

# Why the INF Treaty Matters

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## Has the INF Treaty been violated?

1. The United States and Russia both accuse each other of violating the Intermediate-range Nuclear Forces (INF) Treaty. Each side claims to be in compliance and of providing the relevant data to the other side. Both have failed to offer inspections of their alleged violating systems.

### *Alleged Russian violation*

2. In 2014, Washington publicly alleged that Moscow had violated the INF Treaty by testing and, since 2017, deploying a prohibited cruise missile system, designated as the SSC-8 in the United States or 9M729 in Russia.

3. According to the Director of National Intelligence Daniel Coats, Russia flight tested a ground based missile to distances over 500 kilometres from a treaty-compliant launcher (a fixed land-based launcher used for Ship-Launched Cruise Missile (SLCM) tests) and then tested the same missile at ranges below 500 km from a non-compliant launcher (a mobile land-based launcher). By putting the results of the two tests together, Russia is supposed to have developed a missile within the INF Treaty prohibited range that can be launched from a ground-mobile platform, also prohibited.

4. Washington was slow to share the evidence with its European NATO allies. Some European governments viewed the initial US evidence as not compelling or substantial enough. It took Washington more than three years to persuade allies to support its allegations.

5. By the end of November 2018, the Dutch government claimed to have independently confirmed the Russian violation. Yet there is no information specifying the data and methods of analysis. According to *Spiegel Online*, the German intelligence services assessed US evidence (apparently including a satellite video) as ‘convincing’.

6. Moscow denies these as ‘absolutely groundless [US] accusations’. Russia acknowledged that the 9M729 cruise missile exists, but claims that it has neither been developed nor tested in ranges banned by the INF Treaty and its deployment is in strict compliance with the treaty. According to Deputy Foreign Minister Sergey Ryabkov, a Russian demonstration of the system is not ‘justified from either the political or technical perspective’.

7. The limited data that is publicly available does not allow non-state parties to independently evaluate US/NATO allegations. The lack of details on how the Dutch intelligence came to its conclusions, and no public evidence backing *Spiegel Online* information, make it impossible to verify these claims.

8. The US government has been consistent in making the case for a Russian violation. While the diplomatic handling of the assumed Russian violation by the Donald Trump Administration is controversial, it seems plausible to assume that there is merit to US accusations particularly since all NATO allies are firmly behind the US position as demonstrated by the most recent NATO Foreign Ministers statement, issued on 4 December 2018.

9. The Russian government’s position might result from a genuine belief of being in compliance and/or from differences in interpreting its activities under the treaty. Russia is in reactive mode, but Moscow has shown interest in a diplomatic solution. The Russian claim that it needs more time to evaluate and respond to US ‘information about the dates of the flight tests’ could be plausible given the lack of care to due process of the current administration. However, the Russian attempt to include the INF Treaty in a discussion over ‘a broader agenda – a whole package of issues of strategic stability and arms control’ and politicizing the INF Treaty at the United Nations does not strengthen Moscow’s credibility. While Russia is not legally obliged to offer a solution to the United States, failing to make a proactive offer on substantive measures to tackle America’s allegations – be it in a mutual basis or alone – calls into question Moscow’s good faith

and strengthens the assumption that the Kremlin is not interested in maintaining the treaty.

*Alleged US violation*

10. In response, Moscow accuses the United States of INF Treaty violations on several grounds. It claims that the Mk-41 launchers for the US ground-based ballistic missile defence interceptors deployed in Romania and soon to be deployed in Poland could be used to launch offensive INF Treaty-range Tomahawk cruise missiles. Further, Russia takes the position that US target missiles for ballistic missile defence interceptor tests and US armed drones should be counted under the INF Treaty restrictions.

11. The US State Department claims to have ‘repeatedly refuted baseless Russian allegations in detail’. European allies have unconditionally sided with Washington, not pressing the United States on compliance questions.

12. The Russian claims regarding ballistic target missiles and armed UAVs [unmanned aerial vehicle] date 15 and 18 years back, respectively, both have been discussed in the Special Verification Commission and do not raise broader concerns among experts. However, some experts – Western included – acknowledge that there is some substance to the Russian claim regarding the non-compliance potential of the Aegis Ashore Missile Defence System.

13. The US government claims that Aegis Ashore ‘lacks the software, fire control hardware, support equipment, and other infrastructure needed to launch offensive ballistic or cruise missiles such as the Tomahawk. (...) Although it utilizes some of the same structural components as the sea-based Mk-41 Vertical Launch System installed on ships, the Aegis Ashore vertical launching system is NOT the same launcher as the sea-based MK-41 Vertical Launch System’ [authors note: emphasis original].

14. The 2016 Agreement Between the United States of America and Romania on the Deployment of the United States Ballistic Missile Defence System in Romania only mentions the deployment of US non-nuclear ballistic missile defence interceptors on the territory of Romania. It reconfirms ‘the exclusively defensive nature of the United States European Phased Adaptive Approach for Ballistic Missile Defence’ and stresses that the facility will ‘be used exclusively for self-defence purposes’. The US is

supposed to notify Romania ‘of any changes to the interceptors and any permanent change to the facility’.

15. While there is merit to the Russian Aegis Ashore claim, it does not seem plausible that the United States undertook what might seem to be a provocative step to willingly circumvent the INF Treaty. Rather, this is more likely the consequence of a political decision that was badly communicated to Russia and not sufficiently attuned to resolve possible compliance concerns. The US government did not and probably cannot make a convincing case against the Russian accusations of the Aegis Ashore technical specifications. The United States never publicly offered Russia an inspection of the ground-based Mk-41 launcher in order to counter the INF Treaty-related accusations.

### **How best could a return to compliance with the Treaty be achieved?**

16. Because both parties claim to be in compliance, confirming or repudiating these statements is essential to setting the facts straight.

17. Development of a noncompliant missile carries a different qualitative weight than the deployment of a launcher, yet both are legitimate concerns that should be addressed to the satisfaction of the other party.

18. Providing there is enough political will in Moscow, Washington, and NATO capitals, technical solutions are available. However, concerns can only be resolved on the basis of reciprocity.

19. Both parties should provide comprehensive technical information supporting their allegations.

20. Mutual, on-site inspections and exhibitions of the SSC-8 and the Mk-41 launcher could be an initial step to address the most serious allegations.

21. The United States needs to show that the ground-based ‘Aegis Ashore vertical launching system is not the same launcher as the sea-based Mk-41 Vertical Launching System,’ that it is indeed ‘only capable of launching defensive interceptor missiles,’ and that it not only cannot launch Tomahawk missiles but has none of these missiles deployed at the European site. The ongoing upgrade of the Aegis Ashore site in Deveselu and its subsequent offline-setting could serve as a good opportunity to offer Russia a visit.

22. Russia needs to convince the United States that the SSC-8 missile pointed to by Washington does not violate the INF Treaty by showing that it cannot achieve a range between 500 and 5500 km.

23. The lapsed INF Treaty inspection provisions provide a blueprint on how to put respective claims of compliance to the test. Additionally, the New START Treaty Annex on Inspection Activities and the INF Treaty Inspection Protocol provide useful examples for exhibition procedures aimed at demonstrating distinguishing features and confirming the technical characteristics of weapon systems. The Vienna Document with its procedures regarding demonstration of new types of major weapon systems also provides guidelines both sides could follow or adapt.

24. In terms of missile defence test targets and drones, Russia and the United States could work to amend the treaty by rewriting and specifying language where needed.

25. The US ultimatum that Russia has 60 days to ‘get rid of’ the alleged missile, ‘get rid’ of the launcher or change the missiles range, and allow for verification does not take into account the Russian perception of its innocence and Russian allegations towards the United States, and thus is deemed to fail.

### **What would the consequences be of the US withdrawing from the Treaty?**

26. First, the US and NATO lose the legal basis to insist on Russia’s return to compliance.

27. Second, it allows Russia to freely field the alleged cruise missile while NATO has neither offensive nor defensive capabilities with which to credibly respond in the short term.

28. Third, the potential willingness of some European governments to capitalize on hosting conventional intermediate-range cruise missiles, should the United States decide to field them, could deepen NATO’s divide.

29. Fourth, the demise of the INF Treaty and internal NATO deliberations over an appropriate response could require reopening deliberations on NATO’s deterrence and defence posture.

30. Fifth, Ukraine still retains the potential to produce intermediate-range missiles and will no longer have constraints under the treaty, if the agreement ceases.

31. Sixth, the death of the INF Treaty without solving the compliance issue could impede prospects for extending existing arms control agreements, such as the New START Treaty, and negotiating new ones.

32. Finally, the way NATO's nuclear and non-nuclear countries deal with the INF Treaty determines, albeit differently, their trustworthiness, credibility and leadership within the Nuclear Non-Proliferation Treaty (NPT).

### **Is the INF Treaty still relevant given the technological and geopolitical developments since it was signed?**

33. The INF Treaty remains relevant to global, but especially European security and stability. It is a cornerstone of the current European security order, curbing miscalculation and providing limited escalation stability in Europe. Its collapse would exacerbate the US-Russia and NATO-Russia confrontation. A subsequent arms build-up would be destabilising for Europe, Asia and US-Russian strategic relations.

34. In criticising the INF Treaty, Moscow regularly points to the unrestricted access to intermediate range ground-launched missiles enjoyed by 'almost all countries in the world'. Since the INF Treaty was signed, the horizontal proliferation of intermediate-range missiles has brought the majority of Russian territory within range of a number of countries, including nearly all of its neighbours. In these respects, the 1987 INF treaty is becoming overtaken by events, at least for Russia. In response, Russia has unsuccessfully tried to convince the United States to go for a joint withdrawal from the treaty. On another occasion, Moscow secured Washington's support for the treaty's universalisation, but did not win over the rest of the international community for this idea. Although these attempts remained unsuccessful, Russian decision-makers continued to refrain from withdrawing from the INF Treaty – a right it has under the accord.

35. When threatening US withdrawal from the INF Treaty, President Donald Trump and Secretary of State Michael Pompeo argued that China is not party to the treaty and has intermediate-range weapons that allegedly

put the United States at a disadvantage in the Western Pacific. However, the Chinese INF Treaty-range missiles are not a new technological development that would alter the INF Treaty's legitimacy for the United States. According to Hans M. Kristensen, Director of the Nuclear Information Project at the Federation of American Scientists and an authoritative expert in nuclear weapon systems and programmes, China has had such weapons since 1970. When the INF Treaty was signed, 75% of Chinese nuclear weapons were INF Treaty-range. China has had intermediate-range capability to hit Guam since 1980. The United States never deployed INF-class missiles in the Pacific in response. What has changed since then is that the United States now considers China a 'strategic competitor' and is in the middle of a domestic political debate on the requirement for INF Treaty-range ground-launched missiles in the Pacific.

### **What role could the UK play in future discussions of the Treaty?**

36. The deadlock between Russia and United States is not conducive to achieving a constructive bilateral solution. According to the US government, Russia refused discussion of the violating missile at a third bilateral experts meeting on June 21, 2018. Russian Defence Minister Sergei Shoigu is said to have sent US Defense Secretary James Mattis a proposal for launching a dialogue on the INF Treaty in December 2018, but Washington is said to neither having formally acknowledged the receipt of the invitation, nor replied.

37. A future diplomatic initiative to resolve the INF Treaty compliance crisis would need to be initiated by European like-minded states using the small window of opportunity before the US withdrawal comes into effect by August 2<sup>nd</sup>, 2019. Ideally, the process would be led by a team of professional mediators.

38. The US withdrawal from the INF Treaty will heavily affect European security. Russian concerns relate to the Aegis Ashore in Deveselu, which is part of NATO Ballistic Missile Defence. NATO now supports the US allegations. As such, European NATO allies not only have a valid interest, but also leverage in solving the INF Treaty concerns. So does Belarus, Ukraine and Kazakhstan, which remain active parties to the treaty and participated in the two meetings of the Special Verification Commission which met to discuss questions relating to compliance in 2016 and 2017.

39. The UK government might try to support the German, and win the Dutch and potentially some other European governments to help mediate a solution along the lines of the reciprocal transparency visit concept. European NATO member states should make a case to invite Moscow to an inspection of its Aegis Ashore system, providing that Russia agrees on an inspection of its SSC-8 missile. There are no Aegis Ashore assets in Poland yet, and as such focus should be on the US facility in Romania. While it is highly improbable to envisage the Romanian government at the forefront in offering mutual inspections to Russia, it is also highly improbable for Bucharest to be willing to take the blame for letting a critical arms control treaty die.

40. If Washington proceeds with the withdrawal, a European pledge to refrain from deploying INF Treaty-class missiles, provided Russia does not deploy more of them and reverses existing deployments, would be one option to mitigate an unnecessary and costly arms spiral.

41. If Moscow proceeds with further deployments, European NATO member states should seek options aimed at risk reduction. This could include a verifiable quantitative limit on such missiles to a few systems on both sides of the NATO-Russia border and/or a verifiable qualitative ban on arming such systems with nuclear warheads. Such an effort should not be seen as a reward for bad behaviour. Rather, it should be recognized as an investment in preventing an arms race, as a step to realize the European commitment to nuclear non-proliferation and disarmament, and as a way for Europe to remain central in shaping the global nuclear weapons landscape. As with the Iran nuclear accord, Europe has a major role to play and a major stake in the outcome.

42. London could also support Berlin in generating proposals for and implementing a regime that creates new and/or enhances existing transparency and other sets of rules for missiles and missile technology.

*Detailed references available online at:*

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/defence-committee/consequences-for-uk-defence-of-inf-withdrawal/written/94773.html>