The Mysterious Case of the Russian INF Treaty Violation

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Abstract: In force for twenty-seven years, the landmark INF Treaty now seems to be in dire straits. The U.S. has accused Russia of having violated the treaty, but without giving any details. Moscow has dismissed the allegations as baseless, but refused to address U.S. compliance concerns. This article examines the competing explanations for the question what actually has triggered Washington's allegations, looks at the reaction to Russian non-compliance and explains why both the U.S. and NATO want to keep the INF Treaty viable. I argue that its demise is not imminent. But the INF Treaty was not attended to and adjusted in time in order to increase its chances of survival in a changing security environment.

Keywords: INF Treaty, cruise missile, Intermediate-Range Nuclear Forces, Iskander-K
Schlagworte: INF-Vertrag, Marschflugkörper, Nukleare Mittelstreckensysteme, Iskander-K

1. Bad News about Aging Arms Control

New technologies, different wars, and changed political settings certainly ask for new approaches to arms control. However, how do the old arms control treaties fare in today's changing security environment? The prominent case in point is the 1987 Treaty between the U.S. and the USSR on the elimination of their Intermediate-Range and Shorter-Range Missiles[1], better known as "INF Treaty". After being in force for more than a quarter century the U.S. last year accused Russia, successor to the USSR,[2] to be in violation of this landmark arms control treaty.

The INF Treaty was arguably the most successful arms control achievement of the cold war era. It eliminated a whole category of missiles, attaining real disarmament where other cold-war agreements merely limited the arms build-up. Moreover, it solved the pressing problem of Intermediate-Range Nuclear Forces (INF) in Europe. During the latter stages of the Cold War, no other issue raised more public alarm in Europe, mobilized a powerful peace movement and put Western European governments as well as NATO to precarious stress tests.

Thus, accusing Russia of violating the ground-breaking INF Treaty is a serious and consequential matter. Surprisingly, then, the substance of the charges has yet to be revealed to the public. Moreover, the Russian Government did not bother to refute the accusations on their merit, but took recourse to counter-accusations. Intriguingly, Western European governments, who benefit most from the treaty, have remained almost silent on the affair. Finally, academic and professional interest in the alleged Russian INF Treaty violations is rather muted in the U.S. and almost absent in Europe. These extraordinary circumstances make the Russian INF Treaty violation a somewhat mysterious case that merits a critical appraisal.

2. The INF Treaty and its Significance

The "Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles" was signed by the President of the United States of America, Ronald Reagan, and the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mikhail Gorbachev, in Washington on December 8, 1987. After seven years of negotiations the treaty eliminated both parties' ground-launched ballistic missiles and ground-launched cruise missiles with range capabilities between 500 and 5,500 kilometers. "For the first time in history, the language of 'arms control' was replaced by 'arms reduction' – in this case, the complete elimination of an entire class of U.S. and Soviet nuclear missiles."[3] By June 1, 1991 846 American cruise and ballistic missiles plus 289 launchers were scrapped and 1,846 Soviet missiles were destroyed along with 825 launchers.

Of greatest concern to NATO were the nuclear armed, multi-warhead Soviet *SS-20* ballistic missiles. The Soviets felt threatened by ground-launched cruise missiles and *Pershing II* ballistic missiles, which NATO deployed in response to the SS-20. These weapon systems were all nuclear capable and had intermediate ranges, i.e. between 1,000 and 5,500 kilometers. That is why the treaty was abbreviated "INF Treaty", for "Intermediate-Range Nuclear Forces". However, the treaty precludes deployment of both nuclear and conventional missiles with range capabilities between 500 and 5,500 kilometers, sometimes not well understood.[4] And it applies on a worldwide

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1 Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles, signed in Washington, D.C., December 8, 1987, http://www.state.gov/www/global/arms/treaties/inf2.html (accessed April 23, 2014).

2 The other successor states to the Soviet Union that are also parties to the INF Treaty are Belarus, Kazakhstan, Turkmenistan, Ukraine, and Uzbekistan. Russia, Kazakhstan, Belarus and Ukraine agreed to participate in the Special Verification Commission that, according to Article XII, is the designated body to resolve questions relating to compliance with the obligations assumed by the parties to the Treaty. Cf. Steven Pifer, "The INF Treaty, Russian Compliance and the U.S. Policy Response", Statement for the Record, House Armed Services Committee, Subcommittee on Strategic Forces, July 17, 2014, p. 3, http://docs.house.gov/meetings/AS/AS29/20140717/102474/HHRG-113-AS29-Wstae-PiferS-20140717.pdf (accessed September 9, 2014).

3 President Ronald Reagan at the press conference in Washington, D.C., December 8, 1987, http://www.reagan.utexas.edu/archives/speeches/1987/120887c.htm (accessed January 8, 2015).

4 "Its popular name is a misnomer because the treaty ended up eliminating conventional as well as nuclear cruise and ballistic missiles if ground-launched and capable of going 500 to 5,500 kilometers. Ironically, the unintended consequence of capturing the conventional counterparts of the nuclear-tipped systems the INF treaty was originally intended to eliminate was not understood by a significant number of Washington policymakers, including Pentagon officials, even months after the agreement was ratified into law by the U.S. Senate." Barry D. Watts, „The Conventional Utility of Strategic-Nuclear Forces", in: *The Washington Quarterly*, Autumn 1991, pp. 173-201; note 45 on p. 200.

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basis, an aspect often overlooked from a European perspective. According to Article XV, Paragraph 1, the treaty "shall be of unlimited duration". While Paragraph 2 reserves the right of every party to withdraw from the treaty, it has to give six months prior notice, and, "such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interest".

As President Reagan pointed out, the two leading nuclear powers eliminated a whole class of weapons on a worldwide basis for an unlimited duration. The threat of nuclear war in Europe was significantly reduced, and the signing of the INF Treaty marked the beginning of the end of the Cold War. Thus, the significance of the INF Treaty transcends the area of arms control and can hardly be overstated.

3. Put to the Test in Different Times

The INF Treaty outlived the Cold War. For more than a decade both parties adhered to it without raising any questions about it. But then it was put to the test. In 2001 the Russian military criticized the treaty for the first time, on the grounds that it ruled out conventionally armed short- and medium-range missiles.[5] In 2005 Russian Minister of Defense, Sergej Ivanov, suggested to U.S. Secretary of Defense, Donald Rumsfeld, that Russia might withdraw from the INF Treaty.[6] In 2006 Ivanov called it a "mistake" and a relic of the Cold War.[7] He raised the issue again with Secretary of Defense, Robert Gates, in February 2007, when they met in Seville, Spain, for the NATO-Russia-Council: "Ivanov said it was ironic that now the United States and Russia were the only two countries in the world that could not deploy these types of missiles. He said Russia would not deploy them in the west but wanted to place them south and east – to counter Iran, Pakistan, and China."[8] A number of senior Russian military officials echoed these sentiments.[9] Shortly thereafter Russian President Putin proposed that the U.S. and Russia re-examine the treaty in light of third countries' development of intermediate-range missiles.[10] In October 2007 President Putin proposed to make the INF Treaty multilateral.[11] On October 25, 2007 a joint Russian-United States statement to this effect was submitted to the United Nations General Assembly's First Committee.[12] But the Russians, who came up with the idea of a concerted proposal, "have done virtually nothing" to seek to broaden the INF Treaty's participation. But neither has the United States.[13]

Since the INF Treaty entered into force on June 1, 1988, the security environment has changed considerably, giving Russia more reasons to doubt its value:

"The issue of third-country INF missiles has clearly been a far greater concern for Russia than for the United States. The reason is straightforward. Ten countries deployed or were deploying ballistic or cruise missiles with ranges between 500 and 5500 kilometers as of 2012: China, Egypt, India, Iran, Israel, North Korea, Pakistan, Saudi Arabia, South Korea and Syria. None of these countries currently has an intermediate-range ballistic or cruise missile that could reach the United States. Many of these countries, however, possess or are developing intermediate-range missiles that can reach Russian territory."[14]

Russian fears of being encircled by unfriendly or unpredictable neighbors have to be taken seriously. They reflect a strong and recurring theme in Russian history.[15] However, in the present case Russia bears considerable responsibility for the underlying problem, i.e. the proliferation of missile and nuclear technology.

"One of the ironies ... is that missile technology proliferation from Russia contributed significantly to the missile programs of Iran and North Korea, and North Korea in turn has contributed to Pakistan's missile program. So in fact Russia is complaining about a problem that is to a significant extent, of its own making."[16]

4. The Slow Coming of Serious, but still Unsubstantiated Charges

By mid-2012 there was mounting evidence in open Russian sources pointing towards development and testing not allowed under the INF Treaty. It was meticulously accumulated by those analysts suspicious of Russian compliance with arms control treaties all along[17] and brought to the attention of Congress.[18] The Chairman of the House Subcommittee on Strategic Forces, Michael Turner (R-OH), raised the issue of Russian compliance with the Obama administration. He

5 Nikolai Sokov, „Allegations of Russian Arms Control Cheating are Unfounded, But a Good Reason to Revisit Treaty Option", *Arms Control Wonk*, December 1, 2013, http://lewis.armscontrolwonk.com/archive/7010/russian-inf-compliance (accessed April 24, 2014).

6 *Ibid.*, Pifer, *op. cit.*, p. 3 and Mark B. Schneider, *Additional Information on Reports of Russian Violations of the INF Treaty*, Fairfax, VA (National Institute for Public Policy), National Institute Information Series, No. 350, October 2012, p. 2, with additional references.

7 Schneider, *op. cit.*, p. 2.

8 Robert M. Gates, *Duty. Memoirs of a Secretary at War*, New York (Knopf), 2014, p. 154.

9 Schneider, *op cit.*, p. 5.

10 Luke Harding, "Putin threatens withdrawal from cold war nuclear treaty", *The Guardian*, October 12, 2007, http://www.guardian.co.uk/world/2007/Oct/12/russia.usa1 (accessed January 7, 2015).

11 Pifer, *op. cit.*, p. 3.

12 Statement by Vitaly I. Churkin, the Russian Federation's Permanent Representative to the UN, in the UN General Assembly's First Committee Introducing the Joint Russian-United Sates Statement on the INF Treaty, October 25, 2007, reprinted in: David W. Kearn, *Facing the Missile Challenge. U.S. Strategy and the Future of the INF Treaty*, Santa Monica, CA (RAND) 2012, pp. 149-151, www.rand.org/pubs/monographs/MG1181.html (accessed October 6, 2014).

13 Pifer, *op. cit.*, p. 11.

14 *Ibid.*, p. 3f.

15 Napoleon's march on Moscow, Western support for the White Army during the Russian Civil War and the German *Wehrmacht*'s "Operation Barbarossa" were more than enough to create a visceral fear of foreign invasions. The U.S. successfully struck that nerve when it reacted to the 1948 Berlin crises by orchestrating concentric bomber operations from air bases ringing the Soviet Union. See Paul Bracken, *The Second Nuclear Age*, New York (St. Martin's Griffin), 2013, pp. 51ff. It did so again in the early 1980ies when influential strategists in the Carter Administration entertained the idea of conventional counteroffensives to strike the 'Soviet empire' where it was considered weakest. See Samuel P. Huntington, "The Renewal of Strategy", in: Samuel P. Huntington, *The Strategic Imperative*, Cambridge, Mass. (Ballinger), 1982, pp. 1-52, pp. 21ff in particular.

16 Stephen G. Rademaker, "Russian Violations of the INF Treaty: After Detection-What?", Statement submitted to House Armed Services Committee, Subcommittee on Strategic Forces, July 17, 2014, p. 2, http://docs.house.gov/meetings/AS/AS29/20140717/102474/HHRG-113-113-Wstate-RademakerS-20140717.pdf (accessed September 9, 2014). What is more, this self-defeating Russian proliferation practice is being continued. One version of the *Iskander-K* System, the *Iskander*-E, with a shorter-range, just below the threshold of the *Missile Control Technology Regime,* is offered for export.

17 Mark B. Schneider, *Reports of Russian Violations of the INF Treaty*, Fairfax, VA (National Institute for Public Policy), National Institute Information Series, No. 340, June 2012.

18 Schneider, *Additional Information ….,* p. 2.

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was referred to the administration's upcoming arms control compliance report, mandated by Congress in the Arms Control and Disarmament Act. But the August 2012 compliance report registered no issues regarding Russian compliance with the INF Treaty. The July 2013 report only mentioned that the body designated to address compliance issues, the Special Verification Commission, had last met in October 2003. It said that there were no compliance issues raised during the reporting period, i.e. from January 1 to December 31, 2012.[19]

These official statements were made in spite of the compliance concerns the Administration already harbored by the end of 2011 and on which it finally briefed the Senate Foreign Relations Committee in a closed session on November 27, 2012, a full year later.[20] Understandably, Congress was not amused by the Administration's reluctance to share its concerns, as mandated by law.[21] The sequence of events was telling. While Congress debated and ratified the prestigious New START Treaty with Russia on strategic nuclear weapons, the Obama administration kept its silence on Russia's questionable compliance with the treaty on intermediate-range forces. Obviously, the administration tried to hide its concerns from Congress in order not to put New START ratification at risk. The overriding political priority of New START explains a lot when it comes to why U.S. allegations of Russian INF Treaty violations were so very slow in coming.

At long last, the 2014 compliance report, released on July 29, 2014, declared Russia in violation of the INF treaty:

"The United States has determined that the Russian Federation is in violation of its obligations under the INF Treaty not to possess, produce, or flight-test a ground-launched cruise missile (GLMC) with a range capability of 500 km to 5,500 km, or to possess or produce launchers of such missiles."[22]

While the report states that the weapon system violating the treaty is a ground-launched cruise missile (GLMC) and not a ballistic missile, as had been claimed by some observers,[23] it reveals not much else. Up to this day the U.S. Administration has not made public whether the GLMC in question has only been flight-tested, or whether it has already been fielded with Russian forces – where, in what numbers, and, most importantly, armed with a conventional or a nuclear warhead?

Since these are sensitive details still under discreet discussion between both parties to the treaty, full disclosure of the substance of the charges cannot be expected. On the other hand, it is possible that the violation of the treaty, while politically and diplomatically significant, is, up to now, not terribly important from a military point of view.[24] Some experts remain cautious in their preliminary assessment of the violation and reserve their final judgment for a later point in time, when a fuller picture may emerge.[25] Until then, one has to rely on sources outside the U.S. Administration to try to fill in the blanks as to the substance of the Russian violations.

5. Trying to Fill in the Blanks

According to the *New York Times* article that broke the news of the U.S. challenging Russia on INF Treaty compliance the GLCM in question was flight-tested "as early as 2008", "has not been deployed" and members of Congress were briefed "on the tests". It also quoted a former senior Defense Department official who referred to the Russian government's decision "to field" the prohibited system. This indicates that, at the time of publication, the Russian GLCM was successfully tested, but not deployed yet.

The leading candidate to fit this description is the R-500, a GLCM deployed as part of the *Iskander*-K weapon-system.[26] However, this cruise missile was tested for the first time on May 29, 2007, not in 2008.[27] The National Institute for Public Policy (NIPP) carefully chronicled reports on the *Iskander*-K by the Russian press, but by late 2012 listed no hints at serial production or deployment.[28] In addition to the notoriously anti-arms control NIPP, analysts from different corners of the think tank universe also subscribe to what may be called the "*Iskander*-K Theory". Shortly before the State Department's 2014 compliance report was released, the International Institute for Strategic Studies (IISS) seized on official coverage of Defense Minister Sergei Shoigu's visit to the 26th Missile Brigade at Luga, on the Russian-Estonian border, 135 km south of St. Petersburg, in June 2014. The photos released by the Russian Ministry of Defense show an *Iskander*-K GLCM being transferred from one vehicle to another. In a blog post on the very day

19 U.S. Department of State, Bureau of Arms Control, Verification and Compliance, *Adherence and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments*, Washington, D.C., July 2013, p. 8, henceforth referred to as "compliance report".

20 Michael R. Gordon, "U.S. says Russia Tested Missile, Despite Treaty", *The New York Times*, January 29, 2014.

21 Schneider, *Additional Information* ..., p. 7, points out that the Arms Control and Disarmament Act requires the executive branch to identify questions about foreign arms control compliance to the "maximum extent practicable", which it clearly did not. However, a careful reading of the relevant paragraph in the 2013 compliance report shows that the authors meticulously avoided untruthful wording, saying that no issues were "raised" during the reporting period, which does not mean there were not any. And as a matter of bureaucratic fact it does take careful consideration and therefore time for "concerns" to turn into "issues" that become "determinations" only after a lengthy interagency process. Cf. Anita Friedt, Acting Assistant Secretary of State, Bureau of Arms Control, Verification and Compliance Written Testimony, House Foreign Affairs Committee, Joint Subcommittee Hearing on U.S.-Russia Nuclear Arms Negotiations: Ukraine and Beyond, April 29, 2014, p. 5f., http://docs.house.gov/meetings/FA/FA18/20140429/102163/HHRG-113-FA18-Wstate-FriedtA-20140429.PDF (accessed September 9, 2014).

22 U.S. Department of State, Bureau of Arms Control, Verification and Compliance, *Adherence and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments*, Washington, D.C., July 2014, p. 8.

23 Schneider, *Reports of Russian Violations*, op. cit., p. 1, 4. For expert views on why an "intermediate-range ICBM" circumvents, but does not violate the INF Treaty cf. Nikolai N. Sokov, "Allegations of Russian Arms Control Cheating", op. cit. and Jeffrey Lewis, "Russia and the INF Treaty", *Arms Control Wonk*, April 28, 2014, http://lewis.armscontrolwonk.com/archive/7307/Russia-and–the-inf-treaty (accessed March 12, 2015).

24 While Republican Congressmen critical of President Obama's arms control agenda tend to hype the violations, some independent analysts sympathetic to it suspect that the administration does not have strong evidence on the Russian violation, lest it would have been more forthcoming on the technical and legal substance. Cf. Pavel Podvig in his August 9, 2014 comment on Thomas Moore, "Russian Claims U.S. INF Violations: A Wonk's Démarche", *Arms Control Wonk*, August 4, 2014, http.//guests.armsontrolwonk.com/archive/4740/Russia-claims-u-s-inf-violations-a-wonks-demarche#more-4782 (accessed August 12, 2014).

25 E.g. Pifer, *op. cit.*, p. 6 and Paul N. Schwartz, "Russian INF Treaty Violations: Assessment and Response", Washington, D.C. (CSIS), October 16, 2014.

26 The letter "K" stands for *Krylataya*, the Russian word for „cruise". Cf. Nikolai Sokov, "Russia Tests a New Ground-Launched Cruise Missile and a New Strategic Missile on the Same Day", June 1, 2007, http:/cns.miis.edu/stories/070601.htm (accessed January 8, 2015).

27 *Ibid.*

28 Schneider, *Additional Information* ..., pp. 3ff.

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of the compliance report's publication Hans Kristensen from the Federation of American Scientists (FAS) connects the same event with Shoigu's visit to the 114th Missile Brigade in the Astrakhanskaya Oblast in southeastern Russia, close to the Caspian Sea, a year before, where the ballistic missile (*Iskander*-M) and the cruise missile (*Iskander*-K) were shown together. Then Minister Shoigu promised that from now on both systems would not be deployed in piecemeal fashion anymore. From this Kristensen concludes that Russia started to deploy both missile variants of the *Iskander* weapon system in tandem, with the 26th Missile Brigade being the first to benefit from the new deployment practice.[29] In September 2014 official Russian media confirmed that both the *Iskander*-M and *Iskander*-K were deployed with the forces.[30]

The "*Iskander*-K Theory" is the most popular answer to the question which Russian weapon system violates the INF Treaty. By contrast, Pavel Podvig of the United Nations Institute for Disarmament Research takes a more benevolent, but less flattering view of Russian behavior, suggesting the possibility of a largely technical violation. He focuses on the INF Treaty provisions quoted in the 2014 compliance report and on the technical history of Russian cruise missile design and development. Podvig floats the idea that a version of the sea-launched 3 M 14 cruise missile (SLCM) was tested from a road-mobile launcher, possibly purely for reasons of convenience, which in fact does violate Paragraph 11 of Article VII of the INF Treaty.[31]

This interpretation rests on comments by Representative Brad Sherman (D-CA) after the Joint Hearing of the House Foreign Affairs Committee on April 29, 2014. During the Hearing Acting Assistant Secretary of State for Arms Control, Verification and Compliance, Anita Friedt, confirmed "concerns about Russian compliance with the INF Treaty", but did not want to go into more detail in the open session, thus inviting questions during the closed part of the Hearing.[32] After the Hearing Congressman Sherman said that Russia had tested an intermediate-range cruise missile for use at sea, but did so from an operational ground-based launcher, which is not allowed, and made it appear as if it "were developing a ground-based capacity for this intermediate missile".[33]

If the "ground-launched SLCM Theory" is correct, Russia is possibly developing a new SLCM, a system which is allowed under the INF Treaty. In the process it acted carelessly and clumsily. But Russia was not breaking the INF Treaty in cold blood and with full force by fielding a new generation of operational intermediate-range GLCM with its Rocket Forces.

While all this informed speculation remains highly unsatisfactory, it does underline that the substance and details of the Russian violation matter a lot, because they support widely different interpretations. The "*Iskander*-K Theory" implies that Russia, in deploying a non-compliant weapon system with its Missile Brigades in all Military Districts, has effectively thrown the INF Treaty on the trash heap of history. By contrast, the "ground-launched SLCM Theory" would indicate Russia's incremental modernization of weapon systems compliant with the INF Treaty, SLCM, but accidentally violating the INF Treaty's fine print in a cavalier fashion. The latter narrative would imply that the Kremlin has made no deliberate decision to do away with the INF Treaty. Since the U.S. Administration, in claiming Russian violation of a very important treaty, can be assumed to choose its words carefully, the "*Iskander*-K Theory" ought to be dismissed. It simply does not agree with the official statements.[34] The "ground-launched SLCM Theory", however, does. Moreover, it corresponds with the serious, but matter-of-factly, non-alarmist manner in which the U.S. Administration raised the non-compliance issue with the Russian Government and with the modest reaction of NATO (cf. Section 7 below).

6. The U.S. Response and the Russian Reaction

The U.S. Administration first raised the issue of the non-compliant GLCM with the Russians in May 2013, one and a half year after it had determined that there actually was reason for concern.[35] On February 7, 2014 Acting Under Secretary of State for Arms Control and International Security, Rose Gottemoeller, traveled to Moscow, in order to elicit a response. The journey followed a meeting of the interagency Deputies Committee of the National Security Council (NSC). It also decided that Under Secretary Gottemoeller should brief NATO's Arms Control and Non-Proliferation Committee, on January 17, 2014 in Brussels, and the Senate Committee on Foreign Relations, on January 30, 2014.[36] Obviously the Russian response was unsatisfactory. At the beginning of July the issue was raised to the level of the Principals Committee of the NSC. There it was unanimously agreed that the GLCM test in question

29 Hans M. Kristensen, "Russia Declared In Violation Of INF Treaty: New Cruise Missile May Be Deploying", Washington, D.C., (FAS), July 30, 2014; http.//fas.org/blogs/security/2014/07/Russia-inf (accessed August 15, 2014). Kristensen and the other adherents to the *Iskander*-K Theory do not explain why the Russian Rocket Forces allegedly deploy two weapon systems with significantly different ranges with the same units, something that makes little sense from a tactical point of view.

30 "Iskander-Raketen nehmen erstmals an Übung im Militärbezirk Ost teil", *Sputnik News/ Radio Stimme Russlands*, September 20, 2014, http://de.sputniknews.com/german.ruvr.ru/news/2014_09_20/Iskander-Raketen-nehmen-erstmals-an-Ubung-im-Militarbezirk-Ost-teil-2509/ (accessed January 8, 2015)

31 Pavel Podvig, "Russia and the INF Treaty violation", August 4, 2014, http://russianforces.org/blog/2014/08/cruise_missile_and_the_inf_tre.shtml (accessed August 15, 2014).

32 Friedt, *op. cit.*, p. 6.

33 „Russia Should Uphold Its INF Treaty Commitments", *Arms Control Today*, Vol. 44, No. 7, May 2014; Cf. also: Tom Z. Collina, "Congressman Clarifies U.S. INF Concerns", *Arms Control Today*, Vol. 44, No. 8, June 2014.

34 Oliver Meier, *Die Krise des INF-Vertrages*, SWP-Aktuell 11, Berlin (Stiftung Wissenschaft und Politik), Februar 2015, p.2, comes to the same conclusion. Also note that Undersecretary of State Rose Gottemoeller explains the United States' raising the violation issue the way it did within the framework of an ongoing debate within the Russian security establishment. The idea of an ongoing debate is inconsistent with the "*Iskander*-K Theory" because it rests on a final decision to introduce a new weapon system to all relevant units having already been made. Cf. Daniel Horner and Daryl G. Kimball, "Arms Control in the Near Term: An Interview With Undersecretary of State Rose Gottemoeller", *Arms Control Today*, Vol. 44, No. 7, November 2014, p. 8-15, here: p. 9.

35 It is not known why the U.S. Government did not call for a meeting of the Special Verification Committee (SVC) to address the compliance issue. Probably it considered the issue too serious and too political to be submitted to a body concerned with technical questions. Moreover, reviving the dormant SVC would have taken time and raised practical problems of competent third-party attendance. Furthermore, as Meier, op. cit., p. 3, has pointed out, having representatives from the other successor states at the table, notably from Ukraine, would not have been conductive to a resolution of the problem at hand. And, likely the decisive consideration, a bilateral setting played to the Russian preference to meet the US as a peer power at eye-level.

36 Michael R. Gordon, „U.S. Says Russia Tested Missile …"

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was "a serious violation" of the INF Treaty. Apparently the administration's decision making was forced by the upcoming publication of the 2014 compliance report, due to be delivered to an impatient Congress. Meanwhile the House Armed Services Subcommittee on Strategic Forces had held a hearing on the INF compliance issue on July 17, 2014.

Following the July meeting of the Principals Committee, a letter by President Obama was sent to President Putin via the American Embassy in Moscow, Secretary of State John Kerry phoned his Russian counterpart Sergey Lavrov, and the Chairman of the Joint Chiefs of Staff, General Martin Dempsey, delivered the same message to his Russian counterpart, Valery Gerasimov: the U.S. was interested in a high-level dialogue with the aim of preserving the INF Treaty.[37] The dialogue was pursued by a high-level delegation to Moscow on September 4, led by Under Secretary Gottemoeller and comprising representatives from the Energy Department, the Department of Defense, and the NSC-Staff. Again, the results were disappointing. "Russia has not been forthcoming with any information, nor has it acknowledged the existence of such a non-compliant cruise missile."[38] Instead, the Russian delegation raised counter-allegations concerning U.S. violations the INF Treaty that were "fully addressed" and rebutted by the Americans.[39]

The position of the U.S. Administration on Russian INF Treaty violations was summarized by Under Secretary Gottemoeller on December 10, 2014:

"The United States Government is committed to making every effort to ensure the continued viability of the INF Treaty (..) To date, Russia has been unwilling to acknowledge its violation or address our concern. Therefore, we are reviewing a series of diplomatic, economic, and military measures to protect the interest of the United States and our Allies, and encourage Russia to uphold its nuclear arms control commitments."[40]

The U.S. remains firmly committed to the INF Treaty. There is no official statement entertaining the idea of U.S. withdrawal. The academic discussion of U.S. options is overwhelmingly in favor of continuing to observe the treaty. The reasons are manifold (see Section 8.).

However, it is very difficult to come up with measures likely to bring Russia back into compliance. The underlying problem is known to the arms control community as "Responding to Soviet Violations Policy".[41] This lack of effective instruments is the second reason why the U.S. took so long to make its allegations public. Why hurry a process that offers not much hope for a satisfactory resolution? What McKeon tried to sell to Congress as a "multipronged approach" does not amount to much more than what has already been tried. It comes down to playing a weak hand slowly, with a stern face, and to public effect.

Diplomatic engagement is probably most effective. It means raising the issue with Russia repeatedly and keeping the European allies informed about the details of the violations and the Russian response. By that way the allies are in a position to raise the same issue in their own communications with their Russian counterparts, thus showing unity and increasing the diplomatic pressure. If Russia were indeed pursuing a "soft exit" from the treaty,[42] this strategy would be exposed and effectively countered by making the violations public. Attention to the violations also serves to influence the ongoing internal Russian debate on the cost and benefits of the INF Treaty.[43] Suitable economic measures, on the other hand, are difficult to imagine. A number of economic sanctions have already been employed in the context of Russia's not-so-covert intervention in Ukraine. It will be hard to come up with additional ones tailored specifically to Russian non-compliance with the INF Treaty. Military measures come to mind more easily. But most of them are costly and controversial with the NATO allies. „New land-based, intermediate-range, ground-launched missile programs will be costly to build, take time to deploy, and offer Moscow wedge-splitting opportunities with respect to forward basing. Why go there?"[44] In his testimony to the House Strategic Forces Subcommittee on December 10, 2014 Under Secretary of Defense McKeon mentioned "a military assessment of the threat if Russia were to deploy an INF Treaty-range ground-launched cruise missile in Europe or the Asia-Pacific region" and offered to go into more detail in the closed session.[45] But he also made clear that the U.S. did not want to engage in an escalatory action/reaction cycle.[46]

While Russian responses were unsatisfactory from the U.S. point of view, it is worth noting that the Russian Foreign Ministry called the U.S. allegations "baseless" and that the head of the Russian Forces, General Gerasimov, assured his American counterpart on July 31, 2014 that Russia was committed to adhering to the treaty.[47] Moreover, there have been no reports on new Russian INF Treaty violations or additional tests of the non-compliant GLCM.

37 Michael R. Gordon, „Russian test called violation of treaty", *International New York Times*, July 30, 2014.

38 Brian P. McKeon, Principal Under Secretary of Defense for Policy, Written Statement before the House Armed Services Subcommittee on Strategic Forces and Committee on Terrorism, Nonproliferation, and Trade, December 10, 2014, p. 6, http:/docs.house.gov/meetings/FA/FA18/20141210/102793/HRG-113-FA18-Wstate-McKeonB-20141210.pdf (accessed January 5, 2015).

39 *Ibid.*, p.9.The Russians claimed violations both by U.S. ballistic target missiles and by Unmanned Aerial Vehicles (UAV). Moreover, Aegis Ashore Ballistic Missile Defense Systems are supposed to be capable of launching Tomahawk GLCM and thus violating the INF Treaty. Whereas the two former claims do not pass scrutiny, the Aegis Ashore issue has some more merit to it. However, this is not the place to address the Russian assertions in detail. For a more detailed discussion of the Russian allegations and their merit cf. Moore, *op.cit.*

40 Rose E. Gottemoeller, Under Secretary of State for Arms Control and International Security, Written Testimony before the House Armed Services Subcommittee on Strategic Forces and Committee on Terrorism, Nonproliferation, and Trade, December 10, 2014, p. 4, http:/docs.house.gov/meetings/FA/FA18/20141210/102793/HRG-113-FA18-Wstate-GottemoellerR-20141210.pdf (accessed January 5, 2015).

41 Michael Krepon, „Responding to Treaty Violations", *Arms Control Wonk*, August 11, 2014, http:/krepon. armscontrolwonk.com/archive/4234/responding-to-treaty-violations#more-4806.

42 Cf. Jim Thomas, Statement before the House Armed Services Subcommittee on Strategic Forces on the Future of the INF Treaty, July 14, 2014, p. 2, http://docs.house.gov/meetings/AS/AS29/20140717/102474/HHRG-113-AS29-Wstate-ThomasJ-20140717-U1.pdf (accessed September 9, 2014); Karako, *op. cit.*

43 Rose Gottemoeller, „Remarks at the U.S. Strategic Command Annual Deterrence Symposium", Omaha, Nebraska, August 14, 2014, http://iipdigital.usembassy.gov/st/english/texttrans/2014/08/20140816305906.html (accessed October 2, 2014) and her interview with *Arms Control Today*, op. cit..

44 Krepon, *op. cit.*; cf. Kearn, *op. cit.*, p. 102.

45 McKeon, *op. cit.*, p.8. Not surprisingly a number of military countermeasures have been debated by defense experts in the open literature, e.g. Thomas and Karako. Note that McKeon's wording, "if Russia *were* to deploy", does not square with the "*Iskander*-K Theory".

46 McKeon, *op. cit.*, p. 11.

47 Tom Z. Collina, „Russia Breaks INF Treaty, U.S. Says", *Arms Control Today*, September 2014.

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7. Allies Keeping their Calm

The United States' Western European allies were belatedly informed via NATO in January 2014, more than two years after U.S. intelligence finally determined that there actually was a compliance issue. Former NATO Secretary General Rasmussen, not known to mince words, released a moderate statement on the occasion of the publication of the 2014 compliance report, asking Russia to "work constructively to resolve this critical Treaty issue and preserve the viability of the Treaty by returning to full compliance in a verifiable manner".[48] Only the Polish Foreign Ministry decided to issue a national statement. All other Western European governments kept silent, even the German one, which arguably has most reason to fear a breakdown on the INF Treaty regime.[49]

NATO took an official position on INF Treaty adherence with the Wales Summit Declaration, though no sooner than half way through the text, under item point 53, calling on Russia "to preserve the viability of the INF Treaty through ensuring full and verifiable compliance".[50] Obviously the Russian violation was not such a hot issue at the summit. Even if the overwhelming importance of the Ukraine crisis relegated INF compliance to some place further down the agenda, it is amazing how little import was given to an issue that once was threatening to tear NATO apart, i.e. INF. It is inconceivable that NATO would have kept its calm in that way, if the "*Iskander*-K Theory" had credence with the allies or/and the weapon system in violation of the treaty were nuclear capable.

8. Reasons for Continuing U.S. Commitment to the INF Treaty

For the U.S. the benefits of adhering to the INF Treaty far outweigh withdrawal. On a formal plane, the U.S. would have to state the "extraordinary events" it regards as having jeopardized "its supreme interests". A technical violation by an SLCM test from the 'wrong' launcher would not pass this test. Far more importantly, calling the INF Treaty into question would endanger President Obama's already shaky arms control agenda. If INF fell, New START would become the political target of choice for Republicans in Congress.[51] The high political and symbolic value of arms control aside, New START entails a verification regime that even arms control skeptics would want to keep intact. In addition, withdrawing from the INF Treaty would open the gates to Soviet proliferation of short- and medium-range ballistic and cruise missiles, a heavy blow to U.S. non-proliferation efforts centered around the Missile Technology Control Regime (MTCR).[52] The U.S. would lose most of its credibility and influence with the MTCR member states. For the U.S. military, accelerated proliferation of ballistic and especially cruise missiles would complicate the military balance in a number of conflict scenarios,[53] e.g. in the Persian Gulf. It would necessitate much heavier investment in missile defense systems.

In a world without the INF Treaty, sooner rather than later, all those questions and conflicts of interest would resurface that were laid bare during the 1980s, when NATO struggled with its dual-track response to Soviet intermediate-range nuclear missiles.[54] The question of "extended deterrence" would be back on the agenda at a time, when the U.S. wants to make good on its "pivot to Asia". Japan's relations with a Russia boasting intermediate-range missiles in Eastern Siberia would be strained further. If the U.S. were to match land-based Russian intermediate-range weapon systems with equivalent systems of their own, a demand likely to be raised by Congress, this would divert scarce defense dollars from the urgent modernization of strategic nuclear arms or new systems for Conventional Prompt Global Strike missions. In short, for the U.S. intermediate-range missiles spell trouble. On the other hand, the only viable military options land-based intermediate-range missiles would offer to the U.S. military, are vis-à-vis the People's Republic of China. However, the U.S. has other military means at its disposal to take their place.[55]

9. Are there Lessons to be Learnt from this Case?

The good news is that suggestions of the INF Treaty's imminent demise are slightly premature. Although twenty-seven years old, it is still around, in spite of repeated Russian criticism and U.S. charges of Russian treaty violations. While the details of the violation are still not known to the public, circumstantial evidence suggests a technical violation, which should be taken seriously, but is not necessarily indicative of a Russian decision to take the soft exit out of the INF Treaty. Raising the compliance issue in the way it did, looks like an American attempt to nudge Russia back into compliance and cutting off the soft exit at the same time. The U.S. Administration remains steadfastly committed to the INF Treaty, despite congressional disquiet. It continues to serve its interests. The bad news is that both parties have made no serious effort to adjust the INF Treaty to changing circumstances. They did not bother following up on their 2007 common statement calling for other states to join the INF arms control regime. To the extent that the U.S. chose to ignore growing Russian misgivings about intermediate-range missile proliferation and its impact on the INF Treaty's viability, its policy was expedient, but shortsighted. In contrast to the U.S. military posture the Russian posture lacks sophisticated missile defense and relies on offensive systems to offset other

48 "Statement by the Secretary General on the INF Treaty", July 30, 2014, http://www.nato.int/cps/en/natohq/news_111823.htm (accessed September 10, 2014).

49 As of January 5, 2015 the web-sites of the German Foreign Office, Ministry of Defense, and the Press and Information Office of the Chancellery register no statement on the Russian treaty violations. However, the German Foreign Office's Armament and Disarmament Report for 2014 states that the German Government "explicitly welcomed" the dialog between the United States and Russia and emphasizes the "great importance" of treaty compliance. Auswärtiges Amt, *Jahresabrüstungsbricht 2014*, Berlin, March 2015, p. 24, http://auswaertiges-amt.de/cae/servlet/contentblob/699620/publicationFile/203106/150304-JAB_2014.pdf (accessed March 5, 2015).

50 Wales Summit Declaration, September 5, 2014, http://www.cfr.org/nato/wales-summit-decleration/p33394 (accessed October 1, 2014).

51 That is why both Gottemoeller and McKeon in their statements before the Armed Services Committee stressed Russia's continuing compliance with New START before they addressed INF non-compliance.

52 Kearn, *op. cit.*, p. 108ff.

53 *Ibid.*, p. 31.

54 „Few who went through the INF deployment process would relish the chance to do so again." Pifer, *op. cit.*, p. 9.

55 Kearn, *op. cit.*, chapter four.

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nations' cruise- and ballistic missile potential. Though the U.S. is not to blame for making the most of its technological prowess and for its emphasis on ballistic missile defense, these asymmetries were bound to give Russia second thoughts about the INF Treaty at some point in time. Therefore, it would have been best to have addressed these issues while there was still time and both parties were on better speaking terms. It would have been a perfect chance to practice effective preventive arms control.

10. Trying to Save the INF Treaty: From Western Life Support to Russian Self-Interest

As it has been argued above, circumstantial evidence points towards a technical Russian violation of the INF Treaty, most likely by testing a sea-launched cruise missile from a land-based launcher. The U.S. Government finally raised this compliance issue with Russia in July 2014, at the highest level. It is not known to have raised additional compliance issues. While, according to the U.S. Government, the issue has not been satisfactorily resolved, apparently the Russian violation has not continued either. Otherwise, by now, the U.S. accusation would have been repeated in much more forceful terms. Evidently the Russian practice of violating the treaty has been contained, at least for the time being.

This is not to say that the INF Treaty is safe and well. The Russian violation was a reminder of the treaty's value and its fragility. And it suddenly brought to mind that the Alliance is not prepared for its end. Therefore, NATO would be well advised to increase its efforts to save the treaty and, at the same time, also prudently prepare for its demise. Probably the meeting of the Nuclear Planning Group on February 5, 2015 was, among other things, about that latter point.

How can the INF Treaty be saved? First of all, the Alliance should refrain from simply falling back into cold war behavioral patterns, i.e. copying the old dual-track approach that combined new nuclear armaments with new arms control proposals. Of course it is tempting to try again now what 'worked' then. But times have changed. Applying old recipes to changed circumstances is not a good idea.

What is necessary is a sober assessment of the pros and cons of the INF Treaty in the eyes of the current Russian Government. Why would the Putin Regime want to discontinue the INF Treaty? What, on the other hand, are its continuing benefits to it? Absent any better option, appealing to Russian self-interest appears to be the most promising way to get the INF Treaty off life-support and back into more stable condition.

Under present conditions, asking for a sober NATO assessment of the Russian position means asking for a lot. NATO's new members prefer a much more muscular reaction to Moscow than those member states who still remember vividly what NATO's dual-track decision once did to their electorate. Moreover, Russia tends to disregard NATO's opinion on the INF Treaty, taking the U.S. Government's position much more seriously instead.[56] The Obama Administration has taken a stern, but businesslike approach towards the Russian INF Treaty violation. In contrast, the House of Representatives has passed a resolution in December 2014 asking for a more robust reaction. Recently, Congress seems to be ready to undercut the Administration's negotiating position for the sake of ideological righteousness. To a Russian audience an overly aggressive posture would prove the Putin Regime's narrative of 'Western aggression' right and legitimize its bellicose behavior. It would also be used to drown out the last Russian voices arguing for a reasonable, self-interested, non-ideological approach towards arms control.

The Russian intervention in Ukraine revealed a disturbing disregard for international law. If NATO needed a reminder of how little Putin's Russia cares about arms control, its final retreat from the Conventional Forces in Europe Treaty provided it. But CFE had been in a state of suspension for years. Obviously the INF Treaty is different. According to U.S. Undersecretary of State Rose Gottemoeller, there is a debate of the pros and cons of the INF Treaty going on within the Russian security establishment. Surprisingly, a prominent former critic of the INF Treaty, Sergej Ivanov, has recently argued in favor of preserving the treaty.[57] What is missing from the debate in Western journals and blogs is a thorough and informed analysis of this debate going on in Russia's security circles. Who wants to keep the INF Treaty for what reasons? Who wants to discontinue it? How can the critics' arguments be addressed? What does NATO have to avoid in order not to make the critics' case? How can those interests be strengthened that argue in favor of keeping the treaty alive? Is there a way to address those aspects of the INF Treaty Russia finds objectionable? If official channels are currently out of order, unofficial fora have to be used to explore these questions.

"Admittedly, trust is at a low point", when it comes to the Putin Regime.[58] But arms control diplomacy cannot rely on trust only. It is security interests that back up an arms control agreement. Russia has not left the INF Treaty yet, certainly not out of respect for Western preferences to keep it alive and certainly not for a general lack of resolve. It stands to reason that for the Putin Regime the benefits of the INF Treaty still outweigh its disadvantages. It is high time for NATO to proactively address this balance, analytically and politically.

This proposal may strike some as modest. Well, it is. But arms control in general and the INF Treaty in particular cannot be divorced from the overall security relationship with Russia. And this security relationship is severely strained, could change from bad to worse any moment, and inspires prudence, but no new ambitious arms control proposals.

56 When former NATO Secretary General Rasmussen emphasized the INF Treaty's importance, Russian Foreign Minister Lavrow sharply retorted that NATO was not party to the treaty. Cf. Meier, op. cit, p. 4.
57 Gottemoeller, op. cit., p. 9.
58 Frank-Walter Steinmeier, "Save our trans-Atlantic order", *International New York Times*, March 12, 2015, p. 7.

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