

for early warning. They also caution that, even when operating, it will be impossible to tell whether or not it possesses early-warning capabilities.

A group of US Congressmen and military experts who were allowed to visit the facility in September 1987 was unable to determine whether it was intended for early warning or space-tracking, although one of the participating experts judged it to be "not very good" for either purpose. The group concluded that, since the radar appeared to be at least two years from completion, it was "not a violation of the ABM Treaty at this time." Other arms control experts maintain that, if indeed an early-warning radar, its location and orientation make it a violation even before construction is finished. However, they agree that it is a technical violation only, without much military significance because of its vulnerability to attack. Nevertheless, it does raise questions about Soviet intentions and their willingness to respect the terms of arms control agreements. As the most troublesome among a host of charges of Soviet non-compliance, it has had a negative political impact far outweighing its military importance.

As noted above, the US Government has been accused by the Soviets of ABM Treaty "violations," and by independent analysts of "questionable compliance" related to large, phased-array radars (LPARs) of its own. As part of its modernization of the Ballistic Missile Early Warning System (BMEWS), the US has been replacing old, mechanically-steered radars by new LPARs at sites in Thule, Greenland and Fylingdales Moor, UK. Moscow charges that this violates both Article VI (b) of the Treaty, requiring such radars to be "on the periphery and oriented outward"; and Article IX, which prohibits the deployment of ABM systems outside national territory. Washington maintains that the radars in question were 'grandfathered' by the ABM Treaty, since they were already in place at the time of its signing, and Article VI(b) speaks only of 'future' radars. As for their siting outside national territory, Washington denies that they are ABM components at all.

There are several difficulties with the American position. First, the new radars are indeed 'new,' actually replacing the older ones rather than merely modifying them. In fact, the new radar at Fylingdales will be located several miles away from the old site. Most important, however, as with all LPARs, they can be used for a variety of purposes. Although intended primarily for early warning, the Thule and Fylingdales radars will have a power-aperture product* in excess of the 3 million watt-square metres suggested by the US during the Treaty negotiations, and incorporated into Agreed Statement 'F', as marking the boundary between radars with an ABM capability and those without.

* a measurement of their capacity to detect and track a large number of incoming objects simultaneously.

As in the case of the Abalakovo radar to the Soviets, independent analysts judge the BMEWS radars to be of quite marginal significance to the United States, militarily, in terms of a nationwide ABM defence. Nevertheless, they raise serious questions with regard to strict compliance with the ABM Treaty and a tendency on the part of the US Government to 'stretch' its terms in a manner similar to that usually attributed to the Soviet Union. The latter has offered to mothball its Krasnoyarsk radar if the US will do likewise with Thule and Fylingdales. The US has refused on the grounds that its radars are permitted by the Treaty, whereas Krasnoyarsk is a clear violation. During Secretary of State Shultz's October 1987 visit to Moscow, General Secretary Gorbachev announced a one-year moratorium on construction at Krasnoyarsk, while noting that he expected the US to reciprocate with Fylingdales. Shultz rejected the idea, however.

Other Soviet charges of US non-compliance refer to experiments already undertaken as part of the SDI. Although none of these so far is generally believed by independent Western analysts to have transgressed the limits of the Treaty, the manner in which the Reagan Administration has justified them and planned future developments is alarming to many. Specifically, the Administration has sought to distinguish between ABM 'components,' which are covered by the Treaty, and 'sub-components' or 'adjuncts,' which are not covered; and to allow for 'field-testing' of other technologies outside the laboratory, provided that this is not done "in an ABM mode." Such distinctions are, of course, highly subjective, as is the even more fundamental one between 'research,' which is unrestricted, and 'development,' which is confined to fixed, land-based systems. There is a real danger that the Treaty may be emptied of its meaning entirely by a succession of such fine distinctions, even without being formally renounced.

Clearly, the SDI as now envisioned is fundamentally incompatible with the ABM Treaty and would, in fact, turn it on its head. Yet top US Government officials, foremost among them the President himself, declare their intention to proceed with the programme regardless. It may be asked how long the Soviet Union can be expected to continue its basic adherence to the agreement, in the face of an 'anticipatory breach' of such dimensions.

THE REINTERPRETATION DISPUTE

In the fall of 1985 the Reagan Administration announced that the traditional interpretation of the ABM Treaty, the one followed by every US Administration since its signing — including its own, for the first five years — was fundamentally incorrect. More specifically, the traditional, 'restrictive' or 'narrow' interpretation held that the development and testing of