

**STATEMENT OF STEPHEN G. RADEMAKER  
Principal, The Podesta Group**

**“The Growing Russian Military Threat in Europe:  
Assessing and Addressing the Challenge”  
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Chairman Wicker, Co-Chairman Smith, other members of the Commission, thank you for inviting me to testify at this hearing on the Russian military threat in Europe.

I understand that my co-panelists will speak to Russian military actions in recent years that have seriously degraded the security environment in Europe—the Ukraine conflict in particular—and the role the OSCE can play in restoring security and trust in the region. I have been asked to assess Russia’s record of compliance with the arms control and confidence-building agreements that are particularly relevant to security in Europe, including the Conventional Armed Forces in Europe (CFE) Treaty of 1990, the Open Skies Treaty of 1992, the Vienna Document on Confidence- and Security-Building Measures, originally adopted in 1990 and updated most recently in 2011, and the Intermediate-Range Nuclear Forces (INF) Treaty of 1987.

I will briefly review the obligations arising under each of these agreements and discuss the degree to which Russia is currently living up to its obligations. I will then draw some overall conclusions about Russia’s approach to these agreements, and the implications for the United States and our allies.

CFE Treaty

The CFE Treaty was concluded in 1990 and entered into force in November 1992. It included as states party all members of NATO and the Warsaw Pact. For all of these states party, it imposed strict limits on the amounts of specified military hardware (called “Treaty-Limited Equipment” or “TLE”) that they could deploy in specified areas in the treaty’s area of application, which stretches from the Atlantic Ocean to the Ural Mountains. Following the treaty’s entry into force, over 52,000 pieces of TLE were destroyed or converted by the United States, Russia, and other states party to the treaty.

Underlying the treaty was the belief that the imbalance in conventional armed forces in Europe (which favored the Soviet Union and the Warsaw Pact during the Cold War) had created instability and fear on the Continent, and led NATO to rely increasingly on its nuclear deterrent. The concept of the treaty was that if this conventional imbalance could be eliminated, stability could be restored, and reliance on nuclear weapons diminished. In this sense, the CFE Treaty sought to ameliorate one of the principal causes of the nuclear arms race that emerged during the

Cold War, and it provided a foundation for the dramatic reductions in strategic nuclear arms levels that have been negotiated between the United States and Russia following the end of the Cold War.

Regrettably, in July 2007, President Putin ordered a “suspension” of Russian implementation of the treaty. The other states party have not recognized this suspension as a legally permissible step, and therefore all the other parties have continued to observe the treaty as between them. In 2011, however, the United States and its NATO allies (plus Georgia and Moldova) bowed to reality and accepted that Russia was not going to permit verification inspections under the treaty to take place on Russian territory. Accordingly, they ceased requesting inspections on Russian territory, and declared that they would cease implementation of their obligations to Russia.

From the moment the treaty entered into force in November 1992, the Russian military deployments in Georgia and Moldova violated Article IV, paragraph 5 of the treaty, which prohibits a state party from stationing its “conventional armed forces on the territory of another State Party without the agreement of that State Party.” Russia’s 2014 military intervention in Ukraine compounded its non-compliance with this basic provision of the CFE Treaty. Russia is today stationing its conventional armed forces on the territory of not just two, but now three states party, without the consent of those states party, in violation of Article IV, paragraph 5 of the treaty.

The United States has tried hard since 2007 to persuade Russia to return to compliance with the treaty, but to no avail. The fundamental problem is that Russia concluded more than a decade ago that the CFE Treaty was no longer serving its interests. Among other things, Moscow chafed at the treaty’s so-called Flank Limits, which it believed constrained its ability to carry out military operations on Russia’s periphery, for example, in Chechnya. Moscow was also unhappy that Georgia and Moldova were using the treaty to pressure Russia to withdraw unwelcome Russian forces from their territory. Following the Russian military intervention in Ukraine in 2014, Russia is now violating Article IV, paragraph 5 of the treaty in three states party, further diminishing the likelihood that it will return to compliance with the treaty.

### Open Skies Treaty

The Open Skies Treaty was signed in 1992, and created a regime for the conduct of observation flights over the territory of other states party. These flights use photography and other sensors to collect information about activities on the ground in the countries being observed. The collection of this information is intended as a confidence-building measure among the parties. There are today 34 states party to the treaty, including the United States and Russia.

Russia has continued to implement the Open Skies Treaty, but has unilaterally imposed restrictions on the conduct of observation flights over its territory that are legally inconsistent with the treaty and clearly intended to diminish the benefits of the treaty to the other states party.

Perhaps most significantly for the United States, Russia has arbitrarily imposed a sublimit of 500 kilometers on the distance of observation flights out of one of its Open Skies airfields with respect to observation flights over the Kaliningrad Oblast. There is no legal basis in the treaty for imposing such a sublimit, and all other observation flights out of that airfield are subject to the treaty's standard distance limitation of 5500 kilometers. The practical consequence of this restriction is not to prevent observation of the Kaliningrad Oblast, but to require multiple flights to be able to observe the entire territory of that Oblast. This is, therefore, a legally ill-founded nuisance restriction aimed at discouraging observation of a piece of Russian territory that is of great interest to NATO, sandwiched as it is between NATO members Poland and Lithuania.

Other examples of ill-founded Russian restrictions include:

- Minimum altitude restrictions—Russia imposes a minimum altitude restriction on observation flights over Moscow that limit the amount of data that can be collected. It previously imposed a similar restriction on flights over Chechnya, but lifted this restriction in early 2016.
- Restrictions on flights adjacent to Abkhazia and South Ossetia—Russia prohibits observation flights within 10 kilometers of its border with the Georgian regions of Abkhazia and South Ossetia.
- Improper invocation of *force majeure*—Russia has on occasion improperly invoked the concept of *force majeure* to make changes to observation flight routes, ostensibly due to “VIP movements.”

In addition, Russia has arbitrarily imposed a restriction on exercise by Ukraine of its rights under the treaty. The treaty entitles countries hosting observation flights to charge observing countries for such things as fuel, de-icing fluid, and ground and technical services for their aircraft, and the treaty provides a mechanism for submitting invoices for such costs and settling accounts at the end of each calendar year. In the case of Ukraine, however, Russia has insisted on payment in advance before any observation flight by Ukrainian aircraft from a Russian airfield. As a consequence, Ukraine's last solo observation flight over Russia was in 2014. Meanwhile Ukraine has conducted 20 observation flights over other states party since 2014 with no issues in payment.

Despite these problems, it should be noted that observation flights have continued over Russia, including the first-ever “Extraordinary Observation Flight”, requested by Ukraine

pursuant to the treaty shortly after Russia's intervention in the Crimea, and carried out using a U.S. aircraft.

Overall, therefore, while Russia continues to observe the Open Skies Treaty, it often does not do so in the full spirit of transparency that the treaty was intended to promote.

### Vienna Document

The Vienna Document on Confidence- and Security-Building Measures was first adopted under the auspices of the OSCE in 1990, and updated in 1992, 1994, 1999, and most recently in 2011. As with all previous versions of the Vienna Document, the latest version, Vienna Document 2011 (VD11), is not a treaty, but rather an agreed set of transparency measures that all members of the OSCE have agreed to implement in order to increase confidence within the OSCE region. Among these measures are data exchanges, inspections, and notifications of certain military activities.

The State Department's annual arms control compliance report for 2016, released just last month, stated the following about Russia's compliance with VD11:

The United States assesses that the Russian Federation's . . . selective implementation of certain provisions of VD11 and the resultant loss of transparency about Russian military activities has limited the effectiveness of the CSBMs regime. Russia's selective implementation also raises concerns as to Russia's adherence to VD11.

The report goes on to detail a number of ways in which Russia's behavior falls short of its obligations under VD11. These include:

- Russia's continued occupation and claimed annexation of Crimea, and support to and fighting with separatists in Eastern Ukraine, violates paragraph 3 of VD11, which reaffirmed Russia's commitment to refrain from the threat or use of force.
- Russia has failed to provide information on its military forces located in the Georgian regions of Abkhazia and South Ossetia, as well as on two Russian units located in Crimea.
- Russia has established a pattern of conducting military exercises without properly notifying them as required under VD11, ostensibly because they are "snap exercises", or because it claims they are multiple activities under separate command, when to all appearances they are large-scale activities under unitary command. In a recent case in August 2016, Russia conducted an exercise involving over 100,000 personnel, but only provided advance notice of an exercise involving 12,600 personnel.

- Russia has failed to provide data of several types of military equipment that is obligated to report under VD11, including the BRM-1K armored combat vehicle, the Su-30SM multirole fighter, and the Ka-52 attack helicopter.

Further, Russia has in the past defied efforts by other parties to the Vienna Document to invoke the agreement's mechanism for consultations in the event of unusual military activities. When this mechanism was invoked with respect to Russia's activities involving Ukraine, Russia either failed to provide responsive replies to requests for an explanation of the activities, or, in some cases, boycotted meetings called to discuss the activities.

Russia continues to permit other VD11 inspections and evaluations to take place on its territory, and continues to participate in data exchanges. But Russia's reporting practices—particularly with regard to the notification of military exercises—have given rise to suspicions that, at best, Russia is structuring its activities to evade VD11 reporting requirements, or, at worst, misrepresenting those activities in order to justify not reporting them. Its selective implementation of VD11 is contrary to the spirit of the agreement, and has diminished rather than enhanced confidence among members of the OSCE.

### INF Treaty

The INF Treaty was concluded in 1987, and committed the United States and the Soviet Union to neither possess, produce, nor flight-test ground-launched missiles with maximum ranges between 500 and 5500 kilometers. Pursuant to the treaty, by May of 1991, the United States eliminated approximately 800 INF-range missiles and the Soviet Union eliminated approximately 1800 such missiles.

Negotiated at the height of the Cold War, the INF Treaty contributed to security in the European theater, and was profoundly reassuring to the populations of some of our key NATO allies. It was in many ways a vindication of President Reagan's policy of promoting "peace through strength".

The Obama Administration announced in July of 2014 that it had "determined that the Russian Federation is in violation of its obligations under the INF Treaty not to possess, produce, or flight-test a ground-launched cruise missile (GLCM) with a range capability of 500 km to 5,500 km, or to possess or produce launchers of such missiles." The State Department's annual arms control compliance report for 2016, released just last month, reaffirmed that "the Russian Federation continued to be in violation of its obligations under the INF Treaty." Substantially similar language was included in the State Department's arms control compliance reports published in 2014, 2015 and 2016.

The Obama and Trump Administrations have been somewhat cryptic in describing the precise nature of the Russian violation, due apparently to the need to protect intelligence sources and methods. According to reports that have appeared in the New York Times and Washington

Post, the violation involves a new type of ground-launched cruise missile called the SSC-8, with a range between 500 and 5500 kilometers. When the Obama Administration first announced the violation in 2014, the missile reportedly had been flight-tested, but not yet deployed. Press reporting in February of this year claimed that the missile has now been operationally deployed and is in the possession of two Russian battalions. And while the Obama Administration only formally determined in 2014 that Russia was violating the treaty, it appears that the Obama Administration first came to suspect that Russia was violating the treaty in 2011, and the first test of this missile may have taken place several years earlier.

The Obama and Trump Administrations have attempted to have a dialogue with Russia about correcting the violation of the treaty. This has been a sterile dialogue, however, with Russia professing not to even know what missile the United States is complaining about. This despite the fact that the United States has provided detailed information to Russia about the missile, including Russia's internal designator for the mobile launcher chassis, the names of the companies involved in developing and producing the missile and launcher, and the missile's test history, including the coordinates of the tests. So long as Russia persists in denying the existence of the missile in question, there appears to be little hope of resolving the violation

As with the CFE Treaty, Russia has long been unhappy living under the restrictions of the INF Treaty. The basic Russian complaint is that the treaty applies only to the United States and four successor states to the Soviet Union (including Russia), and therefore leaves every other country in the world free to produce and deploy INF-range missiles. Increasingly other countries are doing precisely that, including many countries located within striking distance of Russia, such as China, Iran, North Korea and Pakistan.

It is a sad irony, of course, that missile technology proliferation from Russia contributed significantly to the missile programs of Iran and North Korea, and that North Korea in turn contributed to Pakistan's missile program. So in fact, Russia's complaint is in significant part of its own making.

As early as 2005, Russian Defense Minister Sergei Ivanov raised with Secretary of Defense Donald Rumsfeld the possibility of Russian withdrawal from the treaty. President Putin lamented in 2013 that "nearly all of our neighbors are developing these kinds of weapons systems," and asserted that the decision to sign the treaty was "debatable to say the least." I know from my own conversations with Russian officials during my time in government that they would like to get out from under the INF Treaty.

Certainly this underlying unhappiness with the INF treaty helps explain why Russia has been willing to violate it. In discussing how to respond to this violation, we need to recognize that Moscow would welcome a decision by the United States to terminate the treaty, because that would relieve them of the need at some point to do so. The Obama Administration's decision to leave the INF treaty in place despite Russia's testing of a missile prohibited under the treaty was

no doubt motivated, at least in part, by a desire not to reward Russia for its violation. However, as the nature of the violation has shifted from testing a prohibited missile to operationally deploying that missile, the United States will find it increasingly hard to overlook the violation.

### Concluding Observations

A clear pattern emerges when one looks at Russia's implementation of its arms control obligations overall. Moscow will comply with such agreements so long as it judges them to be in Russia's interest. But to the degree Moscow concludes such agreements have ceased to serve its interest, it will seek to terminate them (CFE Treaty), violate them while continuing to pay them lip service (INF Treaty), or selectively implement them (Open Skies Treaty and Vienna Document).

Such actions are, of course, destructive to the sense of confidence and security that CSBMs are intended to promote. But Russia believes that this is how great powers are entitled to act, and today Moscow insists on acting and being respected as a great power.

The underlying problem appears to be the Russian leadership's belief that security in Europe is a zero-sum game; that gains in the security of Russia's neighbors can only come at the expense of Russian security, and that Russia can improve its security by diminishing the security of its neighbors. This mindset is, of course, completely contrary to the premise of the existing arms control and CSBM architecture of Europe, which holds that security in Europe is a positive-sum game, and that all countries will be more secure to the degree their neighbors are also more secure.

We have a new President who came to office determined to work out a new and more positive relationship with Russia. He appears to believe—correctly in my view—that there are no fundamental conflicts between America's vital national interests and Russia's. The greatest challenges to both of us are the same, including the threats of jihadism and a rising China that increasingly sees itself as a hegemon in Asia, if not beyond. Indeed, one could argue that, comparing Russia's geography to our own, these are even greater threats to Russia than to the United States.

Viewed through the prism of core national interests, it is indeed a great tragedy that the United States has been unable to establish a stronger security partnership with Russia since the end of the Cold War. We can content ourselves that the fault for this lies much more on the Russian side than on our side, but pointing fingers does not move us closer to building the kind of partnership our shared core interests suggest we should have. So it is my hope that President Trump succeeds in persuading the Russian leadership that security in Europe is in fact a positive sum game, and that Russia will be safer and more secure to the degree its immediate neighbors in Europe are also more secure.

Whether it happens during the Trump Administration, or at some point further in the future, I am confident that Russia eventually will discover that its true national interests lie in cooperating with the other members of the OSCE rather than seeking to intimidate them. Until that time comes, however, we must be clear-eyed about the challenges we face. We have to deal with Russia as it is, rather than how we wish it to be.

I thank you for holding this hearing, and look forward to responding to your questions.