

## Russia Appears to Be Violating the INF Treaty

A new missile prohibited by the treaty is being spun by the Russians as something it isn't.

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In 1987, the Reagan administration concluded the INF (Intermediate-Range Nuclear Forces) Treaty with the Soviet Union. It prohibits the development, testing, possession, and deployment of INF-range (500- to 5,500-kilometer) ground-launched ballistic and cruise missiles. The treaty has been lauded often as an example of successful arms control because it eliminated an entire class of nuclear weapons.

Since late 2007, however, there have been continuous Russian press reports concerning Russian actions that, if true, indicate Russian violation of the INF Treaty. Russian publications say Russia has been testing a ground-launched cruise missile, called the R-500, or the Iskander-K, within a range prohibited by the treaty. In 2012, Interfax, the main non-government news agency, said the missile was in serial production. In June 2014, RIA Novosti, an official government news agency, indicated that the Russian army “currently uses” the Iskander-K. A RIA Novosti report suggests that there is also a second type of prohibited cruise missile.

In January 2014, Michael Gordon reported in the *New York Times* that “the United States informed its NATO allies this month that Russia had tested a new ground-launched cruise missile, raising concerns about Moscow’s compliance with a landmark arms control accord.” Gordon indicated that the issue had been raised with Russia, without resolution, in May 2013 and that administration officials had said “there was no question the missile tests ran counter to the treaty.” Contrary to its previous practice of not commenting on reports of INF Treaty violations, the State Department confirmed Gordon’s story. In February 2014, Brian P. McKeon, the then-staff director of the National Security Council, told the Senate Armed Services Committee, “We are concerned about the Russian activity that appears to be

inconsistent with the INF Treaty.” Deputy Assistant Secretary of Defense Elaine Bunn has repeated this statement publicly, specifically linking it to the Russian cruise-missile issue.

It is to the Obama administration’s credit that it acknowledges the existence of a serious INF Treaty compliance issue on the part of Russia. Prior to these most recent statements, the State Department published unclassified compliance assessments that appeared to give Russia a clean bill of health. It has not addressed several other apparent INF-compliance issues reported in the Russian media.

A serious one is the RS-26 Rubezh ICBM (intercontinental ballistic missile). According to a 2013 unclassified analysis by Air Force Intelligence, this missile has about half the range of any other Russian ICBM. The Russian Defense Ministry calls the RS-26 a “new type” of ICBM, not an intermediate-range missile prohibited by the INF Treaty. The Rubezh reportedly was first successfully tested — carrying a single warhead — to minimal ICBM range (i.e., at least 5,600 kilometers), and it is on the basis of this test that some in Russia and the United States claim that it is an ICBM legally unconstrained by the INF Treaty.

However, this benign interpretation collapses if, as reported in the Russian press, the missile subsequently was tested, with multiple warheads, to the prohibited ranges of about 2,000 kilometers. In fact, the possibility of avoiding the INF Treaty’s restrictions by labeling prohibited missiles as ICBMs in just this fashion was raised by U.S. senators during the INF Treaty ratification process, and was authoritatively interpreted as a violation.

In 1988, Senator Sam Nunn (D., Ga.) stated that “during the hearings [on the treaty], concern was expressed that the Soviets could develop and deploy a new type of ground-launched ballistic missile to replace the SS-20 if the missile were tested the first time at a range in excess of 5,500 kilometers, even if every other test was at INF ranges.” Senator Nunn then quoted a letter from Assistant Secretary of State Ed Fox stating the Reagan administration’s interpretation of the treaty as follows: “If the test at strategic range was with a configuration (booster, stages, postboost vehicle, RVs [reentry vehicles]) that is unlike that used for remaining tests of the system at INF range, the configuration tested to INF range would be considered a new missile in the INF range and prohibited by the Treaty.” The single RV reportedly tested to 5,600 kilometers was clearly not of the same configuration as the multiple warheads the Russians openly say the Rubezh carried in its second and third tests.

Like all subsequent arms-control treaties with Russia, the INF Treaty is subject to the “Biden Condition,” devised by then-senator Joseph Biden. The Biden Condition states that treaties must continue to be interpreted in the manner in which they were authoritatively interpreted during their ratifications by the Senate. Under the Biden Condition, the RS-26 Rubezh certainly appears to be a violation of the INF Treaty.

The Obama administration is under congressional pressure to do something about these issues. The House of Representatives, on a bipartisan basis, has characterized Russian actions as a “material breach” (i.e., a serious violation) of the INF Treaty, one that “poses a threat to the United States, its deployed forces, and its allies.” Three congressional-committee chairmen have noted that the evidence in this regard is “compelling.” Concern has also been expressed in the Senate. Russian leaders appear now to have thrown off INF Treaty constraints in an effort to create some of the same nuclear-strike capabilities that existed before the INF Treaty. Moscow’s apparent willingness to violate inconvenient arms-control limitations is not surprising. Since the 1970s, as is well documented in past unclassified presidential and State Department reports, the Russians have violated almost all major nuclear-related arms-control treaties.

Some may see U.S. insistence on compliance with the INF Treaty as an obstacle to new arms-control agreements with Russia and to the goal of “resetting” U.S.–Russian relations. But if Russian press reports about these missiles are accurate, a formal determination that Russia is violating the treaty is in order, along with insistence on Russian compliance.

How to motivate a serial arms-control violator to comply? Under international law, in the event of a material breach of the treaty by Russia, the United States may suspend its own treaty obligations in whole or in part. The U.S. focus should be on “dual-track” actions that get Moscow’s attention and give it a real incentive to comply with its INF Treaty obligations while also preparing for the possibility that Russian leaders will instead move forward with prohibited missile capabilities.

Such dual-track steps could include informing Moscow both of the prospective formal finding that it is in material breach of the treaty and of the necessary U.S. responses if Russia does not immediately eliminate all prohibited behavior and missiles. These responses could include accelerating and expanding U.S. missile-defense programs and missile-defense cooperation

with allies, extending the ranges of existing U.S. short-range tactical-missile systems, and undertaking research and development on conventional ground-launched ballistic and cruise missiles with INF range. Such U.S. capabilities could help close a gap already “validated” publicly by the Pentagon’s Joint Requirements Oversight Council. It may be that nothing could move Moscow to act with integrity vis-à-vis the INF Treaty, but these steps almost certainly would give Russia real incentives to move into compliance and help mitigate the dangers we will face if it does not.

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