

A History of the ABM Treaty in Russia

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In the current debate about the future of the ABM treaty, Russia's official position is that the treaty is "the cornerstone of strategic stability" and therefore an attempt to modify it would destroy the foundations of US-Russian nuclear arms control. Although Russian officials claim that this official position has never changed, a closer look reveals that Russia's attitude toward the ABM treaty has undergone a number of changes in recent years.

It is also interesting to look at the history of negotiations on demarcation between strategic and non-strategic systems, for it reflects the inconsistency between the Russian and US approaches to the issue. It also shows that Russia and the United States share responsibility for the current uncertainty over the future of the ABM Treaty.

The Soviet Union and the ABM Treaty

If we look at the first fifteen years of the ABM treaty history, we will find out that as a rule it was the Soviet Union that was on the defensive. The United States repeatedly raised questions about Soviet compliance with the treaty, although most problems fell into "gray" areas of the treaty. To eliminate these, the United States and the Soviet Union worked out a number of agreed statements that regulated the disputed issues, such as "testing in ABM mode."

In 1983 the United States announced the Strategic Defense Initiative (SDI) ballistic missile defense program, which for a long time became the focus of the ABM Treaty debate. Later that year the United States accused the Soviet Union of a gross violation of the ABM Treaty, pointing to the early warning radar at Krasnoyarsk. Other charges, such as alleged ABM capabilities of Soviet air defenses, were later added.

The Soviet Union countered the non-compliance accusations with similar charges. US-Soviet relations were already at a very low level, however, so nothing could really worsen the situation. As for the SDI program, the Soviet Union expressed its strong disapproval and indicated its intention to see a ban on space-based defenses.

The problem of ABM Treaty compliance received renewed attention in 1985. The US administration introduced a "broad" interpretation of the ABM, according to which development and testing of systems based on other physical principles is allowed until

the parties agree on specific limitations. According to the traditional "narrow" interpretation, such development and testing is prohibited, although it could be allowed should the parties agree to specific terms.

The Soviet Union expressed strong disagreement with the broad interpretation of the treaty and intensified its campaign against space-based missile defenses. The favorite Soviet catchphrase of the time was "the ABM Treaty should be preserved as signed in 1972." The exact meaning of this phrase is unclear, for the 1974 Protocol to the Treaty changed its provisions quite substantially. But it was understood to mean that the Soviet Union insists on the "narrow" interpretation.

It should be noted that eventually the proponents of the narrow interpretation prevailed, due not so much to the Soviet Union as to the US Senate, which saw the issue of narrow vs. broad interpretation as an important precedent of the executive branch interpreting international agreements without senate consent. The senate prevailed in the dispute, confirming its exclusive right to interpret treaties. Of course, the Soviet opposition to the broad interpretation played an important role in the senate's decision to enter the dispute. At the same time, if it was not the US senate, the Soviet Union would have had serious problems keeping the treaty within the framework of the narrow interpretation.

At the Reykjavik summit, the Soviet Union suggested a ten-year moratorium on withdrawal from the ABM Treaty. The moratorium was linked to the proposal of an immediate 50 percent reduction of strategic forces and elimination of all nuclear weapons by the end of the ten-year period. The idea of a withdrawal moratorium was picked up by the United States and brought up several times after the Reykjavik summit. However, the Soviet Union apparently lost interest in it. It is quite possible that the Reykjavik proposal was a propaganda move that was not approved by the Soviet military.

The lack of understanding on the future of the ABM Treaty was holding back progress at the strategic arms reductions talks (START). The stalemate ended in September 1987, when the Soviet Union dropped the linkage between the ABM treaty and the arms reduction talks. However, when the START I treaty was eventually signed in 1991, the Soviet Union made a unilateral statement, which stated that "This Treaty [START I] may be effective and viable only under conditions of compliance with the [ABM Treaty], as signed on May 26, 1972." This unilateral statement still remains the strongest legal foundation of the current Russian position about the linkage between the ABM Treaty and nuclear disarmament.

In January 1991, the SDI program was reoriented toward a much more modest goal. Unlike SDI, the new system, nicknamed GPALS (for Global Protection Against Limited Strikes), was supposed to counter a limited attack that could result from an accidental or unauthorized launch. The shift of the goal reflected a change in priorities, for the primary US concerns of that time was not a deliberate full-scale Soviet attack, but rather a launch of a small number of weapons as a result of Soviet central authorities' losing control over the country's nuclear forces.

This concern was reinforced by the events of August 1991, when the question of authority over strategic forces was unclear for several days. In reaction to these events, the US administration put forward a unilateral initiative that aimed at reducing alert levels of strategic forces and accelerating disarmament. In addition to that, in his September 27, 1991 address, President Bush called upon the Soviet Union to "join [the United States] in taking concrete steps to permit limited deployment of non-nuclear limited defenses." The United States proposed broad cooperation with the Soviet Union and agreed that the suggested defense should not undermine the deterrent capabilities of both sides.

Neither the limited nature of the suggested defense system nor the call for cooperation was news for the Soviet leadership. However, it always rejected such proposals on the ground that no defense could be limited and no US proposal on cooperation could be taken seriously. This time, however (for no apparent reason), the Soviet president took a different approach.

In his address of October 5, 1991, President Gorbachev stated that the Soviet Union was ready to "discuss the US proposal on non-nuclear ABM systems." He also suggested a discussion of "the possibility of developing joint early warning systems with land- and space-based components." This was the first time ever that the Soviet Union agreed to discuss a system that would violate the ABM Treaty.

The Soviet Union did not last long enough to implement this new policy of missile defense cooperation with the United States. However, this statement indicated a somewhat unexpected change in the Soviet attitude toward missile defenses. This change fully revealed itself just a few months later.

The New Russia is Enthusiastic about Missile Defense

The first major policy statement of the new Russian leadership was President Yeltsin's Address to the UN Security Council on January 31, 1992. He confirmed that Russia considers the ABM Treaty "an important factor of maintaining strategic stability in the world." At the same time he said that "[Russia is] ready to develop, then create and jointly operate a global defense system, instead of the SDI system."

Soon after this statement, Russia began to seriously explore the idea of building some kind of a joint US-Russian system, whether a missile defense or an early warning one. This enthusiasm is not very difficult to explain, for Russia was very keen on anything that would facilitate a partner-like relationship with the United States.

Among interest groups that supported the idea of Russia's participation in a joint missile defense project, were space industry and enterprises and institutions involved in missile defense development and production. Lacking state support they had during the Soviet times, many military industry enterprises sincerely believed that the United States could provide them with contracts. The United States, on the other hand, was also interested in

maintaining at least the appearance of cooperation. It was believed that in some cases Russian technology could help reduce the exorbitant cost of missile defense programs. These hopes never materialized, partly because the United States was never really interested in Russian technology, and partly because neither side was ready to deal with the immense bureaucratic problems of cooperation.

The idea of cooperation materialized as a Russian proposal of a Global Protection System, which appeared in summer 1992. At the June 1992 summit the presidents of the United States and Russia signed a statement on a Global Protection System. The statement said "...it is necessary to start work without delay to develop the concept of the GPS [Global Protection System]." Quite naturally, the statement provided for "...cooperation in developing ballistic missile defense capabilities."

The most interesting part of the statement dealt with the ABM treaty. It called for "... development of a legal basis for cooperation, including new treaties ... and possible changes to existing treaties ... necessary to implement a Global Protection System." Although Russian officials would not admit it, this statement implied that Russia is ready to negotiate changes to the ABM treaty.

The statement on Global Protection System made its way to the START II Treaty preamble, which says that the parties to the START II treaty are "mindful of ... the provisions of the Joint Statement on a Global Protection System signed ... on June 17, 1992." The ABM treaty is mentioned only with connection to the obligation to reduce nuclear offensive arms included in Article XI of the ABM treaty.

Following the June 1992 joint statement, the United States and Russia formed a "high-level group to explore on a priority basis" the concept of global defense and "possible changes to the existing treaties." This group met on 21-22 September 1992 to discuss a US proposal that would eliminate most of the ABM Treaty constraints and permit the parties to deploy space-based defenses in ten years. Nothing is known about a Russian response to this proposal, but since it did not mention any cooperative measures, the proposal probably was not very well received.

The new democratic administration was not enthusiastic about Star Wars plans, even in their reduced, limited-defense form, and emphasized its intention to stay within the framework of the ABM Treaty. Shortly after taking office, President Clinton announced that the GPALS program will be restructured to be oriented toward development of defenses against short and medium-range ballistic missiles. In July 1993 the administration confirmed the narrow interpretation of the treaty.

Among the programs that received a boost as a result of the new US missile defense policy was the THAAD (Theater High-Altitude Area Defense) missile defense program. A compliance review, undertaken by the Pentagon in 1993, showed that testing this system would not be compliant with the ABM Treaty limits as they were understood at that time. To permit testing of this and other systems, the United States suggested

negotiating a so-called demarcation agreement that would separate strategic missile defenses (prohibited by the treaty) from non-strategic (permissible) ones.

Demarcation Talks

The Standing Consultative Commission (SCC) began formal discussion of the demarcation agreement in November 1993. The United States proposed to define a non-strategic system as one not tested against a target whose speed exceeds 5 km/sec. The proposal did not say anything about real or potential capabilities of theater defenses. Neither did it mention capabilities of sensors or set limits on their deployment.

The Russian response, delivered at the January 24 - February 4 session of the SCC, insisted on including limits on system capabilities in addition to the restrictions on testing proposed by the United States. Russia proposed setting a limit on interceptor speed--3 km/sec --and indicated that it would like to see other parameters for theater defenses, such as radar potential, number of interceptors and their deployment areas.

The interceptor speed limits suggested by Russia would have allowed the United States to test the THAAD system, but would have prevented development of other systems. Russia then changed its proposal, suggesting more relaxed limits for sea- and air-based defenses, but the United States rejected these proposals anyway.

The United States also objected to any proposals to limit the number of interceptors or their deployment areas. Although these limits would not have made any difference due to the high mobility of the theater defense systems, Russia was insisting on discussing them, only to meet US rejection.

The initial exchange of negotiating proposals was completed by August 1994, by which time it became clear that agreement would not be reached quickly. By that time, the Russian parliament started to raise serious questions about START II treaty provisions and "real" US intentions about missile defense. After a number of publications drew attention to the potential strategic capabilities of theater defenses, Russia began to suspect the United States of wanting to use theater missile development to circumvent the ABM treaty.

Russian concerns were heightened by the "Contract with America" election platform of the Republican party, which advocated accelerated development of strategic missile defense, and the Republican party's success in the congressional elections of September 1994.

In 1995 both sides began feeling pressure to reach an agreement. The United States needed it to proceed with testing its TMD systems and to counter criticism from the Republican-dominated congress. In Russia the Duma demanded a demarcation agreement as a precondition of START II ratification. By 1995, enthusiasm for US-Russian cooperation had faded and when Yeltsin submitted the START II Treaty to the Duma on

June 20, 1995, he wrote in the accompanying letter: "Implementation of the [START II] treaty is possible only if the ABM Treaty is preserved in the form it was signed in 1972."

Although both parties needed an agreement, the approaches they took to reach it were rather different.

The United States eventually adopted a tactic of bypassing the expert talks at the SCC and bringing the issue to the presidential level. The problem of demarcation and the ABM Treaty was discussed at every summit meeting, coining a phrase "the ABM treaty is a cornerstone of strategic stability."

Since the demarcation talks failed to produce any result, the United States in January 1995 unilaterally declared the THAAD system treaty-compliant, reversing the previous assessment. In April 1995 the Pentagon concluded that another TMD system--Navy Upper Tier--is treaty-compliant as well. Later in April 1995 the United States conducted the first THAAD test.

Russia found itself in an awkward position. If it were not involved in the demarcation talks, it could have filed a formal complaint against the US testing its TMD system, arguing that the test violated provisions of the ABM treaty. Instead, the only thing Russia could do was to accuse the United States of "ungentlemanly behavior" for the beginning of tests before the talks reached any result.

Although Russian officials could not help but notice the lack of progress at the demarcation talks, at some point the START II treaty was made hostage to the demarcation agreement. The Foreign Ministry and the Ministry of Defense convinced the Duma that this agreement would somehow prevent the United States from abrogating the ABM Treaty and deploying its strategic missile defense.

Helsinki Agreement and New York Protocols

Although both administrations realized the need for a demarcation agreement as early as 1994-95, it still took them more than two years to reach it. At a summit meeting in Moscow in May 1995, US and Russian presidents signed a statement that outlined the general principles of a final settlement.

In November 1995 the goal of having a comprehensive agreement that would cover all questions related to distinguishing strategic and non-strategic systems was officially abandoned as the United States and Russia introduced a "framework approach." This was designed to postpone discussion of contentious issues. The new approach was to reach an agreement on the so-called low-speed systems (with interceptor speeds less than 3 km/sec), and to talk about high-speed systems later.

The low-speed systems part of the agreement was to allow development and deployment of any missile defense system that has an interceptor with velocity less than 3 km/sec. There were no restrictions on sensors, number of systems, their basing modes or areas of

deployment. The only limitation was that the system should not be tested against a target that has velocity in excess of 5 km/sec. In short, this was what the US sought for all theater defenses from the very beginning--and was now very close to getting for some systems (and certainly hoped to extend these principles to all remaining TMD systems).

In June 1996 the Standing Consultative Commission finalized an agreement on lower-speed systems. At that time, Russia considered higher-speed systems much more harmful and thus wanted to set much stricter limits on those. For example, the Russian proposal called for a ban on space-based sensors, limits on the number of interceptors and their areas of their development. Bizarrely enough, Russia proposed to include explicit permission of nuclear-tipped interceptors. Needless to say, the United States rejected the Russian proposal.

However, expectation of progress was still high and in September 1996 the Secretary of State and the Minister of Foreign Affairs in a joint statement expressed hope that both parts of the agreement would be ready soon.

The signing ceremony was scheduled for October 31, 1996. However, Russia did not want to sign a lower-speed part of the agreement without the higher-speed part since the United States apparently was not ready to sign the latter on Russia's terms. The signing ceremony was cancelled at the last moment.

An attempt to reconcile these two positions was undertaken at the Helsinki summit in March 1997. Apparently, the United States linked progress at demarcation talks with concessions on other issues, such as extension of the START II treaty implementation period. The result was the Helsinki agreement, which outlined the principles of demarcation. But in fact, the higher-speed part of the agreement was dealt with by "no plans" statements that avoided addressing the real issues. The United States announced that it had no plans to deploy or test any higher-speed agreement before April 1999. Although it was very unlikely that the parties could reach an agreement by then, this move allowed them to declare a victory without actually doing anything.

It took another several months to finalize those agreements. On September 27, 1997, in New York the United States and Russia signed a series of protocols that were supposed to solve the missile defense demarcation issue. As in the Helsinki agreement, the protocols did not solve the most serious problem--that of higher-speed systems and space-based sensors.

Future Prospects

By now the United States has probably realized that demarcation negotiation was not a good idea after all, since without it the US would arguably have had more freedom in its theater missile defense development program. Russia, on the other hand, might have obtained better guarantees against violation of the ABM Treaty.

As the situation stands now, the Russian Duma has made ratification of the New York protocols one of the conditions for START II entering into force by including in the draft ratification language a provision that prohibits exchange of START II ratification documents until the protocols are ratified.

As a result, in addition to being unable to resolve any real problems facing the ABM treaty, the demarcation protocols create additional problems for the START nuclear weapons reduction process. The history of the demarcation agreement gives us one more example of the deterioration of mechanisms that were designed during the Cold War to solve arms control problems. It also shows that the US-Soviet pattern of arms control negotiations does not work in the context of the US-Russian relationship.

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