The 2013 Compliance Report issued by the U.S. State Department on July 12 showed little change in the assessments of U.S.-Russian arms control treaty compliance provided by last year's report.

Covering the period ending on December 31, 2012, the report provides no obvious basis for the conclusion rendered in a recent amendment adopted by the House Armed Services Committee (HASC) that Russia was "in active noncompliance with existing nuclear arms obligations."

The vague public charge repeatedly made by HASC Chairman Rep. Buck McKeon appears to refer to more specific allegations in the press that a missile recently tested by Russia is a violation of the Intermediate-Range Nuclear Forces (INF) Treaty. Yet neither the Compliance Report nor the July 10, 2013 "Ballistic and Cruise Missile Threat" assessment of the National Air and Space Intelligence Center (NASIC) identifies any Russian intermediate-range ballistic missiles, which the INF Treaty defines as missiles with a range of 500 km to 5,500 km.

No Russian INF Missiles

With regard to the INF Treaty, the 2013 Compliance Report registers no issues of concern during the reporting period. This month's NASIC missile threat report says explicitly that "neither Russia nor the United States produce or retain any MRBM [1,000-3,000 km range] or IRBM [3,000-5,500 km range] systems..." The NASIC report lists no Russian SRBM [<1,000 km range] with a range over 280 km.

Moreover, the missile threat report, the product of three Defense Department intelligence agencies, covers missiles under development, as well as those deployed. The absence of any Russian INF-category missiles in the report strongly implies that those observed in flight tests from Kapustin Yar to Sary-Shagan (in October 2012 and June 2013) were the "New ICBM" NASIC lists with a range of 5,500+ km, and as "not yet deployed."

With regard to the New Strategic Arms Reduction Treaty (New START), the 2013 Compliance Report certifies that Russia is in full compliance with the terms of the 2010 treaty. As in the case of every previous U.S.-Soviet or U.S.-Russian nuclear limitation treaty, implementation-related questions have been raised by both sides in the designated commission for discussing these issues, according to the report, and discussions are ongoing.

Russian Skies Not Completely Open

The 2013 report identifies four concerns, two of them new, regarding Russia's fulfillment of its obligations under the Open Skies Treaty. This treaty establishes a regime for conducting unarmed observation flights by States Parties over the territories of other States Parties.

Specifically, the State Department report says that Russia has imposed: 1) restrictions on access by Open Skies aircraft to three areas: over Chechnya; in an air traffic control zone around Moscow; and along the border of Russia with South Ossetia and Abkhazia, two regions of Georgia that only Russia recognizes as independent countries; 2) air traffic control restrictions around Moscow that prevented flights or flight segments from taking place; and 3) airfield closures in support of holidays. Russia, the report notes, has also failed to provide a first generation duplicate negative of processed photographic film. Only the latter concern appears headed toward resolution, anticipating that
Russia's future use of digital cameras will eliminate the need for negatives.

**Through a Glass Darkly: BWC/CWC**
The Biological and Toxin Weapons Convention (BWC) section raises concerns about compliance with a number of countries, but conclusions are usually tentative or qualified. For example, "It remains unclear if Russia has fulfilled its obligations under Article II..." and "Syria may be engaged in activities that would violate its obligations under the BWC if it were a State Party to the Convention." These constructions are not surprising given the absence of a verification mechanism for the treaty.

As in last year's report, the United States assesses that Russia's Chemical Weapons Convention (CWC) declaration is incomplete with respect to chemical agent and weapons stockpiles. In the absence of additional information from Russia, the United States is unable to ascertain whether Russia has declared all of its CW stockpile, all CW development and production facilities. Both the United States and Russia were unable to meet the convention's deadlines for eliminating chemical weapons (CW) stockpiles and facilities. In the "U.S. Compliance" section of the 2013 report, the authors artfully report only that the United States "continues to work towards meeting its CWC obligations with respect to the destruction of...[CW] and associated CW facilities."

**Rogue's Gallery**
Although the vast majority of states parties to arms control agreements are said to be complying with their commitments, the actions of North Korea, Iran, and Syria are conspicuous for including multiple instances of noncompliance.

As in last year's report, the 2013 report again found North Korea to be in violation of its obligations under the nuclear Non-Proliferation Treaty (NPT) and in noncompliance with its International Atomic Energy Agency (IAEA) Safeguards Agreement before its announced withdrawal from the NPT in 2003. North Korea's continued nuclear program development was judged to be in violation of UN Security Council resolutions and of Pyongyang's commitments under the 2005 Joint Statement of the Six-Party Talks.

Iran and Syria were said to be in violation of their obligations under the NPT and their IAEA Safeguards Agreements. As before, Iran was also cited for violating its obligations under relevant UN Security Council resolutions.

In light of the U.S. assessment that Syria has used nerve gases against its domestic opposition in recent months, it is worth mentioning that Syria is not a party to the CWC, which prohibits such use. Moreover, although Syria is a party to the 1925 Protocol Against the Use in War of Asphyxiating, Poisonous or other Gases, that treaty does not prohibit use of chemical weapons within a state's own borders in a civil conflict. The Syrian case provides a dramatic reminder that absent arms control treaties and their verification mechanisms, the prospects for deterring, detecting and reversing behaviors unacceptable to the international community are much diminished.

**An Encouraging Word on Burma**
The concern expressed in last year's report about Burma's compliance with the NPT has eased. The 2013 report notes that Burma announced in November 2012 that it agreed to sign on to more intrusive IAEA inspection procedures, such as the Additional Protocol and that it would abide by certain UN Security Council resolutions on nonproliferation.

**Compliance with the Global De Facto Nuclear Test Moratorium**
The 2013 Compliance Report notes North Korea's 2013 nuclear weapons test explosion, but does not report any violation of the nuclear test moratoria, which have been declared by each of the five NPT nuclear weapon states since 1996, and by India and Pakistan beginning in 1998.

**Taking Arms Control Compliance Seriously**
Compliance reports provide not only an important snapshot of contemporary issues regarding the implementation of arms control agreements; they also supply a valuable measure of progress over time and of relative performance between states parties. It is encouraging to see the Obama administration re-establishing executive branch fidelity to the congressional mandate for yearly reports--particularly after the previous administration managed to produce only two over an eight-
year period.

Reviewing the content of the 2013 Compliance Report offers a reminder that adequate verification provisions and consultative mechanisms are prerequisites to meaningful monitoring and resolution of compliance issues. There is thus a symbiotic relationship between verifiable arms control agreements and conscientious efforts to monitor and report on compliance.

Although the U.S. Government's contributions to evaluating compliance are invaluable, any report by an individual national government can be subject to inherent limits on objectivity. Additional insights can be gained from such independent elaborations as the "2010-2013 Report Card" of the Arms Control Association on progress made by 11 key states in 10 universally-recognized nonproliferation, disarmament, and nuclear security categories. In this assessment, there are no straight "A"s to be seen. --GREG THIELMANN

1. 2013 Report on Adherence to and Compliance With Arms Control, Nonproliferation, and Disarmament Agreements and Commitments; Bureau of Arms Control, Verification and Compliance; Washington, DC, July 2013.

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The Arms Control Association (ACA) is an independent, membership-based organization dedicated to providing information and practical policy solutions to address the dangers posed by the world's most dangerous weapons. ACA publishes the monthly journal, Arms Control Today.

- Greg Thielmann
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