

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

In the Treaty on the Limitation of Anti-Ballistic Missile Systems the United States and the Soviet Union agree that each may have only two ABM deployment areas,<sup>1</sup> so restricted and so located that they cannot provide a nationwide ABM defense or become the basis for developing one. Each country thus leaves unchallenged the penetration capability of the others retaliatory missile forces.

The Treaty permits each side to have one limited ABM system to protect its capital and another to protect an ICBM launch area. The two sites defended must be at least 1,300 kilometers apart, to prevent the creation of any effective regional defense zone or the beginnings of a nationwide system.

Precise quantitative and qualitative limits are imposed on the ABM systems that may be deployed. At each site there may be no more than 100 interceptor missiles and 100 launchers. Agreement on the number and characteristics of radars to be permitted had required extensive and complex technical negotiations, and the provisions governing these important components of ABM systems are spelled out in very specific detail in the Treaty and further clarified in the "Agreed Statements" accompanying it.

Both Parties agreed to limit qualitative improvement of their ABM technology, e.g., not to develop, test, or deploy ABM launchers capable of launching more than one interceptor missile at a time or modify existing launchers to give them this capability, and systems for rapid reload of launchers are similarly barred. These provisions, the Agreed Statements clarify, also ban interceptor missiles with more than one independently guided warhead.

There had been some concern over the possibility that surface-to-air missiles (SAMs) intended for defense against aircraft might be improved, along with their supporting radars, to the point where they could effectively be used against ICBMs and SLBMs, and the Treaty prohibits this. While further deployment of radars intended to give early warning of strategic ballistic missile attack is not prohibited, such radars must be located along the territorial boundaries of each country and oriented outward, so that they do not contribute to an effective ABM defense of points in the interior.

Further, to decrease the pressures of technological change and its unsettling impact on the strategic balance, both sides agree to prohibit development, testing, or deployment of sea-based, air-based, or space-based ABM systems and their components, along with mobile land-based ABM systems. Should future technology bring forth new ABM systems "based on other physical principles" than those employed in current systems, it was agreed that limiting such systems would be discussed, in accordance with the Treatys provisions for consultation and amendment.

The Treaty also provides for a U.S.-Soviet Standing Consultative Commission to promote its objectives and implementation. The commission was established during the first negotiating session of SALT II, by a Memorandum of Understanding dated December 21, 1972. Since then both the United States and the Soviet Union have raised a number of questions in the Commission relating to each sides compliance with the SALT I agreements. In each case raised by the United States, the Soviet activity in question has either ceased or additional information has allayed U.S. concern.

Article XIV of the Treaty calls for review of the Treaty five years after its entry into force, and at five-year intervals thereafter. The first such review was conducted by the Standing Consultative Commission at its special session in the fall of 1977. At this session, the United States and the Soviet Union agreed that the Treaty had operated effectively during its first five years, that it had continued to serve national security interests, and that it did not need to be amended at that time.

The most recent Treaty review was completed in October 1993. Following that review, numerous sessions of the Standing Consultative Commission have been held to work out Treaty succession -- to "multilateralize" the Treaty -- as a result of the break-up of the Soviet Union and to negotiate a demarcation between ABM and non-ABM systems.

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1 Subsequently reduced to one area (See section on ABM Protocol)

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Signed at Moscow May 26, 1972

Ratification advised by U.S. Senate August 3, 1972

Ratified by U.S. President September 30, 1972

Proclaimed by U.S. President October 3, 1972

Instruments of ratification exchanged October 3, 1972

Entered into force October 3, 1972

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 I

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

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 or 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, not to modify deployed launchers to provide them with such a capacity, not 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 the 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.

#### 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 or 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;
- (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.

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:

L. I. BREZHNEV

General Secretary of the Central Committee of the CPSU