

September 26, 1997

STANDING CONSULTATIVE COMMISSION

SECOND AGREED STATEMENT RELATING TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF ANTI- BALLISTIC MISSILE SYSTEMS OF MAY 26, 1972

In connection with the provisions of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, hereinafter referred to as the Treaty, the Parties to the Treaty,

Expressing their commitment to strengthening strategic stability and international security,

Emphasizing the importance of further reductions in strategic offensive arms,

Recognizing the fundamental significance of the Treaty for the above objectives,

Recognizing the necessity for effective systems to counter ballistic missiles other than strategic ballistic missiles,

Considering it their common task to preserve the Treaty, prevent its circumvention and enhance its viability,

Relying on the following principles that have served as a basis for reaching this agreement:

- the Parties are committed to the Treaty as a cornerstone of strategic stability;
- the Parties must have the option to establish and to deploy effective systems to counter ballistic missiles other than strategic ballistic missiles, and such activity must not lead to violation or circumvention of the Treaty;
- systems to counter ballistic missiles other than strategic ballistic

missiles may be deployed by each Party which will not pose a realistic threat to the strategic nuclear force of another Party and which will not be tested to give such systems that capability;

- systems to counter ballistic missiles other than strategic ballistic missiles will not be deployed by the Parties for use against each other; and
- the scale of deployment -- in number and geographic scope -- of systems to counter ballistic missiles other than strategic ballistic missiles by any Party will be consistent with programs for ballistic missiles other than strategic ballistic missiles confronting that Party;

Have, within the framework of the Standing Consultative Commission, with respect to systems to counter ballistic missiles other than strategic ballistic missiles with interceptor missiles whose velocity exceeds 3 km/sec over any part of their flight trajectory, hereinafter referred to as systems covered by this Agreed Statement, reached agreement on the following:

1. Each Party undertakes that, in the course of testing, separately or in a system, land-based, sea-based, and air-based interceptor missiles, interceptor missile launchers, and radars, of systems covered by this Agreed Statement, which are not anti-ballistic missile (ABM) interceptor missiles, ABM launchers, or ABM radars, respectively:

(a) the velocity of the ballistic target-missile will not exceed 5 km/sec over any part of its flight trajectory; and

(b) the range of the ballistic target-missile will not exceed 3,500 kilometers.

2. Each Party, in order to preclude the possibility of ambiguous situations or misunderstandings related to compliance with the provisions of the Treaty, undertakes 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, whether or not part of a system, that are capable of substituting for such interceptor missiles.

3. In order to enhance confidence in compliance with the provisions of the Treaty, the Parties shall implement the provisions of the Agreement on Confidence-Building Measures Related to Systems to Counter Ballistic

Missiles Other Than Strategic Ballistic Missiles of September 26, 1997, hereinafter referred to as the Confidence-Building Measures Agreement, with respect to systems covered by this Agreed Statement and not subject to the Confidence-Building Measures Agreement on the date of its entry into force. Each such system shall become subject to the provisions of the Confidence-Building Measures Agreement no later than 180 days in advance of the planned date of the first launch of an interceptor missile of that system. All information provided for in the Confidence-Building Measures Agreement shall initially be provided no later than 30 days after such a system becomes subject to the provisions of the Confidence-Building Measures Agreement.

4. In order to ensure the viability of the Treaty as technologies related to systems to counter ballistic missiles other than strategic ballistic missiles evolve, and in accordance with Article XIII of the Treaty, the Parties undertake to hold consultations and discuss, within the framework of the Standing Consultative Commission, questions or concerns that any Party may have regarding activities involving systems covered by this Agreed Statement, including questions and concerns related to the implementation of the provisions of this Agreed Statement.

5. This Agreed Statement shall enter into force simultaneously with entry into force of the Memorandum of Understanding of September 26, 1997, Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972.

DONE at New York City on September 26, 1997, in five copies, each in the English and Russian languages, both texts being equally authentic.

FOR THE UNITED STATES OF AMERICA:

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**COMMON UNDERSTANDINGS RELATED TO THE SECOND AGREED
STATEMENT OF SEPTEMBER 26, 1997, RELATING TO THE TREATY
BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF
SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF ANTI-
BALLISTIC MISSILE SYSTEMS OF MAY 26, 1972**

I

The term "interceptor missile," as used in the Second Agreed Statement of September 26, 1997, shall refer to any missile subject to the provisions of paragraph (a) of Article VI of the Treaty if such a missile:

- (a) has been developed by a Party as a missile to counter ballistic missiles other than strategic ballistic missiles; or
- (b) has been declared by a Party as a missile to counter ballistic missiles other than strategic ballistic missiles; or
- (c) has been tested by a Party even once with the use of a ballistic target-missile.

With respect to subparagraphs (a), (b), or (c), such a missile shall be considered an interceptor missile in all its launches.

II

The Parties have agreed that, for the purposes of the Second Agreed Statement of September 26, 1997, the velocity of an interceptor missile as well as the velocity of a ballistic target-missile shall be determined in an earth-centered coordinate system fixed in relation to the Earth.

III

The Parties have agreed that for the purposes of the Second Agreed Statement of September 26, 1997, the velocity of space-based interceptor missiles shall be considered to exceed 3 km/sec.

IV

For systems to counter ballistic missiles other than strategic ballistic missiles with interceptor missiles whose velocity exceeds 3 km/sec over any part of their flight trajectory, that become subject to the Confidence-Building Measures Agreement in accordance with paragraph 3 of the Second Agreed Statement of September 26, 1997, the Parties understand that, in connection with the provisions of paragraph 2(b) of Section IV of the Confidence-Building Measures Agreement, detailed information on such systems shall be provided in a form and scope as agreed upon by the Parties.

These Common Understandings shall be considered an attachment to the Second Agreed Statement of September 26, 1997, and shall constitute an integral part thereof.