

ISSUE BRIEF

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Annual Compliance Report: Lack of Clarity Damaging to U.S. Security

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The State Department's August 2012 report on *Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments* (the so-called Annual Compliance Report) is an exercise in ambiguity which illustrates the difficulties involved in judging other countries' compliance with multilateral and bilateral treaties related to weapons of mass destruction and conventional weapons.¹

Congress should demand a more thorough analysis of the situation and clarification of steps the United States should take in response to other countries' noncompliance. The 2005 Annual Compliance Report—about three times longer than the 2012 report—should be considered a sound standard for this work.

Compliance in Question. The 2012 compliance report reflects

the Obama Administration's policy preferences. The State Department and the U.S. government have a long history of ignoring or tolerating arms control violations, especially with regard to Russia. These include the Krasnoyarsk violation of the Anti-Ballistic Missile Treaty, violations of the Intermediate-Range Nuclear Forces Treaty, and violations of long-range missile throw-weights under the Strategic Arms Reductions Treaty.

The State Department acknowledges that "Russian entities have remained engaged in dual-use, biological activities," potentially raising compliance issues with the Biological Weapons Convention (BWC). The State Department also acknowledges that it is "unclear" whether Russia has fulfilled its BWC obligations or that its activities were "conducted for purposes inconsistent with the BWC." Yet it has not bothered to raise any of these issues with the Russian government or in any international fora. Syria has not bothered to ratify the BWC and therefore cannot be found to be in violation of the treaty despite enormous stockpiles of biological weapons.

The case of the Russian Federation and its violation of the Conventional Armed Forces

in Europe (CFE) Treaty is yet another illustration of the State Department's inability to influence other countries' actions through arms control. Moscow ceased implementation of the treaty in 2007, yet it took the U.S. four years to respond to this action.

Despite this violation, it is clear that the U.S. will continue to be bound by the terms of the treaty: "The United States will continue to implement the Treaty and carry out all obligations with all States Parties other than Russia, including not exceeding the numerical limits on conventional armaments and equipment established by the Treaty," reads the report. "The United States will voluntarily inform Russia of any significant change in our force posture in Europe."

The largest problem with arms control agreements has always been their enforcement. Other countries use arms control to restrain the U.S.—to the detriment of the security of its people—while disregarding these agreements in the pursuit of their own national interests.

There is yet another omission concerning Russia's proliferation of ballistic missile technologies to Iran. In his August 3, 2012, letter to Congressman Michael Turner

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(R-OH), Under Secretary of Defense for Policy James Miller stated that “Iranian defense attachés and their intermediaries in Russia have access to Russian academics, companies, and research organizations, and some of these individuals and entities may assist Iran with technologies that could contribute to its ballistic missile programs.”

Under Secretary Miller wrote that further information on these issues will be available in the Annual Compliance Report. The report, however, does not mention any such issue. Also lacking are comments on Russia’s potential noncompliance with the Intermediate-Range Nuclear Forces Treaty. According to the Russian press, Russia’s Iskander R-500 missiles have a range exceeding the permitted 500 km.

Inability to Verify. The report contains very few conclusive assessments regarding whether states mentioned in its pages are engaged in activities prohibited under certain articles of the treaties. One of the plausible reasons is that the U.S. does not have sufficient national technical means (NTM)—such as satellites and sensors—and intelligence resources capable of providing enough information to draw conclusions.

In her July 12, 2010, lecture at The Heritage Foundation, Paula DeSutter, former Assistant Secretary of State for Verification, Compliance, and Implementation, noted that the U.S. NTM infrastructure is “broken.” It is essential for the security of the United States and its allies that Congress addresses this shortfall.

Another problematic element is the State Department’s lack of

updated information regarding the New Strategic Arms Reductions Treaty (New START). The most recent information is included in the January 31, 2012, *Annual Report on Implementation of the New START Treaty*.² This report does not include telemetry exchanges and does not explain Russian efforts to add more Multiple Independent Reentry Vehicles on fewer missiles, the most destabilizing mode of deployment. The Russians even increased the number of their deployed warheads and their deployed and non-deployed launchers between the first and second data exchanges.

The report concludes that “The United States does not assess that there is a strategic imbalance between the United States and the Russian Federation.” The Administration clearly does not consider Russian nuclear modernization and build-up or tactical nuclear superiority destabilizing. The report should be updated and take into account Russia’s violations of the Presidential Nuclear Initiatives as well as the implications of U.S. disadvantage in this class of weapons for America’s allies in Europe.

On the nuclear testing moratoria, the Annual Compliance Report mentions only that each state’s definition of moratorium is unclear and that U.S. assessments are based on the U.S. position. Surprisingly, the report does not mention Chinese and Russian low-yield nuclear weapons tests, something the bipartisan Strategic Posture Commission referred to in its 2009 report.

Actions of Other States Have Consequences. It is essential to

change the U.S. government’s—and especially the State Department’s—culture, which is too quick to tolerate arms control and nonproliferation noncompliance and violations of international treaties. The quality of reporting must improve. To provide policymakers with truly useful insights about other countries’ weapons programs, Congress should take the following actions:

- Call upon Rose Gottemoeller, Acting Under Secretary for Arms Control and International Security, to produce a time sheet showing how much time was spent on New START verification;
- Call upon the State Department to recognize that U.S. nuclear weapons inferiority is destabilizing;
- Provide necessary funding to improve U.S. NTM capabilities as well as the intelligence community’s ability to monitor other countries’ weapons of mass destruction and conventional programs;
- Call upon the State Department to raise issues related to Russia’s transfer of ballistic missile technology to Iran and engagement in activities potentially violating the BWC in international fora and bilateral meetings; and
- Call upon the Obama Administration generally, and the Department of Defense in particular, to take enforcement steps in response to reported treaty violations by acknowledging that the U.S. is no longer bound by treaty

1. U.S. Department of State, *Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments*, August 2012, <http://www.state.gov/documents/organization/197295.pdf> (accessed September 10, 2012).

2. U.S. Department of State, *Annual Report on Implementation of the New START Treaty*, January 31, 2012, <http://www.state.gov/documents/organization/197297.pdf> (accessed September 10, 2012).

obligations relative to the violating party and will take the necessary military steps—their inconsistency with treaty provisions notwithstanding—to protect its own security and that of its allies in response to the violation.

Necessary Security. These changes are essential for keeping the U.S. and its allies safe. They would mitigate the chance that the U.S. public finds itself geopolitically surprised by developments in

other countries. It is imperative that Congress take the necessary steps to ensure the safety and security of the U.S. population.

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