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S E C R E T USDEL SALT 1056

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Rec'd: September 24, 1971
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SUBJECT: STATUS REPORT ON ABM AGREEMENT AT CONCLUSION OF SALT V

REF: USDEL SALT 1055

1. SUMMARY. REFTEL TRANSMITS TEXT OF "JOINT DRAFT TEXT" (JDT) OF ABM AGREEMENT, AS PREPARED AT THE WORKING LEVEL AD REFERENDUM TO DELEGATIONS AT END OF HELSINKI SESSION, WITH DIFFERENCES IN BRACKETS. THIS CABLE SUMMARIZES STATE OF PLAY ON EACH ARTICLE. (ARTICLE NUMBERS REFER TO JOINT DRAFT TEXT, WITH FORMER U.S. ARTICLE NUMBERS FROM JULY 27 TEXT IN PARENTHESES.) END SUMMARY.

2. TITLE. AGREEMENT VS. TREATY. JDT INDICATES BY FOOTNOTE TO TITLE THAT U.S. HOLDS IN SUSPENSE FORM OF DOCUMENT BY USE OF TERM "AGREEMENT" THROUGHOUT TEXT, WHILE SOVIETS PREFER "TREATY". ENGLISH TEXT OF JDT WILL USE "AGREEMENT" IN LIEU OF BRACKETING "AGREEMENT/TREATY". DELEGATION HAS RECOMMENDED (USDEL SALT 996) THAT U.S. ACCEPT TREATY FORM.

3. PREAMBLE. TEXT AGREED AD REFERENDUM.

4. ARTICLE I - GENERAL (U.S. ART. 1). TEXT AGREED AD REFERENDUM.

5. ARTICLE II - DEFINITIONS, STATUS (U.S. ART. 2). ENTIRE ARTICLE REMAINS BRACKETED ALTHOUGH POSSIBLE SOLUTIONS WERE EXPLORED. U.S. HAS SOUGHT "DEFINITION" APPROACH, SEPARATELY DEFINING ABM SYSTEMS AND THE KEY ABM COMPONENTS (ABM INTERCEPTOR MISSILES, ABM LAUNCHERS, AND ABM RADARS). SEPARATE DEFINITION OF ABM SYSTEM IS IMPORTANT IN SEVERAL ARTICLES (I.E., ARTICLES IV AND V(3) DISCUSSED BELOW). SOVIETS HAVE PROPOSED "OBLIGATION" APPROACH, PROBABLY TO EMPHASIZE THAT ONLY ABM SYSTEMS AND NOT AIR DEFENSE SYSTEMS OR OTHER RADARS ARE BEING LIMITED, AND MORE RECENTLY AS REFLECTION OF THEIR OBJECTION TO LIMITING FUTURE NON-INTERCEPTOR MISSILE/RADAR SYSTEMS AS PROPOSED IN ARTICLE V(3) (OLD U.S. ARTICLE 6, PARA. 1). SOVIET APPROACH DEFINES ABM SYSTEMS IN TERMS ONLY OF THE THREE NAMED COMPONENTS. ON DEFINITIONS PER SE TWO SIDES ARE APART ON "OF A TYPE INDISTINGUISHABLE FROM," ON TESTED "IN AN ABM MODE," AND ON THE USE OF "AND" VERSUS "OR".

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6. ARTICLE III - LEVELS (U.S. ART. 3). REFTEL SETS FORTH BRACKETED DISAGREED TEXTS IN FORM PREVIOUSLY TABLED, PLUS GENERAL DESCRIPTION OF SOVIET SEPTEMBER 7 PROPOSAL WHICH THEY HAVE INDICATED HAS EQUAL STATUS WITH THEIR NCA/NCA ALTERNATIVE. U.S. TEXT MOVES DEFINITION OF MARCS FROM ARTICLE 2 TO PARA 4 OF THIS ARTICLE III, SINCE THIS DEFINITION IS USED ONLY IN THIS ONE ARTICLE, AND SINCE THIS MAY FACILITATE NEGOTIATION OF AGREED TEXT OF ARTICLE II. QUESTION OF ABM DEPLOYMENT CONSTRAINTS (LOCATION, AREA, LEVELS) IN ARTICLE III IS CRITICAL DISAGREED ISSUE, BUT ABM RADAR LIMITATIONS (I.E., U.S. PROPOSAL FOR MARCS WITHIN THE GENERAL DEPLOYMENT CIRCLES) ALSO REMAINS AT STAND-OFF.

7. ARTICLE IV - TEST AND DEVELOPMENT (U.S. ART. 5). TEXT AGREED AD REFERENDUM.

8. ARTICLE V - MOBILES, RAPID RELOAD, NEW FUTURE SYSTEMS (U.S. ART. 6). TEXT OF ARTICLES V(1) ON MOBILES, ETC., INCLUDING COMPONENTS FOR FUTURE ABM SYSTEMS WHICH ARE NOT FIXED AND LAND-BASED, AND V(2) ON RAPID RELOAD, ETC., AGREED AD REFERENDUM. TEXT OF ARTICLE V(3) ON DEPLOYMENT BAN ON FUTURE DEVICES, IN BRACKETS, IS U.S. PROPOSAL WHICH U.S.S.R. HAS FIRMLY OPPOSED.

9. ARTICLE VI (NEW) - SAM UPGRADE, OLPARS (U.S. ART. 4 AND 7, NO SOVIET COUNTERPARTS). AGREEMENT REACHED, AD REFERENDUM, ON THIS NEW ARTICLE COVERING SAM UPGRADE, EARLY-WARNING RADARS, AND OLPARS, EXCEPT FOR PARAGRAPH ON OLPARS WHICH REMAINS AS BRACKTED AND IS A MATTER OF SUBSTANTIAL DISAGREEMENT.

10. ARTICLE VII - MODERNIZATION AND REPLACEMENT (NO U.S. ART., SOVIET ART. VI). TEXT AGREED AD REFERENDUM.

11. ARTICLE VIII - DISMANTLING/DESTRUCTION (NO U.S. ART., SOVIET ART. VIII). TEXT AGREED AD REFERENDUM.

12. ARTICLE IX - NON-TRANSFER, INTERNATIONAL OBLIGATIONS (U.S. ART. 8, SOVIET ART. VII). REFTEL SETS FORTH PARTIALLY AGREED TEXT AD REFERENDUM.

13. ARTICLE X - NO CONFLICTING OBLIGATIONS (NO U.S. ARTICLE). AGREED AD REFERENDUM.

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14. ARTICLE XI - FURTHER NEGOTIATION (U.S. ART. 9). REFTEL CONTAINS ORIGINAL U.S. AND U.S.S.R. PROPOSALS IN BRACKETS.

15. ARTICLE XII - VERIFICATION (U.S. ART. 10). DIFFERENCES REMAIN, AS INDICATED, ALTHOUGH POSSIBLE SOLUTIONS WERE EXPLORED.

16. ARTICLE XIII - STANDING CONSULTATIVE COMMISSION (U.S. ART. 11). TEXT AGREED AD REFERENDUM, WITH EXCEPTION OF REFERENCES IN SUBPARAGRAPH 1(B) TO VOLUNTARY SDO, WHICH SOVIETS STRONGLY OBJECT TO, AND SUBPARAGRAPH 1(G), WHERE SOVIETS PROPOSE RESTRICTION TO "DEFENSIVE" ARMS.

17. ARTICLE XIV - AMENDMENT, REVIEW (U.S. ART. 12(2), SOVIET ART. XI). TEXT PARA 1 AGREED AD REFERENDUM; PARA 2 NOT AGREED, SOVIETS INSIST UPON EXPLICIT REFERENCE TO FIVE-YEAR OR LONGER PERIOD.

18. ARTICLE XV - DURATION, WITHDRAWAL (U.S. ART. 12(1), 13; SOVIET ART. XIII). PARA 1 IDENTICAL IN ORIGINAL U.S. AND SOVIET TEXTS, AND PARA 2 AGREED AD REFERENDUM. SOVIETS HAVE INDICATED THAT PARA 3 IS UNACCEPTABLE. DELEGATION EXPECTS PARA 3 ON RIGHT TO WITHDRAW (IF FOLLOW-ON NEGOTIATIONS DO NOT SUCCEED IN CERTAIN PRESCRIBED PERIOD OF TIME), AND COMPARABLE PARA 9 OF OFFENSIVE AGREEMENT, WILL BE MAJOR ISSUES AT VIENNA.

19. ARTICLE XVI - ENTRY INTO FORCE (U.S. ART. 14). THE BRACKETED ALTERNATIVES FOR PARA 1 REFLECT U.S. HOLDING OPEN OPTION FOR EXECUTIVE AGREEMENT WHILE SOVIETS HAVE CLEARLY STATED SHOULD BE TREATY. IF WASHINGTON APPROVES TREATY FORM, SOVIET VERSION OF PARA 1 APPEARS SATISFACTORY. PARA 2 WAS IDENTICAL IN ORIGINAL TEXTS AND IS THEREFORE AGREED.

20. GENERAL COMMENT. U.S. MEMBERS OF VARIOUS WORKING GROUPS HAVE STRESSED THAT AD REFERENDUM AGREEMENT IS SUBJECT TO REVIEW BY DELEGATIONS AND IN WASHINGTON, AND THAT NOTHING IS AGREED UNTILL EVERYTHING IS AGREED. GP-3SMITH
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