnoyarsk in the USSR, which it called an outright violation of the Treaty due to its location at about 800 km from the nearest border, while the Treaty required that all such radars be located on the periphery of the country and were a key to providing a nationwide defense.

**1982:** From 9 to 15 November, the Parties conducted the second review of the Treaty. In the SCC Communiqué, the Parties reaffirmed their commitment to the aims and objectives of the Treaty, and to the process of consultation within the framework of the SCC to promote the implementation of its objectives and provisions.

**1978:** On 1 November, the SCC adopted an Agreed Statement, which specified the test ranges referred to in Article IV of the Treaty, defined the term “tested in ABM mode,” and established rules for the use of air defense radars located at or near an ABM test range. The Agreed Statement defined an ABM test range as any test range, at which an ABM system or at least one ABM launcher, regardless of whether it contains an ABM interceptor missile, or one ABM

radar is located or constructed for purposes of testing. The Agreed Statement named the current test ranges: for the United States, in the vicinity of White Sands, New Mexico, and on the Kwajalein Atoll (Marshall Islands) and for the USSR, in the vicinity of Sary Shagan, Kazakhstan, and on the Kamchatka Peninsula. The Parties agreed that a new test range would be considered “additionally agreed” if it were consistent with the Treaty’s prohibitions on a nationwide defense or a base for such defense. A Party building a new test range would simply have to notify the other Party of its plans no later than 30 days after starting construction of ABM launchers or radars at a new site.

According to the Agreed Statement, the term “tested in an ABM mode” referred to an ABM radar tracking a strategic ballistic missile or its elements in flight trajectory and guiding an ABM interceptor missile toward them regardless of whether the intercept was successful; or tracking and guiding an ABM interceptor missile; or tracking a strategic ballistic missile or its elements in flight trajectory in conjunction with an ABM radar, which is tracking a strategic ballistic missile or its elements in flight trajectory and guiding an ABM interceptor missile toward them or is tracking and guiding an ABM interceptor missile. With respect to air defense components, which are collocated with ABM components, the Parties agreed to refrain from concurrent testing of such air defense components and ABM system components at that range.

Following the Agreed Statement, the Parties exchanged statements, in which they specified the locations for phased-array radars, which are constructed and used only as instrumentation equipment for testing of any types of weapons or military equipment, and agreed that passage of strategic ballistic missiles or their elements through the fields of view of an EWR or a phased-array radar not operating the ABM mission, would not be equated with the tracking of such missiles by these radars and would not be grounded for either Party to consider that the radars are being tested in an ABM mode.

**1977:** From 4 to 21 November, the Parties conducted a review of the Treaty after five years of its operation. They agreed that the Treaty had been operating effectively, that it had served the security interests of both Parties, decreased the risk of outbreak of a nuclear war, and facilitated progress in the further strategic offensive arms limitations. The Parties reaffirmed their mutual commitment to the objectives and provisions of the Treaty and their determination to

maintain and further increase the viability and effectiveness of the Treaty.

**1976:** The United States deactivated its permitted ABM site in Grand Forks, Montana. Since then, the only deployed ABM system has been the ABM system around Moscow.

**1974:** At the 1974 Summit Meeting, on 3 July, the Parties to the ABM Treaty signed a Protocol that further restrained the deployment of ABM systems. The Protocol reduced the number of permitted ABM sites to one for each Party, with the USSR choosing to deploy an ABM system around its capital city Moscow, while the United States would do so around the ICBM launching site in Grand Forks, Montana. The Treaty also entitled the Parties to change the deployment site of the ABM system only once with advance notice. Upon entry into force on 24 May 1976, the Protocol became an integral part of the ABM Treaty. On the same day, the Parties adopted a document governing procedures for the dismantling, destruction, and notifications thereof for ABM systems and components.