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INF TREATY COMPLIANCE: A CHALLENGE AND AN OPPORTUNITY

by Greg Thielmann and Andrei Zagorski

Introduction

The inauguration of Donald Trump as 45th president of the United States has shaken the assumptions usually made about the overall continuity of American foreign policy. Although never mentioned as part of his "Day One" list of priorities, President Trump will soon be forced by circumstances to formulate a policy with regard to disputes over compliance with the Intermediate-Range Nuclear Forces (INF) Treaty. How he handles the issue will affect his ability to follow through on his stated willingness to make deals with Russian President Putin on a host of issues, because arms control skeptics in the U.S. Congress are likely to prevent ratification of any agreement that leaves INF Treaty compliance unresolved.

There are also many in Russia, who wish to have INF Treaty limits lifted. In Moscow, critics see the treaty imposing a heavier burden on Russia, which, unlike the United States, can be targeted by other countries with nuclear-tipped INF-range missiles, and is perceived to be lagging behind the West in the overall conventional arms balance. Moreover, there is residual resentment in the Russian military over President Gorbachev's willingness in 1987 to include the SS-23 Oka short-range ballistic missile in the treaty's list of systems to be banned, even though it had an operational range below the 500-5,500 km-range floor established by the treaty.

The Third Report of the Russian-U.S.-German Deep Cuts Commission, "Back from the Brink,"[1] analyzed the problems posed by this dispute in June 2016. Since then, there has been no change in the official public positions of Russia and the United States regarding the other party's noncompliance with elements of the INF Treaty. However, the technical developments that prompted the original complaints and political changes (including the U.S. presidential election) that frame options for resolving the dispute have continued to evolve. It is therefore useful to revisit the last trilateral analysis of the issue by the Deep Cuts Commission. Without movement toward resolution of INF Treaty compliance issues, the prognosis for this treaty is poor and the prospects for any future nuclear arms reduction treaty will recede beyond the horizon.

1. Grievances are Deepening

Whichever system is associated with the INF-class ground-launched cruise missiles Russia has been accused by the United States of testing may now be in the process of being deployed, according to anonymous American officials cited in American press reporting. These officials claimed "Russia was producing more missiles than are needed to sustain a flight-test program"[2] and that one battalion of the missile system "was shifted in December from [the Kapustin Yar test site] to an operational base."[3]

Lurking in the background is the perception of NATO members that Russia's military activities in the Baltic and Black Sea regions are threatening. Moscow, meanwhile, expresses similar concerns regarding the reinforcement of NATO forces and the construction of Aegis ballistic missile defenses in Eastern Europe.

Anxieties in the West have been further aggravated by Russia's recent deployment – whether temporary or permanent is disputed – of the SS-26 Iskander M ballistic missile system into Russia's Kaliningrad exclave. The 400-500 km-range of Iskander M – more than twice that of the SS-21 Tochka already deployed there – puts a significant portion of Poland within striking distance by Russia's tactical, ground-based, nuclear-capable missile forces. However, while such deployments may fly against the spirit of the INF Treaty, they do not violate the letter of the treaty. Nor do they fundamentally alter the strategic equation since Russian nuclear forces can already threaten potential targets in NATO without deploying the Iskander missiles forward.

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Iskander-M (SS-26). Link: http://missiledefenseadvocacy.org/missile-threat-and-proliferation/missile-proliferation/russia/iskander-m-ss-26/ No changes made.

The implementation of a NATO decision to rotate four multinational combat battalions through Poland, Lithuania, Latvia, and Estonia has prompted Moscow to complain that such measures constitute a new security threat, which will require countermeasures. Yet in this case too, the impact is more political than military, since the regional balance-of-forces in the Baltic remains overwhelmingly in Russia's favor.

The United States meanwhile has begun work on building the base in Poland designed to host European Phased Adaptive Approach (EPAA) deployments of Aegis SM3 Block IIA regional missile defense interceptors. The Aegis deployments in Poland and Romania were explicitly justified by NATO in light of emerging ballistic missile threats from the Middle East, understood to be a reference to Iran. Yet breaking ground on EPAA "Phase 3" facilities in Poland to protect Europe from long-range Iranian ballistic missiles occurred in May 2016 on the schedule originally formulated years earlier – before the 2015 Iran nuclear deal made any appearance of an Iranian nuclear threat to Europe within the decade much less likely.

Moreover, the conspicuous absence of long-range ballistic missile flight-testing by Iran brought about a significant slippage in earlier U.S. projections for the possible emergence of any Iranian long-range missile threat – obviating the need for an EPAA Phase 3 level of defenses. Russia interprets NATO's failure to adapt its schedule to the receding Iranian threat as confirmation of Moscow's long-standing suspicion that NATO missile defenses are directed against Russia rather than Iran.

In this context, Russia charges, that the Mk 41 launchers being deployed in Eastern Europe as part of Aegis missile defenses are capable of launching INF-range cruise missiles, become especially significant. Moscow notes that the Mk 41 launch system for both the SM3-IIA interceptors to be based in Poland and the SM3-IB interceptors currently operational in Romania has already been used for past testing of the Tomahawk BGM-109A sea-launched land-attack cruise missile. The BGM-109G ground-launched cruise missile (GLCM) banned by the INF Treaty was a variant of the Tomahawk SLCM. Washington denies that the specific Mk 41 launchers associated with the EPAA deployments have launched GLCMs in the past or are capable of launching GLCMs in the future.

Russia has revived two additional allegations of U.S. noncompliance with the INF Treaty, which had been aired years before without resolution in discussions of the treaty's Special Verification Commission (SVC):

– that the United States continued to test missile targets under its ballistic missile

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defense program, possessing characteristics similar to intermediate- and shorter-range missiles and that these tests are also used to further improve key elements of missile systems prohibited under the INF Treaty; and
- that the United States is increasing the production and use of "heavy strike" unmanned aerial vehicles that comply with the INF Treaty definition of GLCMs.

Although Moscow did not rank the three allegations in terms of seriousness, neither of the two previous charges appear to carry the same salience for treaty compliance as the accusation concerning the Mk 41 launcher.

The U.S. Navy achieved operational certification of the Aegis Ashore site at Deveselu Air Base in Romania on May 12, 2016. (Photo: Missile Defense Agency) Link: https://news.usni.org/2016/05/12/aegis-ashore-site-in-romania-declared-operational/ No changes made.

2. SVC Meets

In spite of the worsening relationship between Washington and Moscow, and continuing tensions between Moscow and Kyiv, Russia and the other active states-parties to the INF Treaty (Ukraine, Belarus, and Kazakhstan) agreed to the U.S. request for a meeting of the treaty's Special Verification Commission (SVC) in Geneva, Switzerland on November 15-16, 2016. Under Article XIII of the treaty, the SVC is the designated forum for resolving questions relating to compliance with the obligations assumed; and for agreeing upon measures necessary to improve the viability and effectiveness of the treaty.

This 30th session of the SVC constitutes the first held since 2003 and took place more than two years after the United States levied public charges of noncompliance against Russia. Few details were released on the content of the discussions and no follow-on meeting has been announced. It is reasonable to assume that little substantive progress was made in this short session. Nonetheless, that the parties decided finally to engage the treaty's designated mechanism for resolving compliance issues is a positive development.

This action was consistent with the recommendation of the Deep Cuts Commission made last June, which called for "supplementing ongoing diplomatic dialogue with technical expertise, either by convening the [SVC] or a separate bilateral experts group mandated to appropriately address all relevant treaty-related compliance concerns."[4] In order to achieve satisfactory resolution of ongoing disputes, political authorities need to provide impetus for continuing work at the technical level.

Future meetings will be necessary to resolve outstanding compliance issues. Although the obstacle to moving toward resolution is the current lack of political will, the groundwork for engaging technical experts has now been laid. With the general roadmap for resolution sketched out in the last report of the Deep Cuts Commission still relevant as a starting point, additional measures can be elaborated:

- Technical experts could work out language making clear the difference between prohibited intermediate-range ballistic missiles and permitted target missiles for missile defense tests.
- The armed unmanned aerial vehicles (UAVs), which both Russia and the United States are developing and deploying, do not clearly fit the definition of cruise missiles spelled out in the treaty, but their differences could be more clearly spelled out in language drawn up by technical experts working under SVC auspices. The

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separate category of weapons so identified could be subject to future negotiations with the purpose of limiting their scope.

- Transparency measures could be established with respect to the Mk 41 Aegis missile defense launchers deployed in Romania and to be deployed in Poland. Russian inspectors could be invited for initial onsite examination of the system and subsequent periodic visits to ensure that no banned INF Treaty categories of missiles were being deployed.
- It may not be possible to forge agreements on whether or not the tests alleged by the United States had occurred. But to forestall suspicions that the new Russian GLCM missile allegedly flight-tested was actually being deployed, on-site inspection measures could be devised, which would increase confidence that such deployments had not taken place.

3. Changes in Political Environment

Unfortunately, most of the recent changes in the ambient political environment impact negatively on prospects for resolving INF Treaty compliance issues and for removing the obstacles to further progress in nuclear arms control.

There has been no change in divisions over the status of Crimea and assignment of responsibility for the continuing fighting in eastern Ukraine. Consequently, European and U.S. sanctions triggered by Russia's actions have been renewed.

U.S.-Russian negotiations over a Syrian peace deal broke down in the final weeks of the Obama administration. Moscow has rejected the UN Joint Investigative Mechanism's determination that Syria was responsible for at least three instances of chlorine attacks, contrary to its obligations under the Chemical Weapons Convention to which it became a party in 2013. Russia has also blocked the UN Security Council from taking action against Syria for alleged war crimes committed in the 2016 retaking of Aleppo. These tensions contrast with the impressive cooperation on chemical weapons elimination achieved in 2013 and 2014 by Russia, the United States, the UN Security Council, the Organization for the Prohibition of Chemical Weapons and other members of the international community.

Finally, based on a comprehensive assessment of the U.S. intelligence community carried out under the outgoing Obama administration, intelligence agencies reached a unanimous, "high confidence" conclusion that the Russian governmental at the highest levels sought to influence the U.S. 2016 presidential elections through hacking of computers and selective release of the information so derived. The 115th Congress has launched an extensive investigation into the extent and significance of the alleged interference. Moscow categorically denies the accuracy of these allegations.

4. Trump-Putin "Bromance" to the Rescue?

During his successful campaign for president, candidate Donald Trump frequently expressed admiration for the strength and leadership of Russian President Vladimir Putin. As president-elect, Trump continued to praise Putin and announced the nomination of a Secretary of State who had extensive successful business dealings with Russia's leadership.

For his part, Putin has made favorable gestures toward the incoming U.S. President. These include, as a goodwill gesture to Trump, refraining from taking reciprocal measures against the United States in response to Obama's late-stage retaliation for alleged Russian interference in U.S. elections and resuming dialogue with the United States on Syria following Obama's departure from office. In the face of Hillary Clinton's clear Electoral College defeat, Putin has echoed Trump in labeling the Democrats "sore losers", in spite of the fact that Clinton won a sizeable plurality in the popular vote total.

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5. . . . or Schism Ahead?

Meanwhile, as the newly elected U.S. President and Congress jointly take the reins of government in Washington, a significant fissure is emerging within and between the executive and legislative branches of the U.S. Government on the conduct of U.S.-Russia relations. Although the Republican Party nominally controls the White House, the U.S. Senate, and the U.S. House of Representatives, no consensus has yet formed on policies toward Russia. Many key members of Congress have expressed alarm over alleged Russian hacking activities, deep skepticism of Putin's motives, and hostility to the idea of cooperating with Russia. In early January, an open argument had broken out between president-elect Trump and his intelligence community on Moscow's motives and actions. Trump's cabinet appointments to lead the Defense and State Department notably expressed disagreement with views expressed by Trump on policy positions regarding Russia.

6. Defending the Boundaries of INF

Other trends in weapons development bear on the treaty compliance issues in dispute, because of the newer weapons' similarities to weapons banned by the INF Treaty. One of the weaknesses built into the INF Treaty was the differential treatment of nearly identical land-attack cruise missiles based on their launch platforms. All ground-based INF systems were banned; all air- and sea-launched systems including nuclear-armed missiles were unconstrained. As technology advances and launchers become more interchangeable, these system boundaries between ALCMs, SLCMs and GLCMs have become more difficult to justify.

Both Washington and Moscow currently anticipate continuing deployment of nuclear-armed air-launched cruise missiles (ALCMs). Russia is equipping its heavy bombers with new nuclear-tipped Kh-102 air-launched cruise missiles. The United States is planning to replace its current ALCMs, launched from strategic ("heavy") bombers, with the Long-Range Standoff (LRSO) cruise missile. This program has, however, generated vigorous opposition in Washington, including from former Defense Secretary William Perry. Even incoming Defense Secretary James Mattis failed to endorse the LRSO during his confirmation hearings. The 2016 Deep Cuts Commission report concluded that relinquishing new nuclear-armed ALCMs by both Russia and the United States would strengthen the INF Treaty regime.

The divergent handling between Russia and the United States of sea-launched cruise missiles is particularly conspicuous and problematic. Consistent with its 1991 Presidential Nuclear Initiative (PNI) commitments, the United States withdrew its deployment of tactical nuclear weapons on surface ships, attack submarines and naval aircraft, eventually phasing out nuclear-armed SLCMs entirely. Although Soviet President Gorbachev made a reciprocal commitment to remove all tactical nuclear weapons from surface ships and multipurpose submarines, Russia continues to deploy them. Moreover, by arming its submarines and surface warships – including corvettes for the first time – with nuclear-capable 3M-14 Kalibr SLCMs (NATO designator: SS-N-30), Russia is expanding the types of platforms available for such deployments.

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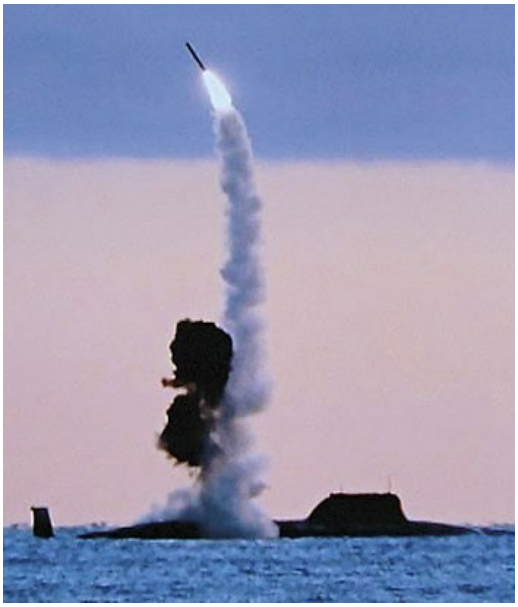
Kalibr SLCM. Copyright: Ministry of Defence of the Russian Federation. Link: http://syria.mil.ru/en/index/syria/news/more.htm?id=12071355@egNews&_print=true No changes made.

7. The Wider World

INF-category missiles continue to be developed and deployed in other countries not subject to INF Treaty constraints. Moscow has complained about the unequal security impact of the INF missile proscription on the two original parties to the treaty given that a number of these countries are located on the periphery of Russia while none are located anywhere near the United States (China, North Korea, India, and Israel are assessed to have deployed the kind of nuclear-tipped INF Treaty-range missiles capable of striking Russian territory). Engaging any of these countries in INF arms control would be an uphill struggle, but without continuing U.S. and Russian forbearance under a treaty regime, the goal would be insurmountable.

Meanwhile, non-nuclear weapons states (NNWS) have recently raised the volume of their criticism against the nuclear weapons states (NWS) – particularly the United States and Russia – for failing to make sufficient progress on eliminating nuclear weapons, as called for in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). 113 states voted in the UN General Assembly on December 23, 2016 "to convene in 2017 a UN conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination," based on an October 2016 UNGC resolution.[5] Despite vigorous opposition by most NWS governments, China, India, and Pakistan abstained; North Korea voted yes.

Growth in the perception that the INF Treaty, one of the signal achievements in nuclear disarmament, is unravelling could strengthen international support for the nuclear weapons ban talks scheduled for this year. On the other hand, it is also possible that China, India, and Pakistan could use a collapse of the INF treaty as justification for building more nuclear weapons.



Picture: Kalibr-PL launched from Severodvinsk Nuclear Attack Submarine.
Link https://southfront.org/russian-navys-long-arm-kalibr-missile-family/
No changes made.

8. Making Lemonade from Lemons

Certain grim and enduring realities of the nuclear age must continue to inform nuclear arms control efforts. As U.S. and Soviet leaders agreed during the Cold War, there can be no winners in a nuclear exchange between the two superpowers. Moreover, there are still today no plausible circumstances that could deprive either Russia or the United States of the ability to conduct a devastating retaliation against the other after being attacked. However, the present stability of the nuclear balance is not set in stone.

Maintaining large numbers of nuclear weapons on high alert carries its own risks of global catastrophe, whether from theft, technical error, or political miscalculation. The twin goals of ensuring the survival of nations (and indeed of the entire human species) and diverting spending from weapons to wellbeing argue strongly for reducing the role of nuclear weapons, minimizing the size of nuclear arsenals, and seeking their eventual elimination.

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The United States and Russia are energetically improving the capability of their cruise missiles and armed drones to threaten regional targets with highly accurate conventional warheads. With ever fewer such targets against which employing nuclear weapons would be

the only recourse, the military requirements for non-strategic nuclear forces are being reduced. But while these technological trends facilitate the reduction of nuclear arsenals, they can also threaten international stability by weakening deterrence.

Reducing nuclear offensive forces safely is therefore, a tricky endeavor. Actions or policy changes that increase the incentives for nuclear use or reliance on nuclear threats should be avoided. But enhancing the sides' capability to destroy strategic targets with conventional weapons – for example by "prompt global strike" systems – can also be destabilizing.

For this reason, programs to enhance strategic missile defenses or to enhance capabilities for destroying strategic targets with conventional weapons may end up contributing to both crisis instability and arms race instability in the nuclear sphere. Such programs should therefore be closely scrutinized for their likely impact on achieving broader strategic aims.

9. An Appetizer

It is still possible to use properly structured discussion of INF Treaty compliance issues in the SVC, fusing political will with the application of technical expertise, to find ways to restore the health of this treaty. For example, U.S. willingness to allow Russian access to Mk 41 launchers deployed in Romania and Russian agreement to on-site monitoring of cruise missile launchers at domestic test sites could lead to a breakthrough in the current compliance stalemate.

Just as the verification measures in the original INF Treaty created precedents for the inspection and monitoring measures used later in the Strategic Arms Reduction Treaty (START), finding the means to resolve contemporary INF compliance issues can also be used as a springboard for taking further steps toward lowering the overall size of nuclear weapons arsenals.

If measures can be found to differentiate launchers that appear to be capable of launching either cruise missiles or missile defense interceptors, or to differentiate cruise missiles from armed drones that may in the future have similar missions and characteristics, it will be relevant to overcoming arms control obstacles in other areas.

10. The Main Course

Steven Pifer of the Brookings Institution proposed last October that the next U.S. President set an ambitious arms control goal of cutting in half U.S.-Russian nuclear arsenals, including non-strategic weapons.[6] Under Pifer's formula, each side would be limited to no more than 2,000 to 2,500 total nuclear warheads – including non-strategic nuclear weapons – with a sublimit of no more than 1,000 deployed strategic warheads ("Deployed" could be limited to only warheads on deployed ICBMs and SLBMs, or it might also include some attributed number of bomber weapons).

Of course, to ensure stability, movement along this vector requires that strategic offensive forces remain invulnerable to surprise attack and can continue to reliably penetrate any strategic missile defenses they may encounter. As long as strategic missile defenses remain relatively ineffective and confidence-building measures remove first-strike fears, there is room for significant additional reductions in nuclear arsenals. Since worst-case planners will always challenge these assumptions, it is necessary to propose an approach, which can assuage prudent concerns.

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The four most important features of such an approach are:

- To enhance confidence in the abilities of the sides to be able to accurately assess and monitor an opposing arsenal and to achieve timely warning of its use in an attack.
- To ensure that the size and shape of tactical and regional nuclear weapons arsenals

will have minimal impact on the deterrent power of each side's strategic forces; and

- To agree on an approach to the sides' strategic and theater missile defense capabilities so that they are not perceived to threaten second-strike capabilities of strategic forces.
- To address precision-guided long-range conventional strike systems, which could threaten the viability of the opponent's nuclear deterrent.

- As NATO and the Soviet Union discovered in the 1980s, effective constraints on INF are an essential component of strategic arms control. The extensive transparency measures of the INF Treaty then – including data exchanges, on-site monitoring, and challenge inspections
- and the decision to create a ban rather than a limit on the most destabilizing systems were critical milestones in the path to the Strategic Arms Reduction Treaty. INF arms control led the way then; it can do so again.

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1 Back from the Brink: Toward Restraint and Dialogue between Russia and the West // Deep Cuts Commission, June 2016, http://deepcuts.org/images/PDF/Third_Report_of_the_Deep_Cuts_Commission_English.pdf

2 Michael R. Gordon, "Russia is Moving Ahead With Missile Program That Violates Treaty, U.S. Officials Say," New York Times, Oct. 19, 2016

3 Michael R. Gordon, "Russian Cruise Missile, Deployed Secretly, Violates Treaty, Officials Say," New York Times, Feb. 14, 2017

4 Back from the Brink: Toward Restraint and Dialogue between Russia and the West // Deep Cuts Commission, June 2016, pp. 9, 25

5 United Nations General Assembly Resolution A/C.1/71/L.41, 14 October 2016, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/C.1/71/L.41

6 Steven Pifer: Nuclear Arms Control Choices for the Next Administration // Brookings Foreign Policy Series, October 2016, https://www.brookings.edu/wp-content/uploads/2016/10/acnpi_20161025_arms_control_choices_final.pdf

Front page: Aegis Ashore Missile Defense Complex Romania, Link: http://www.defencetalk.com/aegis-ashore-missile-defense-system-aamds-romania-operationally-certified-67464/ No changes made.

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About Deep Cuts

The Deep Cuts project is a research and consultancy project, jointly conducted by the Institute for Peace Research and Security Policy at the University of Hamburg, the Arms Control Association, and the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Deep Cuts Commission is seeking to devise concepts on how to overcome current challenges to deep nuclear reductions. Through means of realistic analyses and specific recommendations, the Commission strives to translate the already existing political commitments to further nuclear reductions into concrete and feasible action. Deep Cuts Working Papers do not necessarily reflect the opinion of individual Commissioners or Deep Cuts project partners.

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