



## INFORMATION SERIES

### CONVERSATIONS ON NATIONAL SECURITY

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This is the first of a series of interviews with key national security experts conducted by David Trachtenberg, Vice President of the National Institute for Public Policy.

#### **An Interview with Dr. Christopher Ford, former Assistant Secretary of State for International Security and Nonproliferation and Special Assistant to the President**

*Q. I'd like to ask you about arms control. You served as Special Assistant to the President and ran the WMD and Counterproliferation Directorate on the NSC staff during the first year of the Trump Administration, and as Assistant Secretary of State for International Security and Nonproliferation you also performed the duties of the Under Secretary for Arms Control and International Security for the last 15 months of the Administration. So, you were obviously closely involved with these issues. But the Administration was accused by critics of being anti-arms control because of its withdrawal from the Intermediate-range Nuclear Forces (INF) Treaty and the Open Skies Treaty (OST) and its reluctance to extend the New START Treaty. How do you respond to the critics' charges?*

*A. Those criticisms quite miss the mark. I'm sure that one could find some people, somewhere in or out of government, who are against all arms control, in principle, but that certainly wasn't the Administration's policy. To the contrary - beginning with our clear statement on this point in the 2018 Nuclear Posture Review (NPR) and continuing through our work in late 2019 and*



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through 2020 to develop an entirely new arms control framework to forestall an escalating arms race spiral with Russia and especially with China – we worked very hard to *pursue* arms control that serves U.S. security interests and those of international peace and security.

In the NPR, for instance, it was emphasized that “the United States is not turning away from its long-held arms control ... objectives” because “[a]rms control can contribute to U.S. security by helping to manage strategic competition among states. It can foster transparency, understanding, and predictability in adversary relations, thereby reducing the risk of misunderstanding and miscalculation.” The United States, the NPR declared, “is committed to arms control efforts that advance U.S., allied, and partner security; are verifiable and enforceable; and include partners that comply responsibly with their obligations. Such arms control efforts can contribute to the U.S. capability to sustain strategic stability.”

Those principles lay behind the Administration’s effort to get China to come to the arms control negotiating table along with the Russians. It seemed pretty clear that if Russia continued to build up its arsenal of non-strategic weapons and develop weird new strategic systems not covered by any existing arms control regime, and if China continued on its dangerous path of rapidly expanding both the size and diversity of its nuclear arsenal, the world would tumble into a really terrible new phase of nuclear arms racing. We wanted an agreement that would forestall that and saw the possibility of incremental New START extensions as offering a process through which we could start to move toward this end. Thanks to Russia playing diplomatic games, the loss of U.S. diplomatic leverage created by Joe Biden’s promise during the 2020 presidential campaign that he’d give Moscow the freebie of a full five-year extension of New START without any strings or expectations, and China’s unmitigated contempt for the arms control process, we didn’t get the arms control framework the world needs, of course. But we very much wanted one, and certainly pursued it.

But let me also be clear: a true commitment to arms control has to entail not just pursuing *good* arms control but also being willing to refuse or reject *bad* arms control – and, where necessary, to walk away from agreements that the other side is violating. If you ask me, people who profess to love arms control but who urge that we remain in agreements no matter what the other side is doing are in fact deeply *unserious* about arms control.

Arms control is a means to the end of peace and security, not an end in itself. If you just prize *being in* an agreement for its own sake irrespective of security impact, that’s not really arms control. It may work well if what you want is just shallow and performative virtue-signaling about what a nice global citizen you are, and about how much you don’t care about distasteful and politically incorrect things such as deterrence and military security. But it’s not arms control. By contrast, those who are actually serious about arms control are duty-bound to seek agreements where they can promote security, but also to reject agreements where they undermine it and cannot be fixed.



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As for the U.S. withdrawal from INF and OST, I'd argue that those are examples demonstrating that the United States takes arms control seriously. After all, we remained in the INF Treaty for more than a *decade* after the Russians apparently first started violating it, constantly but fruitlessly engaging with Moscow to try to persuade it to change course. Instead of returning to compliance, the Kremlin went from illegally testing its new SSC-8 missile to illegally producing it, and then to illegally deploying battalion after battalion of these systems – thereby creating a significant new nuclear threat to U.S. Allies in both Europe and the Indo-Pacific. (Meanwhile, of course, we scrupulously complied with the Treaty's terms ourselves, which precluded our developing any kind of land-based INF-class system as a countervailing capability.) No one who actually takes arms control seriously could have tolerated that indefinitely. Indeed, under the circumstances, I'd argue it would have been all but unconscionable for us *not* to withdraw.

Similarly, with Open Skies, Russia was essentially *never* fully in compliance *at all*. As documented in successive editions of the U.S. State Department's Compliance Reports, Russia instead committed a range of various violations from pretty much the moment OST entered into force in 2002, and in ways which came to undermine the very international confidence that it had been the purpose of that agreement to create and maintain.

You can't take arms control seriously without taking compliance seriously. And I think we clearly did.

**Q.** *Speaking of compliance, arms control advocates have tended to suggest that non-compliance is only a serious issue if cheating gives one party a "militarily significant" advantage over the other. Do you agree?*

A. I think that's an oversimplification, and potentially a dangerous one. Noncompliance is certainly *especially* problematic when it provides a "militarily significant" advantage, but any noncompliance is problematic to some degree.

That said, details matter. Ideally there's not *any* noncompliance of any sort. But it's certainly possible for there to be things that are *technically* noncompliant but yet not very important. As we made clear in connection with nuclear safeguards in the State Department's "Compliance Report" when I was Principal Deputy Assistant Secretary at the Bureau of Verification and Compliance in 2005, for instance, anomalies may sometimes arise that are really only technical errors or some other kind of problem that neither has any particular military significance nor raises meaningful questions about broader bad faith or other mischief. In such cases, there may be some provision of an agreement that hasn't quite been followed, and while that's certainly not what you want, it really isn't a big deal, and you should be able to work through the problem with the country involved.



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But it would be a big mistake to argue that violations are *only* serious if they rise to the point of conferring “militarily significant” advantage. It’s possible, for instance, for a *pattern* of discrete, separate violations – none of which, considered on its own, might have particular military significance – to *add up* to a significant problem. In the classic tradition of “salami slice” tactics, I could easily imagine that a pattern of small violations with low military significance could over time have significant military consequences. I’d even argue that it’s possible for a pattern of violations arguably having *no significant military implications at all* to be a major compliance problem.

Take the Open Skies Treaty, for example. From a U.S. perspective, I think that agreement had little actual military significance either way. We’ve long had plenty of imagery of Russia from satellite reconnaissance, after all, and actual OST overflights didn’t add that much value. From the perspective of whether or not Russia’s endemic cheating had significant military consequences, therefore, I don’t really think it did. (Indeed, Moscow could perhaps have refused every U.S. overflight request, and we probably still wouldn’t have faced a greater military threat in any concrete sense.)

But that didn’t mean that Russia’s chronic violations of Open Skies weren’t important, or that we should have tolerated them indefinitely. They just weren’t really a “military” issue. OST’s primary value was *political* rather than military. An “Open Skies” arrangement was proposed decades ago by President Eisenhower, but it wasn’t possible to get agreement on such a thing until after the end of the Cold War finally made it possible for the countries of Eastern and Western Europe to trust each other enough to permit overflights. In effect, therefore, the Treaty both reflected the benign and hopeful circumstances of the early post-Cold War era and was intended to help codify and perpetuate that peaceable environment.

But that’s why Russia’s chronic cheating mattered – a lot – even though it didn’t really have much “military significance.” The Kremlin’s noncompliance with Open Skies took the form of multiple, separate, smaller violations that started as soon as the Treaty entered into force in 2002 and never abated. Russia also tried to use aspects of OST implementation to feed its propaganda narratives validating its invasion and occupation of its neighbors’ territory. (The Russians insisted, for instance, that the enclaves of Abkhazia and South Ossetia it had invaded and occupied in an effort to tear them away from Georgia were “independent states.” Moscow also pretended for OST purposes that airfields in Crimea – a territory the Kremlin seized by force from Ukraine and thereafter supposedly “annexed” – were airfields in “Russia.”) The Russians may even have been using OST collection to support targeting Western critical infrastructure for precision-guided conventional attack.

I’m not sure these things, even together, had enormous *military* significance. The possible targeting worried me, to be sure, but it’s also true that the Russians have a pretty good satellite



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architecture these days, and there's also a lot of OST-quality commercial satellite imagery available to just about anyone anyway. While OST surely did add to Russian intelligence collection, therefore, I don't know how much of a difference it made in a military sense.

What these endemic violations *did* clearly do, however, was help corrode the very atmosphere of confidence and post-Cold War peace it had been the ambition of Open Skies to build. This pattern sent the signal that Russia regarded compliance with its international obligations as being *optional*, and that it did not particularly care about the rules of a Treaty the whole point of which was to demonstrate its parties' commitment to regional trust. OST was supposed to build confidence, but Russia's approach to Open Skies *undermined* it by broadcasting the Kremlin's desire to *re-litigate* the peaceful post-Cold War regional dispensation that had resulted from the collapse of the Soviet Empire. And this, in turn, helped produce the U.S. decision to withdraw.

So, it's quite wrong to suggest that the only significant question is "military significance." Things are much more complex than that.

Adding to that complexity, let me say further that on top of the question of what constitutes a compliance problem in the first place, it's also important to think through carefully the follow-on challenge of *what to do about a violation*. That's not simple, either.

Presumably with any sort of noncompliance, you'd generally want to start by trying to engage diplomatically with the other party to resolve the problem. If it's merely "technical" noncompliance or something that doesn't seem to have broader ramifications, however, such engagement - including drawing public attention to the issue if you aren't getting enough traction privately and enlisting likeminded allies and partners to weigh in as well - may be *all* that it's wise to do. If the agreement is still fulfilling its basic purposes and contributing to your security, and things would be worse without it in force, you probably wouldn't want to throw it in the trash just because the other guy's not dotting every "i" and crossing every "t."

Even if they involve more than just technical problems, moreover, some degrees of noncompliance may be "tolerable" for a period of time while you try to see whether diplomatic efforts *can* resolve things. When I ran the NSC's WMD directorate, for instance, we were willing to give the Russians one last chance to come back into compliance with the INF Treaty by eliminating their illegal SSC-8 cruise missiles. One can't do that *indefinitely*, of course, and we had no intention of following the Obama Administration's example of doing nothing more concrete than just wagging our fingers at the Russians about their INF violations. So, we made clear that U.S. patience with Russia's violation was finite and was running out, and that unless Moscow changed course, we wouldn't remain bound by the Treaty. And we signaled this publicly by authorizing the Pentagon to begin exploring what kind of INF-class missiles *we* would like to have if INF were no longer in force. After that, the Administration did wait a



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while to see whether this new strategy would work, but as the Kremlin continued to refuse to change course, the United States eventually pulled out of the Treaty – just as we had made clear we would.

I think these ideas are pretty much common sense, and indeed to some extent they have long been understood in international law – which recognizes a distinction between the “breach” of an agreement and a “material breach.” (Both constitute noncompliance, but a “material” breach is one that is significant enough in some fashion that it undermines the basic “object and purpose” of the agreement in question. They are both bad, of course, and there might well be circumstances in which one or more “mere” breaches could lead a country to exercise whatever withdrawal provisions a treaty might provide. But it’s only in the case of a *material* breach that the party which *has* been following the rules is essentially immediately allowed to release itself from its obligations vis-à-vis the violator.) Not all instances of noncompliance are created equal.

So, details do matter, and I think this is one of those many areas of public policymaking that resists simplistic, bright-line answers. But make no mistake: it’s quite wrong to say that noncompliance is *only* relevant if a violation conveys a “militarily significant” advantage. Cheating is always relevant, and it’s never good.

***Q. Who do you think should be involved in arms control talks in the years ahead? The Trump Administration attempted to involve China in any future arms control discussions; however, the Chinese government has been consistently reluctant to join any arms control talks. For its part, Russia has often insisted that any multilateralization of arms control talks to include China should also include the nuclear forces of the United Kingdom and France. What is your opinion of this approach?***

Negotiating arms control agreements – or at least doing so responsibly – is very challenging, especially when it involves trying to deal with a country such as China that has always shunned arms control and has very little skill, sophistication, or experience in how to engage in that kind of a cautiously constructive relationship with a strategic competitor. As tough as arms control negotiation is even on a bilateral basis, moreover, the complexities are likely to increase geometrically (rather than arithmetically) as additional players are added.

I do think it’s absolutely critical to involve both Russia and China in the creation of a new arms control framework to cover the full range of nuclear weapons threats. And the reason is pretty obvious. We need these two countries’ involvement because that’s where the danger lies of an extraordinarily dangerous new spiral in the arms race. Both Moscow and (especially) Beijing are today building up their arsenals and adopting increasingly dangerous nuclear postures, and unless these dynamics are checked, there’s a great risk of things getting horribly out of



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control. So, the emphasis for arms control *clearly* needs to be on getting both Russia and China to the table.

So why not add the other two to the mix? Well, that's pretty simple, too. Neither Britain nor France is building up its nuclear arsenal, nor does there seem to be much prospect of either doing so. So, the Europeans are just *not* where the problem lies: there's nothing particularly "broken" there that needs "fixing."

I certainly understand that Russia and China might *prefer* that Britain and France somehow be included in negotiations. I guess I'm not against that *in principle*, and if what were being negotiated is some kind of cap upon the overall size of each country's nuclear arsenal, such as by establishing warhead limits on a system-by-system basis, I suppose a five-way agreement might be at least conceivable. (After all, since neither London nor Paris seems to have any desire or plan to expand either in numbers or in delivery system diversity, a mere cap might not be too problematic.) But why shoulder the additional burdens and complexities – and risks of failure – that would inevitably be involved in adding two additional parties to an already difficult trilateral negotiation when those two aren't really part of the problem that most needs to be solved?

(Incidentally, if one imagines – as I do – that the involvement of particular parties in arms control negotiation should be prioritized on the basis of where the biggest dangers lie, there's also a strong case to be made for India and Pakistan pursuing an arms control framework with each other. Those two states are in a *very* grave and accelerating nuclear arms race right now, and no framework of any sort presently exists. Using arms control diplomacy to help manage the risks created by arms racing in South Asia is thus *hugely* important, and I hope the arms control community doesn't continue to overlook it in the future.)

Anyway, that's my take on the matter, for whatever it's worth. I hope the Biden Administration will approach these matters with the realism, honesty, and careful consideration that their complexities demand.

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