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Time to Withdraw from the INF Treaty

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Introduction

“To be serious about arms control is to be serious about compliance.”¹ President Ronald Reagan’s axiom, though stated during the Cold War, holds special relevance for today. If ever there was a test case for the level of seriousness which the United States assigns to compliance, the Intermediate-Range Nuclear Forces (INF) Treaty is it. Since formally accusing Russia of breaking its INF Treaty commitments four years ago, the United States has not succeeded in bringing Russia back into compliance. In fact, Russia apparently is continuing to produce and deploy the Treaty-violating system in greater numbers, even after two rounds of diplomatic meetings.² That is in addition to numerous other possible INF Treaty concerns not addressed in State Department compliance reports.³

Thus, the Trump administration now faces a serious moment of decision on how to proceed. Broadly, there are two fundamental options, both unappealing in some ways: continue the still-fruitless diplomatic overtures to end Russian non-compliance, risking continued Russian noncompliance and the further erosion of the credibility of arms control agreements; or, exercise the U.S. sovereign right to withdraw from the INF Treaty to protect its “supreme



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national interests,” risking a potentially aggressive Russian response, the wrath of many domestic arms control advocates, and the possible suspension of arms control initiatives.

While the decision may grate against American strategic culture which encourages boundless optimism for negotiations and agreements, the United States should give the Russian Federation the required six-month advance notification of its intent to withdraw from the INF Treaty due to continuing Russian violations. The United States has a strong case for defending its “supreme national interests” by withdrawing, as it provides the best avenue to either negotiate a new treaty with stronger verification and compliance measures, or to pursue other options that better defend U.S. alliances. We make the case for this option below.

A Short History

The United States and the Soviet Union signed the INF Treaty in 1987, officially banning the possession, production, or flight-testing of ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 kilometers. For much of the post-Cold War period, the INF Treaty, along with Russian political acquiescence and general military weakness, helped add a sense stability and some transparency to the U.S.-Russia relationship.

The Treaty appeared to be working so well, and the security environment seemingly had changed so dramatically, that when bilateral on-site inspection activities ended in 2001 in accordance with the Treaty, the United States apparently made no real effort to extend them. The Special Verification Commission (SVC), formed to work out compliance concerns, stopped meeting after 2003 – there was simply nothing to talk about.⁴ The international environment had changed for the better – from the U.S. perspective – but Russia, acting within the historic norm for great powers, hedged its bets.

The INF Treaty – negotiated, drafted, and signed in the late Cold War – was essentially a snapshot in time that reflected the political and strategic calculations of U.S. and Soviet leaders at that point in the Cold War. By the beginning of the new millennium, the Treaty remained, but Russian political intentions changed.

Russian officials began complaining openly in 2005 that the INF Treaty restricted only the United States and Russia, while non-signatories, like China, could freely grow their arsenals.⁵ The complaints continued throughout the Bush administration, and at some point, the complaints turned into noncompliance.

Ten years have now passed since Russia reportedly began violating the Treaty.⁶ Seven years ago, the Obama administration reportedly finally concluded the suspect ground-launched cruise missile (GLCM) was a serious compliance concern. Five years ago, Obama administration officials raised the issue with Russian officials and were met with flat denials that the offending missile even existed. Now, having deigned to admit the GLCM exists (but



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still not a violation), Russian officials have proven intractable in two meetings of the Special Verification Commission.⁷

After finally being called out, and not being content with issuing simple denials, Russian leaders have instead accused the United States of being the real noncompliant party – spreading disinformation and misdirection (a Russian specialty) about U.S. missile defense capabilities and drones. The accusations are, of course, insincere and without merit – as the U.S. State Department neatly has demonstrated.⁸

Inadequate Responses

Most suggested U.S. responses from the professional arms control community center around some mix of “more dialogue” and “mutual inspections,” with occasional notable exceptions.⁹ The problem with many of these suggestions is that they do not address the core problem: Russia shows no willingness to return to compliance.

First, it is important to recognize what the Putin regime is not. It is not a bumbling, but relatively benign, international actor. For example, it strains credulity past the breaking point to suggest that perhaps the Russian leadership is not aware that Russia is committing a violation of the INF Treaty, as some have suggested (much as some claimed that the Soviet leadership was likely not fully aware of the Soviet Union’s violation of the ABM Treaty with its construction of the illegal Krasnoyarsk radar).¹⁰ In this case, however, history does repeat itself. Then-Soviet Foreign Minister Gromyko and Defense Minister Ustinov were kept fully aware of the illegal radar at Krasnoyarsk from the beginning.¹¹ Similarly, Vladimir Putin was Secretary of the Security Council of the Russian Federation,¹² and oversaw the writing of the 2000 Russian *Military Doctrine* which lowered the threshold for nuclear weapon use.¹³ And given his affinity for personally overseeing nuclear military exercises,¹⁴ it is very unlikely with this kind of background that Putin would be unaware of a treaty-violating missile. In any case, the Russian leadership has now been made fully aware, publicly, of the ground-launched cruise missile that violates the INF Treaty, and it is now moving seemingly full speed ahead on its deployment. Russia also attempted to “obfuscate the nature of the program,” according to the U.S. State Department.¹⁵ Why would Russia obfuscate the nature of a perfectly legal system? These are not the actions of a confused, but well-meaning, Russian leadership.

Perhaps in the post-Cold War years, the United States let itself indulge in the illusion that Russia viewed arms control much like the West, a “win-win” agreement where both sides gain security for the betterment of bilateral relations and the world. Instead, as former Deputy Chairman of the

Duma Defense Committee and Russian defense analyst Alexei Arbatov explains:

...the Russian political elite does not consider nuclear arms control to be a tool for enhancing security and believes most past treaties on offensive nuclear arms are



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unilateral concessions to the West. After the New START further nuclear arms reduction is commonly perceived as a risk, since it would diminish the only Russian asset of security and world status. Hence the political role of the nuclear arsenal in Moscow's view is greater than it had been for the USSR once parity was achieved by the early 1970s.¹⁶

Russia's continuing unwillingness to address U.S. concerns is proof enough that it is not committed to the INF Treaty. If Russia were truly committed to its arms control obligations, one would expect it to voluntarily cease production and deployment of the missile until the compliance issue was resolved. The opposite has happened. Let it be noted that Russia undertook the majority of the development and testing of this missile reportedly during the period of the Russian "reset," a time when the Obama administration was signaling most strongly that it wanted improved political and security ties. This is not to shame the Obama administration, it is simply to point out how little an effect even strongly positive political signals are likely to have on an unwilling recipient like Russia.

Second, when the West offers more dialogue, the implicit assumption is that there is a Russian misperception that can be corrected with more information. But Russian officials are not seriously looking for further clarification of their non-compliance. As the U.S. State Department makes clear, Russian officials are refusing to engage in any useful discussion.¹⁷ Despite President Putin's assurances that Russia would like to work with the United States on arms control,¹⁸ Russian noncompliant actions have spoken louder than his words.

Third, U.S. suggestions for more dialogue also indicate that the West generally believes President Putin can be persuaded to adopt the international norm of "compliance" over his national interests. But this obviously has been a fruitless and uphill battle, and one likely in the long-run to fail. Putin is explicit on this point: "I make my decisions based on only one principle, and that is the interests of Russia and its people."¹⁹

The Russian leadership certainly appears to see continued violation of the INF Treaty to be in Russia's national interest. The arms control process, conducted on a bilateral basis, must necessarily reflect the political wills (and ideas of national interests) on both sides at the time of the agreement. The problem appears to be that national interests, as defined in Moscow, in the end will win out over international norms. As one of us has written:

It is even possible that some very modest benefit to international security will accrue as a result of arms control diplomacy. But there is next to no prospect that an international political system containing polities very deeply dissatisfied with their security lot, can provide substantial bulwarks against the outbreak of war via an arms control process. Arms control registers political facts, it does not change them.²⁰



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Critics may counter that the West is not trying to persuade Putin to adopt an international norm over his national interests; instead the West is attempting to show him that compliance itself is in his national interests. But Putin has self-evidently decided that complying with the INF Treaty is not in his national interest – Russia continues to not comply. Which brings us to the next point.

Fourth, Western arms control proponents may venture so far as to try and change Putin’s vision of his national interests by punishing the Russian violation with strengthened U.S. and NATO conventional capabilities.²¹ While undoubtedly helpful, these too have yet to change Russia’s mind. Despite a (INF Treaty compliant) research program for a conventional GLCM, over \$6 billion committed to the European Deterrence Initiative, and a full-fledged U.S. nuclear modernization program, Russia has yet to budge. Another step, or steps, need to be taken.

Lastly, some analysts hope to broaden international diplomatic pressure on Russia in an effort to bring them back into compliance. As one analyst has stated, “The goal should be to ‘multilateralize’ the problem, that is, to increase political and diplomatic pressure on Moscow from third countries who presumably would not want to see this new threat to their security.”²² Yet the latest NATO declaration from Brussels contained the strongest language to date on Russia’s noncompliance, which is no small feat in such a diverse coalition; yet it has had no discernable effect on Russian will.²³ If there is anything recent Russian history teaches us, it is that Russian officials are willing to suffer the slings and arrows of diplomatic “pressure,” and much more, to attain their goals. Just ask Georgian and Ukrainian officials. They are still waiting for international condemnation to break the Russian will.

So where does this leave the United States? It should leave the United States right where all great powers belong – contemplating what are its supreme national interests.

What are U.S. “Supreme National Interests?”

The INF Treaty states, “Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests.”²⁴ As the U.S. Senate’s “Article-by-Article Analysis” of this section notes, this withdrawal clause “is a standard provision in most modern arms control agreements.”²⁵ But Senators, and most political appointees, rarely elaborate on just what are the “supreme national interests” of the United States.

Historically, great powers have identified multiple “national interests” that warrant substantial action. First and foremost, great powers find it in their supreme national interests to protect the homeland and citizens abroad against foreign attack. The INF-violating Russian GLCM certainly qualifies as threatening U.S. national interests in that it can target the homeland in Alaska, though this is likely not its real purpose. Its real purpose is to threaten U.S. assets stationed abroad, mostly in Europe, but possibly in Asia as well.



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Second, the Russian GLCM threatens another supreme U.S. national interest, maintaining the NATO alliance. The Russian GLCM seems designed to divide alliance opinion, both in whether it is a violation and how to respond to it. But NATO has responded unanimously against the Russian violation, and it is in the U.S. supreme national interest to keep the alliance opinion united. While some states in NATO would undoubtedly disagree with the U.S. position on withdrawal, it would be even more divisive and damaging to U.S. and allied interests to continue unilaterally following a treaty that Russia is violating – to the security detriment of allies.

Third, it is in the long-term supreme national interests of the United States to maintain the value of arms control and signal its commitment to compliance, not just to Russia, but to all potential future arms control partners. Withdrawing from the INF Treaty in response to Russian violations would signal to Russia, and future potential partners, that the United States takes arms control violations seriously. Remaining in a treaty that Russia continues to violate sends precisely the opposite signal. Withdrawal would also allow the United States to work with NATO allies on a broader range of strategic options to keep arms control relevant for the future – whether that is working toward a new and strengthened INF agreement immediately after withdrawal or waiting until such a time as Russia is willing to sincerely negotiate.

Russia's serious violation of the INF Treaty – taking into account its severity, non-technical nature, continuation, and obvious hostile intent – requires an equally serious U.S. response.

Objections

“If the treaty unravels, it will open the door to an arms race in production and deployment of these missiles, which would weaken security in Europe and Asia.”²⁶

It cannot be that by withdrawing from the INF Treaty the United States will begin an “arms race,” as Russia has been racing for a decade, with the United States not even having tied its shoes. In addition, China likely already has the largest medium and intermediate-range missile force in Asia, and probably the world.²⁷ Withdrawing from the INF Treaty would do nothing to change these current realities.

The choice between “arms control” and “arms racing” is not binary – as if those were the only two options. The United States may very well decide that producing a GLCM to be stationed in Europe will be too politically complicated and instead shift to a mixture of penetrating bombers and sea-based assets. The United States has free will and is not irredeemably bound to an “action-reaction” cycle it does not wish to participate in. In fact, the most recent *Nuclear Posture Review* says as much, stating: “U.S. strategy does not require non-strategic nuclear capabilities that quantitatively match or mimic Russia's more expansive arsenal.”²⁸ The same applies to GLCMs or other responses.



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“The INF Treaty is fundamental to European security. If the treaty collapses, it would further weaken trust between the West and Russia and undermine the entire regime of nuclear arms control between the United States and Russia. This would have unpredictable strategic and political consequences for West-Russia relations.”²⁹

The INF Treaty has already collapsed *because of* Russian non-compliance – which drives U.S. mistrust. Russia could move to help restore that lost trust by returning to compliance. But this is precisely the step it refuses to take.

“Arms control” is not the same as “trust,” and vice versa. As Russian noncompliance demonstrates, Russia has remained in the INF Treaty formally, but with no trust. As stated before, “Arms control registers political facts, it does not change them.” Or, in the words of then-Secretary of State George Shultz, “We do not believe the [INF] Treaty has altered the fundamentally competitive nature of the U.S.-Soviet relationship, although it will result in a real reduction of their nuclear arsenals.”³⁰

And even if Russia were to say that it would move back into compliance with the INF Treaty, what then? Would that restore trust? Hardly. On-site verification is not allowed at this point by the INF Treaty. Even if the Russians said they would return to compliance, and also allowed the United States to inspect a few key sites at a few pre-determined times, that would be unlikely to restore trust. Simply put, the United States and Russia would have to agree to all new (and greatly strengthened) inspection procedures for an indefinite period of time for there to be any semblance of earned trust.

“It [the collapse of the INF Treaty] would undermine support for other arms control treaties, such as the 2010 New Strategic Arms Reduction Treaty (New START) and make it difficult to reach new accords.”³¹

It will not be because the INF Treaty collapsed that support for further arms control weakens. Rather, it will be because the Russian bear collapsed it with malice aforethought. U.S. Presidents have long known this. The U.S. Senate is unlikely to ratify any treaty while Russia is still in violation of its existing agreements. In fact, the Reagan and Bush presidencies, with the exception of the INF Treaty itself, made it administration policy to link Russian compliance with existing agreements to signing new arms control treaties.³²

What is the Approach Moving Forward?

Secretary of State George Shultz had it correct in looking back on the completion of the INF Treaty in 1988, when he stated: “President Reagan knows that the only way to deal with the Soviet Union on arms control, as on other areas of our agenda, is to return to first principles, strength and realism. And he knows that to succeed we need another quality that we lose sight of at our peril, patience or, if you prefer, an ability to hang tough.”³³ Patience is an unnatural



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feeling in American strategic culture, but it is perhaps what is needed most right now. The United States has the advantages over Russia of a greater economic base to support military procurement and a strong alliance structure. Time is not on Russia's side as a declining great power. If the United States remains resolute and sticks to its principles – most important of which in this regard is compliance – then it can weather any Russian response.

When the United States stuck to its arms control positions in negotiations in 1983, the Soviets walked out, but returned in 1985. Instead of reconsidering its stance after the Soviet walkout, the United States stood by its deployment of missiles in Europe, which Shultz later identified as essential to getting a deal done in the end: “But the negotiations also made clear that, without NATO deployments, the Soviets would never have agreed to this zero outcome.”³⁴

This is not to say that whatever decision the United States makes will be easy or without repercussions. One can be sure Russia will always agitate for its own national interests, no matter the outcome. This is to be expected, since as one Russian official has apparently stated: “Listen: we engage in foreign policy the way we engage in war, with every means, every weapon, every drop of blood.”³⁵

But, as a former Obama administration official wisely noted, “Russia's violation of the INF Treaty and its subsequent deployment of the violating system must be considered within the context of Russia's overall aggression and the security environment more broadly.”³⁶ The United States must likewise consider its response within the overall context of the security environment.

America is a fortunate land that reveres law and lawyers. For some contrast Russia is a land that reveres its space, physical geography. Exceptions to these claims certainly exist, but they are trivial by comparison. The Russia of Vladimir Putin is all too strongly characteristic of its imperial past under the Romanovs. This is scarcely surprising given that countries have cultures bequeathed to them by their history, which itself is largely affected by its geography. It would be a challenge to find contestant pairs of states greater in contrast than is the case of the United States and Russia. America scarcely ever thinks about, let alone worries about, military attacks across its borders. Whereas, by sharp contrast it can appear as if Russia hardly worries very much about anything else. One way or another, often both, the United States got what it wanted in North America, and that proved both ample and sufficient. In contrast, no continental geography in Europe is, or can be, ample and sufficient to ease Russia's sense of insecurity.

The geographical contrast has living meaning to the Russian and American peoples. Putin bears us a serious grudge because, in his mind, we have cheated Russia of the continental hegemony that he is sure can only rightfully be exercised from Moscow. In Russian eyes, any ‘deal’ with NATO must be unfair by definition because NATO has usurped Russia's rightful



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position in much of Europe. Putin cannot acknowledge the legitimacy of such a usurper, led by the world's other superpower, the United States.

The kind of Russian thinking outlined very tersely here has essential contextual meaning for the detailed content of INF issues that already have enjoyed a half-life for too long. Russia today no longer has an excellent mass army, but it has sought strategic compensation in the form of a gigantic nuclear arsenal, and an apparent willingness to use these weapons. Given the various weaknesses in both German and British defense preparation, let us hope that NATO deterrence proves better than probably we deserve.

Ideally, the United States would submit its six month notice of withdrawal from the INF Treaty, Russia would reconsider its decision to violate the treaty, and the United States and Russia would negotiate a strong verification regime and give renewed life to the Cold War treaty. But as Secretary of Defense James Mattis has stated, "We must look reality in the eye and see the world as it is, not as we wish it to be."³⁷

Nobody can predict the future in this current international system, especially when revisionist states like Russia seem intent on creating a new world order at the expense of the United States, allies, and partners. What the United States can do, however, is prepare itself for the inevitable changes and disruptions that will come by maximizing its options, which requires an adaptable military, strategy grounded in realism, and "an ability to hang tough."

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33. George Shultz, as quoted in, *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*, before the Committee on Foreign Relations, United States Senate, 100th U.S. Congress (Washington, D.C.: Government Printing Office, January 25, 26, 27, 28, 1988), p. 13.
34. Ibid., p. 450.
35. Mark Galeotti, *Controlling Chaos: How Russia Manages Its Political War in Europe* (London: European Council on Foreign Relations, August 2017), p.1, available at https://www.ecfr.eu/page/-/ECFR228_-_CONTROLLING_CHAOS1.pdf.
36. Robert Scher, *Statement of Robert M. Scher* (Washington, D.C.: House Armed Services Committee, March 31, 2017), p. 2, available at <https://docs.house.gov/meetings/FA/FA18/20170330/105811/HHRG-115-FA18-Wstate-ScherR-20170330.pdf>.
37. U.S. Department of Defense, *Nuclear Posture Review*, 2018, op. cit., p. 2.

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