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Submission to the House of Commons Defence Committee

Inquiry on the INF Treaty withdrawal

Written evidence submitted by Dr Rebecca Johnson

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I am Director of the Acronym Institute for Disarmament Diplomacy and founding president of the International Campaign to Abolish Nuclear Weapons (ICAN, 2017 Nobel Peace Laureate). I hold a PhD from LSE in International Relations, with my thesis on Multilateral Diplomacy and nuclear treaties (2004). I served for six years on the Board of the Bulletin of the Atomic Scientists (2001-2007) and three years as senior advisor to the International Weapons of Mass Destruction Commission, chaired by Dr Hans Blix (2004-06). I published and co-edited the international journal *Disarmament Diplomacy* from 1996-2009, covering all aspects of disarmament negotiations, as well as authoring several books and numerous chapters and articles on treaties, women, peace and security.

1) Executive Summary

1.1) Serious allegations of INF noncompliance have been made by both Russia and the US. These need to be investigated and resolved through the Special Verification Commission (SVC) mechanisms of the INF Treaty. This cannot be done unless US withdrawal is revoked or at least suspended.

1.2) The INF Treaty remains vital for European security and defence. Allowing it to collapse would have many negative repercussions, including: a return to unbridled proliferation and debilitating, destabilising nuclear arms racing; undermining European security and institutions that are vital for deterrence and peace; erosion of the international rules-based legal institutions and norms; and heightened nuclear and military threats and risks, potentially leading to the use of nuclear weapons by miscalculation, accident or intention.

1.3) The UK, along with other European governments, would be well placed to take the lead in calling on the US government to rescind the threat to withdraw from the INF Treaty, and for all relevant parties to reconvene the SVC as a matter of urgency, to examine the facts and evidence, and take appropriate steps to resolve the issues of concern, return to compliance confidence, and reinforce international security and the rule of law.

1.4) Steps such as reinforcing the INF through multilateralising its provisions in some form and engaging constructively with the 2017 Treaty on the Prohibition of Nuclear Weapons would help to strengthen the INF regime, prevent a new arms race and facilitate nuclear disarmament and nonproliferation, as mandated in the Non-Proliferation Treaty (NPT), of which the UK, US and Russia are depositaries. The next NPT meeting is scheduled for April 29 to May 11, 2019.

1.5) The UK and other NATO governments need to make clear that they would refuse to deploy INF in the future, or participate in providing facilities or assistance in redeploying INF or further nuclear weapons in Europe in any form, for any reason.

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1.6) There is no time to lose. Without action taken now, President Trump's announcement of US withdrawal from the INF will take effect in April, with serious consequences for all. Though President Putin stands to benefit most from US withdrawal from the INF Treaty, he is very unlikely to withdraw Russia from the Treaty unilaterally. Persuading the US to stay in the Treaty is key. Even a delay would be worth advocating, giving time for practical steps to address the concerns.

2) Has the INF Treaty been violated?

2.1) There have been accusations and counter accusations of violations of the INF Treaty since at least July 2014, when the US publicly accused Russia of breaching the Treaty, and Russia then issued accusations against the US.¹ Several claims have been made on both sides, which need to be investigated properly using the INF's Special Verification Commission (SVC) and other appropriate mechanisms capable of considering the evidence and establishing the facts.

2.2) The most serious allegation against Russia is that it has been deploying new ground launched cruise missiles – designated 9M729 – with a range of over 500 km, in contravention of the INF Treaty. Russia denies the allegation, but there seem to be credible reports of a modified sea launched missile (known as the "Kalibr") deployed on "Iskander K" ground based mobile launchers. This system appears to be variously referred to as SSC-8 or SSC-X-8.

2.2) The most serious allegation against the United States is that missile defence deployments in former Eastern bloc countries violate the INF Treaty in terms of their range and land-based deployment and have the potential to attack Russia. Russia's major claim is that MK4 ground based launchers being deployed in Romania, Poland and potentially elsewhere as part of the US/NATO missile defence programme close to Russia's European borders could be adapted for launching offensive nuclear weapons, in violation of the INF Treaty. This system, known as "Aegis Ashore" is essentially the Lockheed Martin maritime ballistic missile defence system adapted for deployment on land.

2.3) Moscow also criticised the Obama Administration for making a public accusation of violation without having ever raised its concerns about the SSC-8 through the INF Treaty's Special Verification Commission (SVC), which was established by the Treaty to address any questions of concern or noncompliance. The SVC had ceased to meet from 2003 until it was reconvened by the US and Russia in November 2016.

3) How best could a return to compliance with the Treaty be achieved?

3.1) The best way would be for the US administration to suspend its decision to withdraw from the Treaty and for both Parties to commit to using the SVC and the confidence-building and verification mechanisms contained in the INF Treaty to examine the various concerns and claims of noncompliance made by both countries. At the very least, a further meeting of the SVC should be convened as a matter of urgency, with the objective of initiating a process to examine the claims and determine next steps to bring the parties into full compliance, and strengthen the INF Treaty. The aim should be to resolve where possible issues of fact and evidence, and to determine if there have been technical or material violations. If so, then the parties should take necessary steps to come back into compliance with enhanced transparency, mutual monitoring,

¹ Various sources including SIPRI, US Arms Control Association, Centre for Policy Studies (PIR), Moscow, and US Council for Foreign Affairs. Also see the statement of the independent trilateral Deep Cuts Commission of US, Russian and German experts, on "The INF Treaty Crisis and the Way Forward", 16 November, 2018.

verification and other appropriate steps to reassure and build confidence that the Treaty is not being breached or undermined further.

3.2) These steps are feasible within the existing INF regime. As noted above, the SVC was convened again in November 2016 after a 13 year hiatus and following the US-Russian exchange of allegations of noncompliance in 2014-16. This was followed by a further meeting in December 2017, on the INF Treaty's 30th anniversary. Both meetings were attended by delegations from the Republic of Belarus, the Republic of Kazakhstan, the Russian Federation, the United States of America, and Ukraine. According to the December 2017 news release, they "met to discuss questions relating to compliance with the obligations assumed under the Treaty" and "delegations expressed the view that the INF Treaty continues to play an important role in the existing system of international security, nuclear disarmament and non-proliferation, and that they will work to preserve and strengthen it."²

3.3) For some time, analysts – with interest from a number of governments – have proposed multilateralising the INF Treaty. The Trump administration's threat to destroy the INF Treaty gives added salience and urgency to this proposal. Ideally multilateralising the INF Treaty should be initiated and led by its principal parties, Russia and the United States. Under the Trump administration that is too much to hope; and Putin may already be planning how to capitalise on a US-inflicted collapse of the INF Treaty. Nonetheless it is worth taking initial steps in hope of building broader support to maintain and strengthen the INF prohibition regime.

3.4) The UK and other US allies in NATO, as well as Japan, South Korea and Australia could take the lead in making the proposal to explore multilateralising the INF Treaty. We could then convene multilateral talks with a view to developing a process that would gain enough support in the US to halt Trump's withdrawal from going ahead – at least until wiser heads can take the reins.

3.5) Another approach, which is consistent with all approaches to address INF noncompliance allegations and reinforce the INF Treaty, is to engage broad constituencies in both the United States and Russia – from local governments to elected representatives and NGOs – to call on Russia and all NATO countries to join the UN Treaty on the Prohibition of Nuclear Weapons (TPNW). This UN-negotiated Treaty enshrines universal humanitarian, disarmament and nonproliferation obligations that include and reinforce existing Treaty provisions, from the INF Treaty to the Comprehensive Test Ban Treaty (CTBT) and the Non-Proliferation Treaty (NPT). The TPNW has not yet entered into force, though it is widely expected to take legal effect by 2020, thereby providing an important new legal and normative tool in the multilateral toolbox, with the potential to develop additional verification tools to augment what has been developed by the INF Treaty, CTBTO and IAEA.

4) What would be the consequences of the US withdrawing from the Treaty?

4.1) By threatening to withdraw from the INF Treaty, President Trump is foolishly playing into President Putin's hands. If the US actually withdraws, the consequences could be catastrophic, including: opening the door to unbridled proliferation of INF, mainly by Russia, and acceleration of a new arms race between the US and Russia, likely to bring in China and others; further destabilisation of European security arrangements, including NATO, which is already weakened by Trump's behaviour; more weakening of European deterrence and stability, as underpinned by

² US Department of State website.

the international rules-based legal institutions and norms; and heightened nuclear and military threats and risks, potentially leading to the use of nuclear weapons.

4.2) If the INF Treaty is destroyed, it won't be possible to redo it. Without the Treaty all parties would lose the ability to monitor US and Russian developments, and it would be impossible to hold them to account or stem the inevitable arms race that would accelerate once the legal brakes were cut. Having deployed INF cruise and ballistic missiles during the 1980s, it would be technically quite easy to adapt existing nuclear warheads for deployment on ground-launched mobile cruise and ballistic missile transporter erector launchers. The INF Treaty is all that acts as a constraint, and it needs to be strengthened not jettisoned.

4.3) An INF arms race would be particularly threatening to Europe's security and political stability.

4.4) Redeploying land-based medium range missiles in Europe would be politically and militarily dangerous for various reasons. First, these weapons are meant to be mobile, thereby increasing their vulnerability to state and non-state terrorists. Flight durations are so short for intermediate-range ballistic missiles that a first strike could be launched by intention or human or technical error and hit its target in as little as 15 minutes, with no time for preventing detonation or changing its trajectory to avoid populated areas. Cruise missiles, which are designed to fly below radar, are slower, but destabilising in other ways. In accordance with theories of deterrence required in the 1980s, NATO's ground-launched cruise missiles were designed to be taken out of the host bases, driven along public roads to "melt into the countryside", from where they were supposedly meant to be fired from civilian areas without being tracked, detected and fired on by a nuclear-armed adversary. The theory was mad and impractical then, and would be even more delusional and self destructive if brought back now. Enhanced remote sensing and electronic capabilities would make ground launched INF even more vulnerable than in the 1980s.

4.5) Giving carte blanche to an accelerated arms race, as Trump is doing, would likely be to Russia's advantage. The INF range enables Putin to threaten or attack anywhere in Europe, while the US would be faced with insuperable difficulties if it tried to redeploy land-based nuclear missiles through NATO again. This range is far more strategically useful to Russia than to the United States. It should be recalled that under the INF Treaty, Russia eliminated some 1,800 INF missiles, and the US/NATO eliminated around 800.

4.6) Politically, US withdrawal could also amplify Trump's existing threats to the cohesion of NATO. NATO's European allies are strong supporters of the INF Treaty. The last thing they want is to lose the constraints – weakened though they may already be – that the Treaty continues to provide to Putin's military ambitions. Putin may have tried to cheat, but he was unlikely to pull out of the INF. At least keeping the Treaty provides legal institutions for monitoring, discussing compliance concerns etc., which is better and safer than a free for all.

4.7) Most if not all NATO allies consider Trump's actions to be dangerous for European security in broader ways as well, giving incentives and cover for others to flout international and widely shared treaties, norms and laws, which underpin many aspects of deterrence and security. When President George W. Bush pulled the US out of the ABM Treaty in 2002, he opened the door for all (including China) to accelerate ballistic missile developments. As with all such weapons, and central to Russian allegations against the US, is the fact that the distinction between defensive and offensive weapons are basically matters of intention not military-capabilities. Withdrawal

from the INF Treaty will give Putin and others, including China, even more justifications and reasons to pursue arms racing of various kinds, not confined to INF.

4.8) Ground launched INF don't make sense for deploying in North America, and NATO allies do not want US cruise, Pershing or updated INF missiles back on their territories. If any attempt were made by the US to impose them on European allies, they would be even more vociferously and actively opposed than the legacy B-61s that are stationed in Belgium, Germany, Italy, Netherlands and Turkey.

4.10) Remember the years of grassroots protest in which determined, nonviolent activists disrupted the Greenham Common and Molesworth cruise missile bases in the UK, and their associated nuclear deployment wargames during the 1980s. Does the UK government want that again?

4.11) Many NATO countries already face strong public, parliamentary and even military pressure (from some quarters) to join the TPNW and denuclearize the NATO alliance altogether. European governments are well aware that withdrawing from the INF Treaty will open the door to two countervailing political responses. Destroying the INF Treaty will fuel calls for NATO members and Russia to remove all nuclear weapons from European soil and join the TPNW. And, from the opposite side, withdrawal from the Treaty will fuel calls from right-wing nationalists – particularly, it should be anticipated, in former Soviet countries – to deploy US INF up to the border with Russia. This would be divisive for NATO and would jeopardise European security, while also increasing the risks of nuclear war being launched through criminal stupidity or human or computer error or miscalculation.

4.12) The INF Treaty may not be attached to the text of the NPT, but it is an important component of the NPT's legal and political legitimacy. As the first prohibition treaty (albeit regional) after the NPT entered into force in 1970, the INF Treaty pulled the world back from the nuclear brink, showed that disarmament was possible under the NPT, and also built confidence in arms control and verification between nuclear rivals. Destroying the INF Treaty would further diminish the credibility of the NPT, undermining a key component in UK nonproliferation and security policies.

5) Could the Treaty be amended to make it more attractive?

5.1) I doubt this would be feasible or desirable, though it would be worth taking steps to transform this limited and regionally applicable treaty into a multilateral INF treaty, adapting the verification system as appropriate.

5.2) If attempts were made to amend the INF Treaty to accommodate the nuclear and missile developments that have caused the recent compliance concerns, that would be counterproductive – a version of "saving the treaty by destroying the treaty" (to paraphrase Lt. William Calley following the My Lai massacre in 1968, during the Vietnam War).

6) Is the INF Treaty still relevant given the technological and geopolitical developments since it was signed?

6.1) Yes, see previous comments, especially in response to question 4.

6.2) Though the TPNW goes beyond the INF, it is recognised that even after it enters into force, the TPNW has its work cut out to bring the remaining nuclear armed states on board. As the

global nuclear prohibition regime gets established, it will be vital to continue to strengthen and reinforce existing treaties, from the NPT to the INF and CTBT. The point is to build on not undermine or replace these important disarmament and nonproliferation obligations, norms and institutions, including verification tools.

7) What role could the UK play in future discussions of the Treaty?

7.1) As noted above, the priority now is to persuade the US to suspend Trump's announced withdrawal, convene further meetings of the SVC as a matter of urgency and take appropriate steps to resolve the issues of concern and reinforce the INF Treaty regime. The UK could play a leadership role in bringing this about.

7.2) It would be legitimate, responsible and helpful to do this as a depositary of the NPT (along with the US and Russia). The UK also has special relevance as a member of NATO which in the 1980s deployed US ground launched cruise missiles, and then gave them up when the INF Treaty was agreed.

7.3) Steps such as signing – or at least engaging constructively – with the 2017 Treaty on the Prohibition of Nuclear Weapons and reinforcing the INF through multilateralising its provisions in some form would help to reinforce and strengthen the INF regime and prevent a new arms race, demonstrate the UK's commitment to disarmament and the NPT, and assert the security importance of all nations respecting international law and treaties.

7.4) The UK could take the initiative to gain support for the INF Treaty multilaterally. Even if multilateralisation of the INF Treaty did not get accomplished, if NATO and other US allies initiated talks on this, it could help to support the INF regime, delay US withdrawal until it can be prevented altogether, and create space and incentives for keeping the INF relevant.

7.5) It would be very important for the UK and other NATO governments to make clear that they would refuse to deploy INF in the future, or participate in providing facilities or assistance in redeploying INF or further nuclear weapons in Europe in any form, for any reason. The UK could take this action unilaterally, while encouraging other actions within NATO to support the INF Treaty.

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