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# Russian Arms Control Compliance: A Report Card, 1984-2020

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# Russian Arms Control Compliance: A Report Card, 1984-2020

by Christopher A. Ford<sup>1</sup>

Following the public release of the unclassified “Executive Summary” of the State Department’s 2020 report on *Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments*, Assistant Secretary Ford looks back at 35 years of U.S. compliance assessments to outline the history of U.S. concerns over Russian/Soviet behavior in this arena. In particular, he describes how the history of Moscow’s noncompliance closely tracks the global security environment’s evolution, from Cold War tensions to post-Cold War relaxation, and more recently back to competitive tension.

The U.S. Department of State on April 15 transmitted to Congress and publicly released an unclassified “Executive Summary” of the 2020 edition of the annual report on *Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments*, more commonly known as the “Compliance Report.” This Executive Summary is available on the [website](#) of the State Department’s Arms Control, Verification, and Compliance (AVC) Bureau, which prepares the report each year.<sup>2</sup>

This *ACIS Paper* offers a look back at more than 35 years of U.S. compliance assessments that led up to this year’s Report. In particular, this paper describes how the evolution of the global security environment’s over the last four decades — from Cold War tensions to post-Cold War relaxation, and now back to competitive tensions — can be

seen in the history of Russian, and before that, Soviet, noncompliance with arms control agreements and commitments recounted in U.S. Compliance Reports from 1984 to 2020.<sup>3</sup>

Compliance by the Soviet Union, and then Russia, with its arms control agreements and commitments has frequently been quite problematic. A look back at more than 35 years of U.S. compliance assessment illustrates that Moscow’s behavior has varied considerably, alternating between periods of what one might describe as aggressive noncompliance — in which fidelity to promises took a back seat to the pursuit of competitive advantage vis-à-vis the United States — and periods in which compliance with agreements and adherence to commitments improved, and in which the Kremlin was increasingly willing to accept meaningful transparency and

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<sup>2</sup> The full unclassified version, with classified annexes, will be transmitted to Congress once these documents complete declassification and release review. References to the “2020 Report” in this paper refer to the Executive Summary.

<sup>3</sup> For present purposes, I will refer to all prior reports as “Compliance Reports” — or simply by their date (e.g., the “1991 Report”) even though their specific titles have varied over time. Early reports were prepared by the Arms Control and Disarmament Agency (ACDA), but the State Department has prepared them since ACDA was abolished and its functions transferred into the Department in 1999.

confidence building measures as part of a cooperative relationship with Washington.<sup>4</sup>

Unfortunately, since the relationship became more adversarial in the 2000s, Moscow has moved into a renewed period of aggressive competition and noncompliance. Across a range of issues, recent Compliance Reports demonstrate worsening Russian performance in living up to its commitments and obligations. At a time in which the United States seeks a new trilateral arms control framework that will bring both Russia and the People's Republic of China (PRC) into an agreement that will limit nuclear arsenals in ways that will forestall a nuclear arms race, these troubling trends in Russian cheating present tremendous challenges.

If the United States is to build such a path-breaking trilateral framework, we must approach this challenge with eyes wide open to Moscow's woeful track record of being willing to disregard some of its arms control obligations and commitments when it perceives itself to be in an adversarial relationship with the United States — that is, when effective arms control is most necessary. This paper aims to help us understand what has come before in order to place current arms control debates in historical context as we work today to help ensure that the *next* round of arms control is as verifiable and enforceable as possible. Not surprisingly, we expect that effective verification measures will remain a key objective for next-generation arms control.

## I. Window on an Evolving World

### A. Waning Cold War Tensions

The corpus of Compliance Reports since their inauguration in 1984 offers an interesting window into the shifting currents of the global security environment that the United States has confronted. The early reports focused exclusively upon Soviet noncompliance. They are important record documents of the United States' arms control difficulties with the USSR at the height of the Cold

War. As an example, as outlined in the **1984 Report**, the United States then assessed that the Soviets had

“maintain[ed] an offensive biological warfare program and capabilities and through their involvement in the production, transfer and use of toxins and other lethal chemical warfare agents ... [and] have repeatedly violated their legal obligations under the [Biological Weapons Convention] ...”

It also described Soviet violations of the Anti-Ballistic Missile (ABM) Treaty, and violations of both legal obligations and political commitments associated with the Strategic Arms Limitation Treaty II (SALT II). By the **1985 Report**, the United States claimed to have assessed nine cases of Soviet violations, including of the Helsinki Final Act, the 1925 Geneva Protocol, the Biological and Toxin Weapons Convention (BWC or BTWC), and SALT II. Moscow's commitment to geopolitical struggle had clearly made it dangerously unscrupulous where fidelity to its legal obligations and political commitments was concerned.

Later in the decade, however, the reader can see some signs of the general thawing in superpower tensions, and lessening of competition-focused Soviet cheating, that occurred through the last years of the Cold War. In the **1988 Report**, the United States recounted that the Soviets had addressed some initial compliance problems under the Intermediate-range Nuclear Forces (INF) Treaty that had been raised by U.S. diplomats — albeit without Moscow admitting that it had broken the rules. The USSR had also permitted transparency visits by a Congressional delegation and by a group of U.S. Government experts to sites associated with ABM Treaty violations, and had begun to offer a few more details about the infamous 1979 outbreak of anthrax in Sverdlovsk that the United States had concluded originated at a Soviet biological weapons facility.

In response to U.S. compliance enforcement pressure — including the message delivered to Moscow that “it will be impossible to conclude any future agreements in the START and Defense and Space areas unless they correct the Krasnoyarsk radar [ABM Treaty] violation in a verifiable

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<sup>4</sup> Readers of U.S. Compliance Reports should note the distinction now drawn between “compliance” and “adherence.” In modern practice, as explained in successive editions, “compliance” is used in association with legally-binding obligations — with “noncompliance” being a synonym for “violation” — while “adherence” is used in discussing commitments that are merely politically binding. (One can be in noncompliance with a Treaty, for instance, but merely in non-adherence to a political commitment.) Early U.S. compliance assessments did not make this distinction, with the 1984 Report assessing Soviet “violations” both of legal obligations and of political commitments.

manner that meets our criteria” — the **1990 Compliance Report** reported that

“our uncompromising demand for strict adherence to arms control treaties is yielding positive results. The Soviet Union now appears to be willing to take significant action to resolve some U.S. concerns .... [T]here has been an encouraging change in the Soviet approach toward arms control compliance.”

As recounted in that report, Soviet Foreign Minister Shevardnadze even admitted that the Krasnoyarsk radar was “a clear violation” of the ABM Treaty, and he committed his government to eliminate it. And indeed, the **1991 Report** subsequently recounted that the Soviets had begun dismantling that facility.

In 1989, furthermore, the Soviets had also agreed to a memorandum of understanding on bilateral declaration and inspection of chemical weapons (CW) stockpiles, while a Ballistic Missile Launch Notification Agreement had been signed in 1988, and a Major Strategic Exercises Agreement the following year. The **1993 Report** also became the first to assess compliance with the START agreement, which brought about huge reductions in both superpowers’ nuclear arsenals.

## B. Post-Cold War Issues

The range of issues assessed by Compliance Reports expanded considerably in the post-Cold War era, and not merely because compliance now needed to be assessed for the various states that succeeded to Soviet obligations upon the breakup of the USSR. The Reports were greatly expanded to cover a broad range of weapons of mass destruction topics and multilateral agreements, reflecting the degree to which — with the bipolar tensions of the Cold War having ended — the United States and the rest of the international community were coming to focus much more upon proliferation challenges. As the **1993 Report** explained, WMD proliferation had emerged as

“a major concern to the United States [because] ... a number of nations are showing disregard for their commitments to arms control prohibitions on the development, acquisition, and spread of both biological and toxin weapons and nuclear weapons.”

In accordance with a 1994 federal statute, Compliance Reports thus began to assess other nations’ compliance with instruments such as the BWC, Nuclear

Nonproliferation Treaty (NPT), and the Conventional Armed Forces in Europe (CFE) Treaty. Just as earlier Reports provided a window upon the evolution of Cold War tensions, Reports from the 1990s and 2000s provide a window upon the United States’ focus upon proliferation threats in the post-Cold War era.

## II. Russia in the Post-Cold War Era

As Russia recovered from the economic and societal disruptions of the transition from the Soviet Union, the more recent years of the post-Cold War period have failed to live up to optimistic hopes that U.S.-Soviet tensions could be replaced by a new era of great power cooperation. This has been a problem more broadly, certainly, but also specifically with regard to Russian compliance with obligations and adherence to commitments. Despite hopes of a new era of cooperation and trust, the Kremlin has in recent years sought to restore much of its old sphere of influence through the use of blatant military aggression, proxy forces, political and military subversion, and the manipulation of political, economic, energy, and military relationships. As this effort has stepped up, Moscow’s arms control behavior has again come to raise troubling questions.

### A. A Success Story: Strategic Arms

The area of post-Cold War arms control in which Russia has consistently complied with its obligations is that of strategic nuclear arms agreements, including the Strategic Arms Reduction Treaty (START), the Moscow Treaty of 2002, and the “New START” agreement — which was signed in 2010 and entered into force in 2011, by which point Russia was already several years into the process of developing its new SSC-8 missile (which the United States determined in 2014 to be a violation of the INF Treaty). Despite the occurrence of what the **2020 Report** describes as “implementation-related questions,” Compliance Reports have consistently reported Russia to be “in compliance with the terms of the New START Treaty.”

### B. Ambiguous Cases

#### 1. Plutonium Disposition

One new issue added to the Compliance Report for a time in the post-Cold War period — and the evolution of which also provides something of a window into how the initial warmth and hope of that period has been replaced by

an increasingly problematic geopolitics, as Russian behavior has called into question the progress then made — is the Plutonium Management and Disposition Agreement (PMDA) signed between the United States and Russia in 2000. An agreement under which both superpowers committed to dispose of fissile material stocks made superfluous by the disappearance of the Cold War need to posture scores of thousands of nuclear weapons against each other, the PMDA was a symbol of post-Cold War hope and progress.

Unfortunately, however, the PMDA's fate — as visible through the prism of the Compliance Reports — illustrates the turn of that post-Cold War optimism back towards pessimism and uncertainty in the face of Russia's refocus upon competition and antagonism. The PMDA first appeared in the **2017 Report** after Russia announced its decision to "suspend implementation of" the agreement in October 2016. The Report noted that this purported suspension — which the United States views as having no legal effect — was not in itself a violation of the PDMA, but that it "raises concerns regarding its future adherence to obligations under this Agreement." This conclusion was repeated in the **2018 and 2019 Reports**.

## 2. *Missile Proliferation*

Beginning with the **2003 Report**, U.S. compliance assessments also evaluated adherence to political commitments made to the United States on missile proliferation, including Russian commitments under the Missile Technology Control Regime (MTCR). The first MTCR adherence assessment found Russian entities to have been involved in transfers "contrary to the nonproliferation criteria outlined in the MTCR Guidelines." By the **2005 Report**, this was apparently somewhat less clear, however, with the U.S. assessment observing merely that while problematic transfers still occurred, they were "not directly precluded by Russia's commitments under the MTCR Guidelines." The **2010 Report** also noted problematic transfers, but stated that "available information does not suggest that Russia has acted inconsistently with its MTCR commitments."

## C. Problematic Cases

### 1. *INF Treaty*

The most obvious and significant way in which the Compliance Reports have chronicled Russia's shift during the Putin era from post-Cold War cooperation into a new

era of geopolitically revisionist oppositionalism and arms control cheating is in charting Moscow's violation of the Intermediate-range Nuclear Forces (INF) Treaty that had been signed in 1987 and entered into force in 1988. To be sure, some early Reports had recounted problems in the initial implementation of INF — as well as U.S. concerns, as noted in the **1991 Report**, about the USSR's transfer of SS-23 missiles to Bulgaria, Czechoslovakia, and East Germany. These problems, however, were all ultimately resolved, and for many years the Compliance Reports found no INF problems. The **2010, 2011, 2012, and 2013 Reports**, for instance, declared that "[t]here have been no [INF] issues raised in the intervening period."

Trouble, however, was coming. As subsequently detailed in the **2019 Report**, Russia perceived a worsening security environment in the early 2000s and became "open in its desire to end or change" the INF Treaty by at least 2004. Russia, in fact, began "the covert development of an intermediate-range, ground-launched cruise missile (the SSC-8/9M729)" not permitted by the INF Treaty, "probably by the mid-2000s." As a result, it was ready to test this new cruise missile "in the mid- to late 2000s." As later recounted by Under Secretary of State for Arms Control and International Security Rose Gottemoeller, flight tests began in 2008 for the missile now known as the SSC-8, which the Obama Administration determined in 2014 to be an INF Treaty violation.

The United States first raised compliance concerns about this missile directly with the Russians in May 2013, to no avail. This INF problem was first voiced publicly in the **2014 Report**, which found Moscow to be in violation of the Treaty. Russia denied any violation, and its work on the SSC-8 continued unabated, proceeding from illegal flight testing through the completion of development, into full-scale manufacturing, and ultimately to deploying multiple battalions of the missile. Every Compliance Report since 2014 has described the Russian violation.

As a consequence, as recounted in the **2020 Report**, U.S. officials in 2018 formally declared Russia to be in material breach of the INF Treaty and announced a suspension of Treaty obligations, which took effect in February 2019, at which time the United States also declared that it would withdraw in six months if Russia did not return to compliance. When Russia did not, the United States duly withdrew from the Treaty. In reports from the **1988 Report** through the **2020 Report**, therefore, U.S. officials chronicle the full lifetime of the INF Treaty, from its hopeful beginnings through years of successful

implementation, and then to decay and collapse in the face of Russian cheating.

## 2. Chemical Weapons Convention

The Compliance Reports first began to mention chemical weapons (CW) issues as the United States and the Soviet Union began to share data on chemical stockpiles at the end of the Cold War. The Reports did not focus significantly upon CW, however, until after the Chemical Weapons Convention (CWC) entered into force in 1997. Despite the early optimism associated with early transparency and cooperation measures such as in the Wyoming Memorandum of Understanding (MOU) regarding a bilateral verification experiment and data exchange on CW, however, the modern reader can discern signs of Russian CW compliance problems to come.

In the **1993 Report**, for instance — released the day after the CWC had been opened for signature in January of that year — the United States called attention to published allegations of Moscow’s development of a “new chemical weapons binary nerve agent” said to be more effective than VX. This was the first mention in the Compliance Reports of what would subsequently be known much more widely as Russia’s fourth-generation “*novichok*” nerve agents. That Report made clear that “[t]he United States does not have sufficient information to address the accuracy of these reports,” but it expressed concern about them. Perhaps not by coincidence, the **1994 Report** drew attention to the fact that the Wyoming MOU’s transparency measures included what that report described as a requirement to provide a full list of CW types, “to include any new binary chemical agent they had produced.”

The **2003 and 2005 Reports** found Russia to be in violation of the CWC because its CWC declarations were “incomplete with respect to CW production, development facilities and chemical agent and weapons stockpiles.” For a time thereafter, the reports used different language, but the United States still continued to find that it could not certify Russia was in compliance with the CWC. For example, as the **2010 Report** put it, the United States was “unable to ascertain whether Russia’s CWC declaration is complete.” The U.S. compliance assessments sharpened notably once more after Russia used a *novichok* nerve agent in an attempted assassination in Britain in March 2018. While that reckless attack failed to kill the intended target, it did tragically lead to the death of another UK citizen, vividly illustrating that Russia’s CWC violation poses

a direct threat to the security of U.S. and Allied citizens. The **2020 Report**, for instance, notes that

“Russia is in non-compliance with the CWC for its use of a military grade nerve agent in an assassination attempt on UK soil. This attack indicates Russian retains an undeclared chemical weapons program. The United States cannot certify that Russia has met its obligations for complete declarations of its [CW production and development facilities, and] CW stockpiles. ... Furthermore, the United States has concerns that Russia’s pharmaceutical-based agents (PBAs) program is for offensive purposes.”

## 3. Biological Weapons

The issue of Soviet (and then Russian) biological weapons (BW) capabilities has been a major focus of concern throughout the lifetime of the U.S. Compliance Report process. It had been a staple of mid-1980s reporting going back to the **1984 Report**, for instance, that the Soviet Union maintained an offensive BW program, and this was still being assessed as late as the **2005 Report** — which declared that “[t]he United States judges based on all available evidence that Russia continues to maintain an offensive BW program in violation of the Convention.”

Though the assessments’ language has changed over time, Russian activities relevant to the BWC have remained a significant U.S. concern across administrations. For example, the **2010 Report** found that

“[a]vailable information during the reporting period indicated [that] Russian entities have remained engaged in dual-use, biological research activities. There were no indications that these activities were conducted for purposes inconsistent with the BWC. It remains unclear, however, whether Russia has fulfilled its BWC obligations in regard to the items specified in Article I of the Convention that it inherited.”

In the years that followed, the finding further highlighted that

“Russia previously acknowledged both that it is a BWC successor state and that it inherited past Soviet offensive programs of biological research and development. Russia’s annual BWC CBM submissions since 1992 have not satisfactorily documented whether this program was completely destroyed or diverted to peaceful purposes in accordance with Article II of the BWC.”

Most recently, the Executive Summary of the **2020 Report** states at the unclassified level that “[f]or this reporting period, available information does not allow the United States to conclude that the Russian Federation (Russia) has fulfilled its Article II obligation to destroy or to divert to peaceful purposes BW items specified under Article I of its past BW program.”

#### 4. *Conventional arms control*

Conventional arms control analysis had appeared fleetingly in the early Reports, with the **1984 Report**, for instance, finding that the Soviet Union had violated the transparency and confidence-building provisions of the Helsinki Final Act by failing to give notification of its “Zapad-81” exercise. But conventional arms control questions only began to appear regularly in the Compliance Reports in the post-Cold War era, after instruments such as the CFE Treaty and the Treaty on Open Skies, as well as the Vienna Document’s confidence and security building measures (CSBMs) had been put in place.

As in some other aspects of the Compliance Reports, however, conventional arms compliance reporting in recent years has reflected Russia’s turn to geopolitical revisionism under Vladimir Putin and his efforts to re-litigate the post-Cold War settlement that left Moscow shorn of most of the Soviet Union’s former imperial sphere of influence.<sup>5</sup> The **2010 Report** noted that Russia had declared the purported “suspension” of its CFE obligations in 2007, though no such suspension was legally available. The result was that Russia was “in noncompliance with its Treaty obligations” thereafter, and this assessment has been unchanged throughout more than a decade since. The **2020 Report** repeats this conclusion, noting that

“[s]ince its ‘suspension,’ Russia has continued to violate its [CFE] Treaty obligations and has made clear that it will not resume implementation of the Treaty. ... In addition, Russia’s stationing of forces on the territories of Georgia, Moldova, and Ukraine without the host country’s consent continued through 2019.”

With regard to the Vienna Document, Russia adheres to some of its commitments, but successive Compliance Reports have detailed a number of failures. Russia has also

tried to avoid notifying other participating States of military exercises involving as many as 100,000 troops, on the implausible grounds that such enormous exercises were undertaken on a “snap” basis (*i.e.*, undertaken without prior notice to the troops involved). In some instances, Russia’s conduct has raised questions as to whether it properly notifies even *non*-“snap” exercises. Every Compliance Report since the **2015 Report** has described Russia as having engaged in “selective implementation of some provisions” of the Vienna Document. The United States, with its Allies and partners, have tabled a comprehensive proposal to modernize the Vienna Document to address modern day security realities, but Russia has refused to discuss such modernization.

Russia has also flagrantly and repeatedly violated its obligations under the Open Skies Treaty. That Treaty was built on President Eisenhower’s vision of a confidence-building regime in which each superpower demonstrates to the other that it had nothing to fear because no area was off-limits to peaceful image-collecting overflights. Russia, however, has engaged in multiple violations of its Open Skies obligations since the Treaty entered into force — including through such things as limiting flight distances for observation flights over the militarized Russian enclave of the Kaliningrad Oblast between Poland and Lithuania, periodically imposing airspace rules or restrictions not permitted under the Treaty (such as on flights over Chechnya), and denying a flight over military exercise in September 2019.

Russia’s demonstrable willingness to impose illegal restrictions on Open Skies flights whenever it wishes has undermined the confidence-building purposes of the Treaty. Other aspects of Russia’s Open Skies implementation, though never included in a Compliance Report as violations, have also undermined the Treaty’s effectiveness as a confidence-building measure. Russia may, for instance, be using imagery gathered on Open Skies flights to support its new doctrine of targeting U.S. and European critical infrastructure targets with conventionally-armed, precision-guided missiles.<sup>6</sup> It has also used airfield designations and illegal overflight restrictions in an attempt to advance what are, in effect, propaganda statements in support of Vladimir Putin’s policy of regional belligerence, claiming that the Georgian

<sup>5</sup> Russia had ratified the 1999 adapted CFE Treaty in 2000, but the United States and other NATO states did not do so on account of Russia’s continuing lack of fulfillment of the parallel Istanbul commitments.

<sup>6</sup> Russian compliance with this provision has not been assessed in a Compliance Report, but it is worth pointing out that Article IX of the Open Skies Treaty makes clear that imagery “shall be used exclusively for the attainment of the purposes of the Treaty.”

regions of Abkhazia and South Ossetia are “independent states” rather than part of the sovereign territory of Georgia, and that Crimea is part of Russia rather than part of the sovereign territory of Ukraine. Such efforts to “weaponize” and inject propaganda narratives into the Open Skies Treaty have undercut its effectiveness as a confidence-building mechanism.

The **2005 Report** was the first to report on Open Skies after the Treaty’s entry into force in January 2002, but even then there were complaints about Russia’s compliance, at that point related to the improper provision of airspace and airfield information. (By contrast, an initial Open Skies compliance difficulty with Ukraine was reported to have been resolved.) The **2010 Report**, however, made clear that Russia’s Open Skies problems were only worsening — recounting that “[d]uring the period from 2004 through 2008, the Russian Federation’s airspace restrictions on Open Skies observation flights operating in Russia were not in compliance with the provisions of the Treaty.”

All Compliance Reports from **2014 through 2019** detailed a variety of impermissible Russian restrictions on overflights and other problems with Treaty implementation, some of which were resolved and two of which have continued. These problems persisted, and are reflected in the **2020 Report**, additionally recounting a *new* Open Skies violation in Russia’s denial of a planned flight segment over the “TSENTR” military exercise in 2019.

These chronic problems with Russian compliance with and implementation of the Open Skies Treaty led directly to the United States’ decision in 2020 that it is no longer in America’s interest to remain a party to the Treaty. As a result of Russian behavior, the United States therefore announced on May 22 that in accordance with the Treaty’s terms, it was notifying the depositaries of its decision to withdraw — which will take effect on November 22. (U.S. officials made clear that the United States reserved the right to reexamine this decision until the withdrawal became effective, but that they would only consider this were Russian behavior to improve significantly.)

## 5. Presidential Nuclear Initiatives

For the first time in an unclassified Compliance Report, the **2020 Report** describes U.S. concerns with whether Russia has in fact carried out the commitments it made in 1991 and 1992 in the Presidential Nuclear Initiatives (PNIs) to, among other things, eliminate various “tactical” nuclear weapons for its ground forces. The Executive Summary of the Report declares:

“The United States assesses that Russia is not adhering to all of its PNI commitments. ... Russia’s efforts to retain dual-capable non-strategic systems for its ground forces are inconsistent with its PNI pledge to eliminate nuclear warheads for such systems.... [T]he United States assesses, ... that Russia no longer feels bound by its PNI pledge to eliminate [such warheads]....”

This 2020 finding reinforces the conclusion already voiced in the **2018 Nuclear Posture Review** that “Russia is in violation of its international legal and political commitments that directly affect the security of others, including ... the 1991 Presidential Nuclear Initiatives.” (It also amplifies the April 2006 comment by then-U.S. Assistant Secretary of State for International Security and Nonproliferation Stephen Rademaker that “Russia has not completely fulfilled the Russian side of the Presidential Nuclear Initiatives.”) This represents yet another way in which the Russian Federation’s turn to geopolitical revisionism has undermined the arms control enterprise and led Moscow into a generalized policy of selective indifference to its legal obligations and its political commitments.

## 6. Nuclear Testing

Though they have only returned to unclassified Reports in recent years, nuclear weapons testing issues actually have a long history in U.S. Compliance Reports. The issue of nuclear testing arose in the **1984, 1985, and 1988 Reports**, in connection with the Threshold Test Ban Treaty (TTBT). (That instrument had not yet entered into force, but U.S. officials were for some years concerned that the Soviets might have been engaged in activities contrary to its object and purpose.) Subsequent cooperative verification work with the USSR, however — in the form of the Joint Verification Experiments (JVE) beginning in 1987 — put this concern to rest, demonstrating that the Soviets had not been cheating.

The **1990 Report** found the Soviet Union to be violating the Limited Test Ban Treaty (LTBT) of 1963 for failing to prevent the venting of radioactive materials into the atmosphere from nuclear weapons tests. Indeed, in the **1991 Report**, the United States declared that ever since the LTBT came into force, “the Soviet Union has conducted its nuclear weapons test program in a manner incompatible with the terms of the Treaty.”

Nuclear testing issues thereafter disappeared from unclassified Compliance Reports for several years, but they



reappeared in the **2010 Report**, which concluded that “there were no indications during the reporting period that any [NPT nuclear weapon state] engaged in activities inconsistent with its declared moratorium.” The **2014, 2015, 2016, 2017, and 2018 Reports** also briefly mentioned the nuclear testing moratoria, albeit without saying anything about any country’s adherence to them, one way or the other. (The **2017 and 2018 Reports**, however, did remark that “[a]dditional country information is provided in higher classification reporting.”<sup>7</sup>)

In discussing the time period of 1995-2018, the **2019 Report** offered much more information about nuclear testing, now declaring — following and amplifying [public comments](#) that had at that point already been made by the head of the U.S. Defense Intelligence Agency — that Russia had probably not adhered to the “zero-yield” nuclear testing moratorium that the United States, the United Kingdom, and France had adopted. “The United States, including the Intelligence Community, has assessed that Russia has conducted nuclear weapons tests that have created nuclear yield.”

The **2019 Report** also raised a specific concern with the TTBT — though not about exceeding that Treaty’s 150 kiloton yield limit but rather about Moscow’s possible failure to notify the United States of planned testing that would result in nuclear explosive energy breaching the containment vessel.

Building upon this conclusion about Russian yield-producing nuclear tests, the Executive Summary of the **2020 Report** declares that:

“The United States assesses that Russia has conducted nuclear weapons-related experiments that have created nuclear yield. Russia may be testing in a manner that releases nuclear energy from an explosive canister. This possibility raises compliance concerns with Russia’s TTBT obligation to notify. ... Based on available information, Russian activities during the 1995-2019 timeframe raise concerns about Russia’s compliance with its TTBT notification obligation.”

Moreover, as for whether Russia had adhered to a “zero-yield” interpretation of its own moratorium on nuclear weapons-related testing,

“[t]he United States finds that Russia has conducted nuclear weapons experiments that have created nuclear yield and are not consistent with the U.S. ‘zero-yield’ standard. The United States does not know how many, if any, supercritical or self-sustaining nuclear experiments Russia conducted in 2019. Despite Russia renewing its nuclear testing moratorium in 1996, some of its activities since 1996 have demonstrated a failure to adhere to the U.S. ‘zero-yield’ standard, which would prohibit supercritical tests.”

(Both the **2019 and 2020 Reports** also raised concerns about the PRC in this regard.)

The return of such nuclear testing issues to the unclassified Compliance Reports marks another step in the Reports’ chronicle of problematic Russian behavior.

### III. Conclusion

The corpus of U.S. compliance reporting offers a useful window into two generations of Washington’s arms control concerns with Moscow, the geopolitical environment in which these dynamics were embedded, and the troubling overall trajectory of Russian behavior upon the Kremlin’s turn away from the cooperative optimism of the 1990s and early 2000s to a more Cold War-style indifference to arms control obligations and commitments as the U.S.-Russian relationship worsened. It is important to understand this track record of Russian compliance — and of noncompliance — with arms control obligations as we craft approaches to *future* arms control.

In particular, it is worth emphasizing what a contrast Russia’s course of widespread noncompliance with such obligations is with what was hoped and expected in the post-Cold War era. The last years of the Cold War and the first years of its aftermath were a notably productive time for arms control and disarmament agreements, as leaders took advantage of the eased tensions and strengthened trust of that period to sign a number of important instruments capitalizing upon the confidence and goodwill

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<sup>7</sup> It is often the case, as the 1985 Report pointed out long ago, that the U.S. Government knows of compliance or adherence issues that it cannot discuss publicly: “Beyond the issues that are treated in the unclassified report released today, there are other compliance issues that will not be publicly disclosed at this time but which remain under review.”

of the time, seeking to institutionalize it, and attempting to build foundations for further progress in peacemaking, risk reduction, and disarmament.

This was certainly the case in U.S. relations with the Soviet Union and then Russia, where the pathbreaking INF Treaty — which was signed in 1987 and took effect in 1988 — eliminated, for the first time, an entire class of nuclear-capable delivery systems. In 1991, INF was followed by START, which brought about significant cuts in strategic nuclear forces between the two former Cold War antagonists. During this period, Washington and Moscow also made reciprocal political commitments in the form of the PNIs, promising, *inter alia*, not to deploy and to eliminate great numbers of their respective ground-based non-strategic nuclear weapons.

Previous nuclear arms control agreements between Washington and Moscow during the tension-filled competitive periods of the Cold War had merely *limited* what weapons would be permitted to each side, but in the newly cooperative spirit of the period in which Cold War antagonism dissolved, it proved possible to bring about major reductions. In this new environment, it was also possible to revolutionize the verification and transparency measures each side was willing to accept. Whereas strategic arms control in more competitive eras, such as SALT, had relied upon “national technical means” of verification (*i.e.*, intelligence collection), INF and START took advantage of the cooperative security environment of their period to construct for the first time elaborate verification architectures involving various forms of routinized on-site monitoring and inspection visits.

Beyond the bilateral arena, multilateral conventional arms control saw considerable progress in the cooperative post-Cold War years in as well. Negotiated during the final years of the Cold War, for instance, the CFE Treaty was signed in 1990 in an attempt to prevent any future Cold War-style buildup of forces that could lead to fears — or even the reality — of a blitzkrieg-type attack across Europe’s prior lines of geopolitical division.

The Treaty on Open Skies had been an idea proposed by the United States in the 1950s, but such confidence-building provisions were unacceptable to Moscow during the Cold War — when unqualified transparency seemed threatening to Soviet totalitarianism, and when the Kremlin wished the West to see as little as possible within its borders. With the end of the Cold War, however, the previously unacceptable became possible, and Open Skies

was signed in 1992: an important confidence-promotion step that, it was hoped, would help lock in the strengthened trust of that period for the indefinite future.

These hopes, however, have unfortunately not been realized. Thanks to Russian violations and efforts to manipulate that instrument in support of Vladimir Putin’s strategy of regional threat and intimidation, the Open Skies Treaty has failed to provide the benefits once envisioned, providing neither an enhanced sense of security nor confidence.

Similarly, the Helsinki Final Act principles expressed in 1975 had been a source of contention between East and West during the last decade of the Cold War, when Soviet leaders — who had been happy enough to embrace Helsinki’s support for Europe’s post-1945 territorial boundaries — bridled at efforts to vindicate Helsinki principles as they applied to respect for human rights, freedom to travel, and the free flow of information across borders. With the waning of Cold War tensions, it became possible to do much more to institutionalize Helsinki-inspired confidence- and security-building measures. This was first explored at Stockholm in 1986, and then in several iterations of the Vienna Document beginning in 1990, which inaugurated a number of transparency and openness practices between all the Organization for Security and Cooperation in Europe participating States.

The initial period of post-Cold War cooperation also saw the emergence of the Chemical Weapons Convention — which had been under negotiation since 1980, but which it finally became possible to bring to conclusion and open for signature in 1993. The countries of the world also attempted to ban nuclear weapons test explosions with the CTBT, which was opened for signature in 1996.

Looking back at the progress that was made in bringing Moscow into new arms control and disarmament frameworks during the early post-Cold War period helps highlight the egregiousness of Russia’s more scofflaw approach in recent years. As the Kremlin has increasingly acted out as a destabilizingly revisionist [grievance state](#) determined to [seize a new role and sphere of influence for itself at the expense of its neighbors](#), Moscow has come to ignore — or simply treat as optional — some of the very agreements and commitments that once signaled its long hoped-for arrival as a cooperative and valued partner in the community of nations. This unhappy trend can clearly be seen across the corpus of U.S. Compliance Reports since the mid-2000s, which detail retrograde Russian motion on

multiple fronts, including INF, CFE, Vienna Document, CWC, Open Skies, PNIs, and nuclear testing.

This is, therefore, crucial background for understanding the challenges that face us today in negotiating meaningful arms limits and ensuring that compliance with them can be effectively verified. Despite such a long record of problematic behavior by the Russian government, the United States believes in the stability and predictability that can be provided by arms control, and so remains firmly committed to pursuing “next-generation arms control” (*i.e.*, a trilateral agreement with both Russia and China).

The challenges of creating such a new framework are formidable, beginning with the difficulty of getting the PRC to engage constructively with the United States in any kind of arms control talks at all. The PRC has an obligation under Article VI of the Nuclear Non-Proliferation Treaty to pursue negotiations in good faith on effective measures relating to avoiding an arms race and achieving disarmament. Chinese behavior, however, is problematic. Even while it rapidly expands its own nuclear arsenal, for instance, Beijing has yet to even respond to our December 2019

invitation to begin a Strategic Security Dialogue analogous to the discussions we continue to hold with Russia.

With regard to Russia, however — the focus of this paper — the problem is different, for Moscow professes itself willing to negotiate and indeed began talking tentatively with us about future arms control concepts in our Strategic Security Dialogue in January 2020. Unfortunately, however, it is also clear from the history recounted in U.S. Compliance Reports over the last 35 years that the Kremlin has been willing to treat many of its arms control obligations and commitments as mere *options*, especially when it perceives itself to be in an adversarial relationship with the United States and sees potential advantage in cheating.

This clearly presents special challenges when it comes to ensuring effective verification and robust compliance enforcement. Meeting these challenges will require us to be creative, thoughtful, firm, disciplined, and decisive — and to remember the history of what has come before.



## Arms Control and International Security Papers

The Arms Control and International Security Papers are produced by the Office of the Under Secretary of State for Arms Control and International Security in order to make U.S. State Department policy analysis available in an electronically-accessible format compatible with “social distancing” during the COVID-19 crisis.