



Security Policy Working Paper, No. 30/2017

The INF Treaty as a Cornerstone of Nuclear Arms Control – Doomed to Fail?

by *Karl-Heinz Kamp und Wolfgang Rudischhauser*

On the 30th anniversary of its signature date in December 2017, the INF Treaty, one of the few remaining nuclear disarmament treaties, is threatened to fail. Back in 2014, the United States lodged the first official complaint about a violation of the Treaty by Russia, and it is pondering political as well as military responses to this incident. As this is a matter of concern first and foremost for European security, the issue should be debated among the wider European public as well. This is the only way to prevent domestic discord or division within the Alliance that could result from decisions or responses by the United States. The next German government should take an active interest in this question.

30 Years of Success in Danger?

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 (INF Treaty,)¹ is one of the few remaining disarmament treaties still limiting the nuclear weapons arsenals of the United States and Russia. Almost thirty years after its signature, this instrument, negotiated in the 1980s, is threatened profoundly. It was the only treaty to abolish an entire category of nuclear-armed missiles on the part of the United States and Russia. Its provisions cover all (land-based) nuclear short-range and intermediate-range missiles and cruise missiles with a range of 500 to 5,500 kilometres – weapons that primarily posed a threat to Europe's security.

As early as 2008 there were first unconfirmed reports about Russia being in violation of the Treaty. The Obama administration first raised these concerns with members of the United States Congress in 2011. If not before, at least since the U.S. State Department first officially determined a treaty violation by Russia in its yearly Compliance Report to Congress² in 2014, the Treaty has been threatened in its substance. This assessment sparked an intense debate on how the United States should react to the alleged treaty violation, a debate that has been ongoing ever since in academia as well as in U.S. politics. In recent times, the issue has been discussed more and more also within NATO. Several times, NATO Secretary General Stoltenberg has publicly expressed the Allies' concerns regarding compliance with the Treaty. The NATO Warsaw Summit Declaration addresses the issue as well.

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 on 8 December 1987, in force since 1 June 1988.

² *Report on the Adherence to and Compliance with Arms Control, Nonproliferation and Disarmament Agreements and Commitments*, <https://www.state.gov/t/avc/rls/rpt/2017/index.htm>

Essentially, the United States is accusing Russia (which, as the legal successor of the Soviet Union, is a party to the INF Treaty) of having violated the Treaty by developing and testing a cruise missile with a range capability exceeding the ranges stipulated in the Treaty. According to unconfirmed press reports, Russia in February even began with the stationing of this cruise missile (abbreviated to SSC-8 in US terminology), an action that is also banned under the Treaty. Speculations about other Russian types of missiles that may constitute a violation of the Treaty, such as modified versions of the Iskander-M, the R-500/SSC-7 cruise missile or an R-26 intercontinental ballistic missile, scaled down to a shorter range, have not yet been substantiated or are being denied by Russia. So far, Russia has dismissed all accusations of having committed a violation of the Treaty and is asking the United States to produce proof, which, for reasons of being classified, the United States has refused to make public until now.

Russia, in turn, is accusing the United States of violating the Treaty with its own systems. The Russian accusations are primarily focused on three elements: (1) the testing of missile defence technology with characteristics similar to those of short-range and intermediate-range ballistic missiles; (2) the installation of missile defence bases in Romania and Poland which are allegedly able to fire land-based cruise missiles;³ (3) the purchase and use of intermediate-range armed drones which, according to Russia's interpretation, are also banned by the INF Treaty. The United States has examined the Russian accusations thoroughly and categorically rejects them as unfounded with respect to all three issues addressed.

Without knowledge of and access to classified information, it is hard to verify or falsify either the US accusations against Russia or Moscow's accusations against Washington. For this reason, we are not going to make this attempt at all. Instead, this paper suggests that either Russia or the United States (maybe in reaction to a confirmed Russian violation of the Treaty) could work towards achieving an active termination of the Treaty or its suspension in the next years, or that they might at least willingly accept such a development. Whereas both parties to the Treaty thus seem to be heading for an open conflict, many NATO Allies remain reluctant to publicly discuss the problem. In our analysis, we will thus discuss the possibilities still at hand in order to preserve the Treaty in its substance. We also look at how the United States may react with military or political means to a violation or termination of the Treaty by Russia. We will focus in particular on the tensions this could cause between NATO and Russia and within the Western Alliance, and on recommendations that the European partners could make.

More Room for Diplomacy

Can the Treaty be saved? If so, how? This is, first of all, a question for the United States and Russia as parties to the INF Treaty.⁴ Russia, however, is also deeply worried about Indian and Chinese efforts towards developing intermediate-range missiles. But as Europe would be the first place to be targeted by potential Russian short-range and intermediate-range missiles banned under the Treaty, the continent must insist on its core interest in this issue and assert its say in the matter. The NATO member states in Europe are particularly called upon in this regard. For one, they are linked to the issue within NATO through the nuclear consultation mechanism and for another, NATO's decision to install a missile defence system and to gradually transfer responsibility for this system to the NATO command structure (a process called European Phased Adaptive Approach – EPAA) will inevitably force them to face the debate.

³ These systems (called Aegis Ashore) are based on Mk-41 launch systems used on ships (in compliance with the Treaty) and have, according to the US government, been modified so as to enable them to fire only defensive missiles and not offensive surface-to-surface missiles.

⁴ Belarus, Kazakhstan and Ukraine are the only other successor states of the Soviet Union that are currently parties to the Treaty and active participants in its consultation mechanism.

This is all the more necessary as Russia is already trying to cause division within NATO by stepping up its rhetoric regarding nuclear weapons as well as by conducting large-scale exercises and uttering verbal threats against NATO member states on the eastern flank of the Alliance. Ambiguous statements by US President Trump as regards the Alliance commitments by the United States towards its NATO partners and thus the guarantee of extended (nuclear) deterrence for Europe have not been helpful either in calming the situation. So what can be done?

First, NATO must conduct a comprehensive survey of what would be at stake for the Western Alliance and in particular for Europe's security if the INF Treaty were to be terminated, for whatever reason it may be. On the basis of this analysis, all diplomatic and military options should be discussed and NATO should examine whether these options are desirable and politically feasible. If not before, this is the moment, where the wider European public needs to be included in such a discussion. In order to prevent domestic discord or further division within the Alliance that could be caused by any decisions or responses by the United States, this is the only way to go. It is an issue that the next German government will also have to address.

Should diplomatic solutions fail, including such supported by sanctions against persons, companies or institutions that might be involved in a violation of the Treaty, other options should be considered as well. One of these options might be to threaten the termination or expiration of other disarmament or arms control treaties whose existence is also in Russia's interest, such as the New START Treaty, the Open Skies Treaty or the Conventional Forces in Europe Treaty (CFE). However, as all of these treaties and compliance with their provisions are also very much in the interest of the West and Europe, the potential dangers to Europe arising from a termination must be carefully considered.

Therefore, military responses should not be completely taken off the table either. In the interest of the West of not being the one to be responsible for the fatal blow to the treaty, these responses should however not amount to a violation of the Treaty on the Western side. Such military measures could include stepping up the presence of rotating NATO forces in the eastern part of the Alliance territory. An expansion of NATO's missile defence capabilities in Europe, directed against Russian short-range and intermediate-range missiles, however, might create problems. It would go against a clear NATO decision that these capabilities are explicitly not directed against Russia, but are there to address threats from outside the Euro-Atlantic territory (for example from Iran, Syria or North Korea). Therefore, if such a decision to extend BMD capabilities were taken anyway, it would at least have to go hand in hand with a pro-active initiative to promote dialogue and transparency in the relationship with Russia. Such an initiative could also help to counter the abovementioned Russian accusations that the NATO missile defence system was already trying to change the strategic balance with Russia.

Finally, a serious attempt could be made to integrate China, India, and Pakistan – countries that are developing or using intermediate-range missiles and are not bound by the INF Treaty – into the Treaty, thus turning it into a multilateral agreement. Such an initiative could help to counter the recurring Russian argument that the US and Russia find themselves, due to their self-imposed INF obligations, at a disadvantage with those nuclear powers that are not subject to any limitations regarding their nuclear weapons. These Asian countries, however, will most likely not be too willing to subordinate themselves to such a nuclear arms control regime.

It is of utmost importance, to address any accusations of violations of the treaty in the context of talks or negotiations, with a view to potentially initiating corrective measures. According to press reports, the United States have, at least since 2013, undertaken several attempts to discuss this very issue with Moscow, but so far the Russian reaction to these advances has been rather reserved. Russia denies having committed a violation of the Treaty and demands that the United States disclose its sources. In November 2016, for the first time since 2000, the mechanism to convene the Special Verification Commission outlined in Article XIII of the INF Treaty was triggered, but apparently this procedure has not led to any progress. Also accord-

ing to press reports, the United States has informed Allies about this matter, but no further details have been made public. If Washington disclosed all its information, thus delivering verifiable evidence, it would be much easier, including for NATO Allies, to assess the accusations. Russia seems to stubbornly persist in rejecting any accusation of violation of the Treaty as long as the United States does not corroborate its claims.

This refusal to recognise any problem at all has meanwhile given rise to voices in the United States and Europe that are in favour of responding with further diplomatic means (such as the termination of the INF Treaty or of other disarmament treaties) or even by taking military countermeasures. The United States Congress has already held several hearings on this subject – most recently in March 2017. Draft legislation provided to Congress is supposed to force the President not only to confirm a Russian violation of the Treaty but also to provide funds for the US to develop new intermediate-range weapons and to increase missile defence capabilities.⁵ The bill is not yet in force and is being discussed in the parliamentary committees responsible. Many observers therefore consider it a diplomatic instrument to step up pressure on Russia to comply with the Treaty rather than a means for the United States to withdraw from it.

Possible “Nuclear” Responses

There are several options that are apparently being discussed in the United States, in Congress as well as within the security institutions: (1) responding with new or stronger conventional countermeasures, (2) terminating the INF Treaty and other disarmament treaties in force or letting them expire (e.g. New START, Open Skies Treaty), or even (3) developing new land-based nuclear or conventional short-range and intermediate-range systems (and maybe redeploying them to Europe). It is not uncommon that Europeans or Americans recommend that a flagrant violation of the Treaty by Russia be met with the re-establishment of the situation before the signing of the INF Treaty. They believe that if there is proof that Russia is stationing intermediate-range weapons again, NATO must also redeploy Pershing and cruise missiles it had once withdrawn or comparable current systems. Without going into the details of the potential measures, this option in particular is reminiscent of difficult political discussions in Europe in the 1980s, when at the time, the NATO Double-Track Decision of 1979 had sparked strong debates, particularly in Germany, but also in other European NATO member states.

In the Bonn Republic, during the early 1980s, these debates culminated in the largest disarmament demonstrations ever in German history. Not only did this cause the government led by the Social Democratic Party to lose its parliamentary majority, as its Chancellor Helmut Schmidt strongly advocated the Decision. The debates also came close to splitting the Social Democratic Party (and the Free Democratic Party). Furthermore they partly laid the foundation and provided impetus for the Green Movement and the Green Party. Given the current political situation, however, it is hardly conceivable – at least in Western Europe – that land-based nuclear or conventional short-range and intermediate-range systems could again be stationed in Europe. Against this backdrop, politically feasible and realistic options should be discussed.

The above mentioned simplified reasoning not only underestimates the huge wave of public protest that would have to be expected after such a decision. It also does not take into account the complex logic behind the nuclear strategy that formed the basis of the NATO Double-Track Decision of December 1979 (either Soviet disarmament or arms buildup of NATO) and that does not apply anymore to the current situation. For NATO, the objective at the time was not only to reach the number of stationed Soviet weapon systems, but also to maintain the credibility of NATO’s principle of “extended deterrence” as such. The credibility of this principle (namely that the United States guarantees the security of non-nuclear Allies) has always been inherently questioned. Those under protection were never sure that the United States would actually keep its promise, in particular bearing in mind that America would make itself a target for Soviet or Russian nuclear retaliation, if it actually used nuclear weapons. The dilemma has always boiled down to the question: “Will the US risk San Francisco in order to save Frankfurt?”

⁵ S.430 – *Intermediate-Range Nuclear Forces (INF) Treaty Preservation Act of 2017*, <https://www.congress.gov/bill/115th-congress/senate-bill/430>

Once the superpowers achieved nuclear balance and concluded arms control agreements to maintain this situation, the problem has become aggravated. When examining what was referred to as the “continuum of deterrence”, NATO noticed a gap between the strategic intercontinental systems of the United States and the tactical nuclear weapons in Europe – there were no intermediate-range weapons based in Europe that were capable of reaching Soviet territory. Western European Allies were therefore concerned that a nuclear war would remain confined to Europe while Moscow and Washington would be keeping each other at bay by means of long-range weapons. The arms build-up decided thus aimed at closing the gap between tactical nuclear weapons in Europe and the intercontinental systems of the United States.

Even though such reasoning might seem very difficult to understand from today’s perspective, it was in tune with the nuclear logic of the bipolar East-West conflict. This logic does not apply to the current situation anymore. To apply the strategies of the Cold War without second thought is therefore too simply and impossible. The development of land-based short-range and intermediate-range missiles by the United States and in particular their (re-)deployment to Europe should remain the solution of the last resort. This option should only be put on the table once it becomes clear that all aforementioned diplomatic and military avenues have been exhausted and every attempt to prompt Russia to change its behaviour has failed. It would deal the fatal blow to the Treaty. It would be the admission that one of the cornerstones of the system of disarmament and arms control – which considerably increased Europe’s security during and post Cold War – has failed once and for all.

The authors are the President and the Vice President of the Federal Academy for Security Policy. This article reflects their personal opinions.