



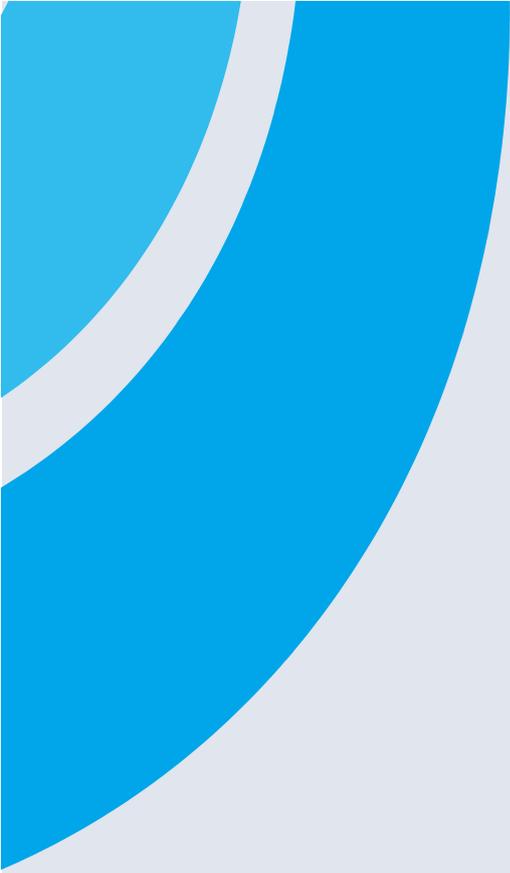
WEAPONS OF MASS DESTRUCTION AND
OTHER STRATEGIC WEAPONS PROGRAMME

THE ENDURING COMPLEXITY OF COMPLIANCE DISPUTES

DMITRY STEFANOVICH



UNIDIR
UNITED NATIONS INSTITUTE
FOR DISARMAMENT RESEARCH



Acknowledgements

Support from UNIDIR core funders provides the foundation for all the Institute's activities.

About UNIDIR

The United Nations Institute for Disarmament Research (UNIDIR) is a voluntarily funded, autonomous institute within the United Nations. One of the few policy institutes worldwide focusing on disarmament, UNIDIR generates knowledge and promotes dialogue and action on disarmament and security. Based in Geneva, UNIDIR assists the international community to develop the practical, innovative ideas needed to find solutions to critical security problems.

Note

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries. The views expressed in the publication are the sole responsibility of the individual authors. They do not necessarily reflect the views or opinions of the United Nations, UNIDIR, its staff members or sponsors.

The Enduring Complexity of Compliance Disputes:

A Commentary on the Paper “Monitoring, Verification, and Compliance Resolution in US-Russian Arms Control” by Pavel Podvig and Amy Woolf.

Dmitry Stefanovich¹

The UNIDIR series on compliance and enforcement in WMD regimes provides a valuable overview of these aspects of the international security architecture. The Russian Federation and the United States have a special responsibility in this regard as possessors of the largest and most diverse nuclear arsenals. The negotiation and maintenance of arms control treaties can serve as one of the manifestations of this responsibility, and it is extremely important to make these treaties work.

In this regard, the paper on “Monitoring, verification, and compliance resolution in US-Russian arms control,”² which covers examples from the history of US–Soviet and US–Russian Federation arms control arrangements, offers useful insights into the mechanisms designed to address compliance within these treaties. It provides an analysis of the background to key issues with treaty compliance, as well as of the details of the resolution process. This analysis could help better understand the challenges that WMD regimes could face in the future.

The history of compliance disputes between the Russian Federation and the United States is, of course, much richer than the examples considered in the paper, simply because of the long history of bilateral strategic arms control. It is therefore understandable that the paper selects specific cases to illustrate its key conclusions. Compliance disputes, however, are quite complex, and there are several points in the paper where it is important to place the examples considered in a broader context.

One example is the story of the Krasnoyarsk radar. This would have benefited from a more detailed analysis of Soviet concerns regarding the US radar upgrades in Thule, Greenland, and Fylingdales-Moor in the United Kingdom. The fact that this issue never became as prominent as the radar in Krasnoyarsk is an important element of the overall picture. Also, it would be worth

¹ Dmitry Stefanovich is a Research Fellow with Center for International Security, IMEMO RAS; a Non-Resident Fellow at the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH); and a Russian International Affairs Council expert.

² Podvig, Pavel, and Amy F Woolf. 2019. “*Monitoring, Verification, and Compliance Resolution in US-Russian Arms Control.*” WMDCE Series No. 5. Geneva, Switzerland: UNIDIR. <https://doi.org/10.37559/WMD/19/WMDCE5>.

mentioning the US withdrawal from the Anti-Ballistic Missile (ABM) Treaty in 2002. One of the main reasons the Soviet Union agreed to dismantle the Krasnoyarsk radar was to prevent the US withdrawal from the ABM Treaty, as this would have cleared the way for the Strategic Defense Initiative. Since the withdrawal was a legal option in the treaty, it was not, of course, a compliance issue. Nevertheless, it was a significant development, something that the Soviet Union tried to avoid in the first place. It seriously undermined the arms control process, creating doubts as to the durability and commitment of the United States to the arms control obligations it had undertaken.

The second case study considered in the paper deals with the dynamics that led to the termination of the Intermediate-Range Nuclear Forces Treaty (INF). It is not quite correct to say that the Russian Federation's concerns about US compliance with the treaty appeared "in response" to US allegations related to the Russian Federation's 9M729/SSC-8 ground-launched cruise missile (GLCM). The questions regarding the missiles, which were used as targets in missile defence tests (including, but not limited to, the well-known Hera) and armed unmanned aerial vehicles (UAVs), were raised long before the US accusations. According to the Ministry of Foreign Affairs of the Russian Federation, "Russia outlined its concerns about the Pentagon using the so-called target missiles in violation of the treaty back in 1999, and raised concerns about armed unmanned air vehicles (UAVs) in the early 2000s."³

Regarding the target missiles, the Russian Federation insisted that the US had "often carr[ied] out full flight cycle from launch to impact". This raised concern that US target missiles were being tested as weapon-delivery vehicles and would eventually become offensive, strike platforms. Such actions were considered incompatible with the treaty, effectively undermining its role as an instrument to remove destabilizing systems from the strategic balance. The Russian Federation's position

³ The Ministry of Foreign Affairs of the Russian Federation. 2019. "Press Release on the INF Treaty." February 11, 2019. https://www.mid.ru/situacia-vokrug-dogovora-o-rsmd/-/asset_publisher/ckorjLVikS61/content/id/3512248. On the Hera missile, see Khromov, Gennady. 2000. "The Use of 'Hera' Missile Violates the INF Treaty." Center for Arms Control, Energy and Environmental Studies. November 20, 2000. <https://www.armscontrol.ru/start/exclusive/gkk1120.htm>.

regarding armed UAVs, which was first raised in 2001, was that they are covered by the treaty definition of GLCM (especially in the Russian version of the text) and, to some extent, can carry out the same missions.⁴

From the point of view of the dispute resolution mechanism, it is important to note that the Russian Federation has kept its concerns at the appropriate technical level. For example, the UAV issue was raised “for the first time in the early 2000s at the INF’s Special Verification Commission when the United States tested its first offensive Predator UAV that hit targets with missiles.”⁵ It is also important to note that despite the existence of these unresolved issues, the Special Verification Commission did not convene between 2003 and 2016. This pause meant that the opportunity for discussing these concerns in a technical setting was lost, in the view of the Russian Federation, because the United States was not prepared to address Russian concerns.⁶ Furthermore, while expressing its concerns about certain US systems, the Russian Federation apparently did not insist upon the elimination of these systems.⁷ Instead, it suggested finding a mutually acceptable way to resolve the differences between the two States and, eventually, adapting the Treaty, which was created in the 1980s, to address the technological realities of the 21st century. Overall, the failure to properly address these issues was an important element of the dispute over the INF Treaty.

It is also of note that Russian Federation concerns over the Mk-41 launchers of the Aegis Ashore missile defence system, as

⁴ Министерство иностранных дел Российской Федерации. 2020. “Договор между СССР и США о ликвидации их ракет средней дальности и меньшей дальности.” February 7, 2020. https://www.mid.ru/situacia-vokrug-dogovora-o-rsmd/-/asset_publisher/ckorjLVlks61/content/id/1138496.

⁵ The Ministry of Foreign Affairs of the Russian Federation. 2018. “Deputy Foreign Minister Sergey Ryabkov’s Briefing on Developments Involving the INF Treaty.” November 26, 2018. http://www.mid.ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/3420936.

⁶ The Ministry of Foreign Affairs of the Russian Federation. 2018. *Ibid*.

⁷ This position changed dramatically in 2019, with The Ministry of Defence of the Russian Federation insisting on the elimination of all weapons and systems of concern in response to the US ultimatum calling for the destruction of 9M729/SSC-8 missile. The Ministry of Defence of the Russian Federation. 2019. “The Russian Defence Ministry Informs the US Party on Strict Compliance with the INF Treaty Requirements.” February 7, 2019. http://eng.mil.ru/en/news_page/country/more.htm?id=12216391@egNews.

mentioned in the paper, appear to have been validated. The United States tested a long-range ground-launched cruise missile from a launcher of this type almost immediately after the official termination of the INF Treaty. While the treaty restrictions were no longer in force, this test apparently confirmed the Russian Federation's earlier claim that launchers of this type deployed on land can be used to launch cruise missiles.⁸

Regarding the political commitment to preserving the INF Treaty, even though some past statements suggested an interest in reforming or abandoning the treaty, this has never been the official position of the Russian Federation. At the official level, Moscow has consistently emphasized its commitment to the treaty, maintaining faith in both the effectiveness of regular technical discussion of various treaty provisions and the ability of parties to resolve issues through dialogue. Until early 2019, the Russian Federation sought a technical solution, but the US side showed little interest in this. As the paper correctly points out, the United States never publicly provided solid evidence to support its accusations about 9M729/SSC-8 GLCM, and according to the Russian Federation side, neither was such evidence presented behind closed doors. This was explained by reference to the need to protect sensitive intelligence information, but, as we know, there have been cases of intelligence being mistaken or politically charged.

None of this seems to affect the central conclusions of the paper about the way compliance dispute resolution works (or worked) in the Russian-US arms control process, nor does it detract from the observation about the complex and multi-dimensional (political, technical, tactical) nature of compliance-related interactions. In fact, these additional details probably reinforce the case made by the authors. However, these details and the broader context are nonetheless quite important as they could help better understand the successes and failures of US-Russian compliance resolution mechanisms.

⁸ The IRBM prototype tested by the United States in late 2019 also could have employed motors and head sections similar to those previously used for missile defence target missiles, even though this has not been reliably confirmed.

