

The Prospects for ABM Treaty Modification

Alexander Pikayev
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Since August 1999, the US-Russian START III/ABM Treaty talks have not shown evidence of any progress. At these talks, Moscow consistently refused discussing modification of the Anti-Ballistic Missile (ABM) Treaty to permit US deployment of a limited National Missile Defense (NMD) aimed at protecting US national territory from missile attacks by potential nuclear proliferators. In turn, the United States refuses to commence formal START III negotiations until the 1993 START II agreement enters into force.

The deadlock can be explained by a variety of reasons, some unrelated to strategic arms control, including:

1. Moscow's security concerns;
2. divisions in Russia between "arms controllers" and emerging supporters of a unilateral approach to dealing with new security challenges; and
3. Moscow-Washington political disagreements and Russia's domestic electoral politics.

Security Concerns

Russian military officials often stress that ABM Treaty modification is not necessary for coping with potential and limited missile threats from countries such as North Korea. Theater anti-missile systems currently under development like Naval Theater-Wide could be routinely deployed in the Sea of Japan and intercept primitive North Korean missiles on the boost phase of their flight trajectory. Other systems like Theater High-Altitude Area Defense (THAAD)--the Pentagon successfully tested its prototype in summer 1999--could hit such missiles on the final stage of their flight.

Developing, testing and deploying theater missile defenses (TMD) is not prohibited by the ABM Treaty. Moreover, in September 1997 Russia and the United States concluded so-called demarcation agreements to the ABM Treaty, which defined anti-missile tests permitted and not permitted by the Treaty. In fact, the agreements recognized all such tests as legal unless the velocity of a target missile exceeds 5 km/sec. This gave the go-ahead for all US TMD programs. At that time, the demarcation agreements were considered a significant concession from the Russian side, since they imposed very high ceilings for permitted tests--thus allowing a future large-scale US TMD to become a base

for nation-wide ABM with limited capabilities to hit strategic ballistic missiles. This is precisely what Washington currently seeks through its proposals to modify the ABM Treaty.

Therefore, there are suspicions in Moscow that the United States has something else in mind than defending its national territory from potential Third World proliferators. Current levels of Russian strategic nuclear forces are large enough to penetrate through a potential limited US NMD. However, for economic reasons, their size will significantly decline in the future. Some experts even predict that it might drop lower than a thousand deployed strategic warheads. Furthermore, as a result of new waves of NATO eastward enlargement and US dominance in submarine warfare, Russian nuclear forces will become increasingly vulnerable to a potentially disarming first strike. As a result, a classic situation of instability would emerge: the Kremlin would fear that its future modest nuclear forces could be considerably reduced in a first strike, and the retaliatory strike--made by the few surviving weapons--could be successfully intercepted even by a limited and relatively ineffective US NMD. "Use it or lose it" incentives could threaten strategic stability.

Another set of security concerns is related to China. In reaction to US plans to deploy an NMD together with a TMD in the Western Pacific, Beijing has adopted a \$10 billion package for nuclear buildup. China possesses only about two dozen missiles capable of hitting targets in North America, meaning they could be intercepted by even a modest NMD. In order to maintain the credibility of its nuclear deterrent, China will have to significantly increase the number of those forces.

These developments would be detrimental not only for the US, but for Russia as well. Currently, the Chinese conventional weapon predominance vis-à-vis the vast but underpopulated Russian Far East is balanced by Moscow's superiority in nuclear weapons. China's nuclear buildup might considerably erode this superiority, further weakening Russia's position in the Far East.

Military Response Versus Arms Control

Russia faces a fundamental dilemma in its attitude towards ABM Treaty modification. Advocates of a cooperative approach argue that although Treaty modification is undesirable, Moscow possesses few means for preventing the United States from withdrawing from it unilaterally. However, through a cooperative approach Russia might try to influence US ABM decision-making and keep NMD deployment transparent and verifiable. Also, it might be possible to sell the agreement to modify the Treaty in exchange for Washington's acceptance of correcting START II mistakes (e.g., the ban on MIRVed ICBMs) by negotiating a new and "better" START III Treaty. Some supporters think that ABM Treaty modification could open the door for US-Russian cooperation in the anti-missile area, while providing additional contracts for Russia's cash-starved defense industry.

According to opponents, Russia's recent subjective and objective weaknesses prevent it from gaining fair deals through any negotiations. They argue that asymmetric US-Russian relations leave Moscow with little opportunity to convince Washington to meet Russia's requirements. As a result, in their opinion, the negotiations in the 1990s led to unequal agreements, through which the United States obtained almost everything it wanted. At the same time, Russia had to accept too many unnecessary obligations, the implementation of which is becoming more and more detrimental to the country's security, while gains were minimal. For instance, they refer to the START II Treaty, the ABM demarcation agreements, Russia's adherence to the Missile Technology Control Regime (MTCR), the NATO-Russia Founding Act and, most recently, settling the conflict in Yugoslavia--particularly the conditions for participation of the Russian contingent in KFOR. Thus, they suggest that Russia refuse to engage in certain elements of bilateral arms control and, instead, concentrate on unilateral military and political measures to deal with emerging security challenges.

The opponents' arguments are not completely groundless. However, in most cases Moscow's unilateral concessions were made not only because of its relative weakness, but also due to the collapse of the national decision-making process and resultant inability to form credible negotiating positions, as well as a lack of skillful and consistent tactics during the talks. To refuse all cooperation because so little was achieved during various important negotiations in the 1990s looks like cutting off one's head in reaction to a bad haircut. Nevertheless, the idea that reaching no agreements could be better than reaching 1990s-type treaties is rapidly gaining strength among important sectors of the Russian ruling establishment.

Militarily, US NMD deployments would force Russia to take necessary countermeasures, including maintaining higher ceilings for its nuclear forces, and keeping MIRVed ICBMs, which are considered the best means of penetrating ABM systems. The last requirement is incompatible with the START II Treaty, which bans MIRVed ICBMs. In addition, the treaty implementation deadline (by the end of 2007) also prevents keeping higher force levels through extending service time of the most modern existing ICBMs. Moreover, a need to maintain stability in the Far East could increase interest in theater nuclear systems capable of hitting targets in Asia. This might lead to a Russian reevaluation of the 1987 US-Russian INF Treaty prohibiting land-based missiles with a range from 500 to 5,000 km.

Reflecting these calculations, some in the Russian military (in a quite unprecedented way) have threatened that if the US withdraws from the ABM Treaty, Russia would not only not ratify START II, but also would withdraw from the START I verification regime and even from the INF Treaty. In fact, these views were endorsed by former President Yeltsin himself in his letter addressed to President Clinton and handed to him during the Oslo summit in early November 1999. Yeltsin reportedly stated that US NMD deployments could destroy the whole nuclear arms control regime.

Hawkish statements were accompanied by a discussion in the media of possible countermeasures against a potential US NMD. Authoritative military sources said that the

response will be asymmetric: the NMD will be countered not by symmetric Russian Ballistic Missile Defense (BMD) deployments, but by modifying strategic offensive forces. Among these, the military has mentioned MIRVing of the new Topol M (SS-27) ICBM, which is currently deployed in the START II-compatible single warhead mode. Moscow might also stop abiding by the unilateral Gorbachev pledge to keep 36 rail-mobile ten-warhead SS-24 ICBMs on station, and instead resume their patrolling. For maintaining higher force levels, the lifetime of (existing) most modern ICBMs could be prolonged.

In 1999 one could foresee increased activity in the strategic nuclear area. In July a Federal Law on Financing Strategic Nuclear Forces was adopted, which guarantees financing of those forces for the foreseeable future. Despite additional pressure on the defense budget, caused by unplanned expenditures for KFOR and the Chechen war, in December 1999 the second regiment of Topol M's was deployed as scheduled. In June of that same year, the Topol M had been successfully tested with a warhead making a side maneuver (the technology aimed at avoiding anti-missile interception during the final phase of the flight trajectory). In November, for the first time since 1993, Russia conducted a test of its endo-atmospheric version of an A-135 strategic anti-missile interceptor. The test was held at Sary Shagan test range located near Lake Balkhash in southeastern Kazakhstan. Reportedly, the test--made in accordance with ABM Treaty restrictions--was used for upgrading missiles' capabilities to penetrate BMD.

Two practical steps have been taken in order to maintain higher force levels as an important countermeasure against a potential NMD. In 1999 Russia suddenly resumed talks with Ukraine on purchasing strategic bombers that remained on Ukrainian soil after the Soviet collapse. Similar negotiations in 1997 were halted because Moscow decided it was "impractical" to buy those aircraft, which appeared in poor condition due to Ukrainian mismanagement. But in fall 1999 the new talks were successfully concluded, and eight Tu-160 Blackjack and three Tu-95 MS Bear were purchased by forgiveness of \$250 million of Ukrainian energy debt. It would not only help to keep higher ceilings, but could enforce capabilities available for circumventing anti-ballistic missile systems aimed at hitting ballistic missiles but not aircraft. There are indications that the strategic bombers are resuming at least occasional patrols over the Atlantic and Pacific oceans, which were interrupted by the Soviet collapse. In June, Tu-95 aircraft conducted a raid towards Alaska and Iceland. In 2000 Tu-160 are expected to renew their flights for Cuba along the eastern coast of the US.

More importantly, Russia announced in October resumed production of SS-N-23 SLBMs. Those missiles were initially tested with ten warheads, but were deployed with only four. Thus, their resumed production should be understood in the context of higher ceilings as well. Deployment would permit Russia to maintain its rapidly shrinking sea-based leg of the strategic triad. In addition, possible future uploading of those missiles would increase the number of warheads that the potential NMD should intercept. And finally, if SLBMs fly on depressed trajectories from unknown directions, the task of intercepting them becomes more difficult.

The Russian Domestic Context

In the 1990s deadlocks in various bilateral talks (e.g., the 1997 demarcation agreements, or resumption of ABM/START talks in 1999) were solved during summits between the US and Russian presidents. This might appear to provide some basis for believing that the recent disagreement on ABM Treaty modification might finally be settled at one of the meetings between the US and Russian Presidents in the near future--before the Clinton administration would have to make its decision on NMD. However, developments in late 1999 make this prospect more doubtful.

Until 1999 the West was considered as a vital source of support for the Yeltsin regime. Scandal around Russian money laundering via the Bank of New York, where key members of the regime were allegedly involved, together with the reported freezing of some of Russia's VIP bank accounts in Switzerland, led to a radical change in the Kremlin's perception of the West. These scandals not only severely complicated the regime's position before the Duma elections held in December, but brought into question the West's role as a potential safe haven if the situation inside Russia develops negatively. Thus, since summer 1999 the West is increasingly perceived as a challenge to the regime's survival during and after the crucial period of transition towards a post-Yeltsin Russia. As a result, the Kremlin's willingness to make unilateral concessions has sharply declined.

After Kosovo and in reaction to Western criticism of the war in Chechnya, Russia's public opinion is becoming increasingly anti-Western. These feelings were actively exploited during the December electoral campaign, and will be in February and March, as well. Widespread anti-Western sentiment considerably limits the field of maneuvering for pro-Western groups. In December 1999, parties and individual candidates who vigorously used nationalist rhetoric won a decisive victory during the Duma elections. The early resignation of President Yeltsin, announced on December 31, 1999, deprived Washington of a Russian leader firmly committed to cooperation with the West, who perhaps was too ready to make friendly gestures towards the United States. In fact, the resignation demonstrated the collapse of not only Yeltsin's economic reforms, but his foreign and security policy as well.

It is not surprising that Vladimir Putin--the chosen successor--must disassociate himself from the pro-Western policy of the 1990s. His background gives reason to doubt that he will be as personally committed to close relations with the United States as was his predecessor. Moreover, Putin reached high levels of public approval by pursuing a hawkish political course. He will have to maintain his tough-leader image at least until presidential elections in late March 2000. Until the elections, therefore, it might be quite politically dangerous for him to adopt a more conciliatory stance on ABM Treaty modification.

Decision-making on arms control issues in 1999 shifted towards the military, which enjoys a growing domestic political role and popularity due to what the Russian public perceives as a relatively successful operation in Chechnya and the dash to the Pristina

airport during the last days of the Yugoslav campaign. For similar reasons, a balance of power inside the military establishment increasingly favors more conservative and anti-Western groups. There are grounds to believe that the military has become strong enough to block any decisions they oppose, including ABM Treaty modification.

Is There Hope?

At the moment, the combination of anti-Western resentment on the part of the public and the political establishment, together with the growing domestic role of the military, effectively precludes any real progress in the ABM Treaty modification talks. However, some hopes could emerge from the March Presidential elections. If Washington keeps a door open, the new Russian President should be interested in establishing a base for his relations with the United States for the next four to eight years. Theoretically, ABM Treaty modification could be considered a possible basis for achieving a more favorable attitude from the Clinton administration. At minimum, some Russian politicians have hinted that they are ready to look at ABM Treaty modification as a bargaining chip for gaining political support from Washington. For instance, during a meeting between Putin and US Secretary of State Madeleine Albright held in Moscow in late January 2000, the new Kremlin boss did not reject the idea of treaty modification as bluntly as he dismissed US appeals to change Russia's policy in Chechnya.

Nevertheless, so far Vladimir Putin has carefully avoided making any clear promises on ABM Treaty modification. Besides his personal views, which most likely are not very strong anyway, his freedom to maneuver on the issue is strictly limited by his delicate relations with the military--the most vocal opponents of modification. However, at the very beginning of his interim presidency, Putin made certain efforts to reverse the gradual transfer of decision-making authority to the military. As early as a week after his nomination, he signed a new National Security Concept. In fact, it was an important message sent to the military and others in the security establishment that basic foreign policy and security decisions will be made by the political leadership. This shows that after the elections, the Kremlin will reclaim a principal role in defining Russia's position on issues like ABM Treaty modification and, in principle, it will again be able to contain criticism coming from the military. Nevertheless, the question remains open on how long it will take for the Kremlin to consolidate its power and, more importantly, whether it will prefer to change Russia's recent opposition to modification. START II ratification alone might be valued as sufficient for demonstrating the good will of the new administration.

President Yeltsin's early resignation has stabilized the national decision-making mechanism by preventing its further decay. To a degree, this has improved the environment for US-Russian dialogue, since Washington can now deal with a less fragmented power structure in Moscow. At the same time, a better functioning decision-making system may preclude Yeltsin-like easy concessions and could transform Russia into a much more difficult negotiator. In this respect, the Kremlin's attitude towards ABM Treaty modification might become either the last example of the 1990s "arms-control-for-

love" policy, or the first case of tough negotiations and bargaining. The latter option makes possible both achievement of a deal or falling into unilateralism (with the associated collapse of bilateral strategic arms control).

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