



The Rt Hon James Cleverly MP
Minister of State
Foreign, Commonwealth and Development Office

9 October 2020

Dear Mr Cleverly,

The Open Skies Treaty and New START

On 2 October, the International Relations and Defence Committee took evidence on the Open Skies Treaty and New START. This letter summarises the key points made to us by our expert witnesses, sets out the Committee's views on actions that the Government should take, and raises a number of questions for your response.

The Committee is grateful to the five witnesses who gave their time to speak to us: Alexandra Bell, Senior Policy Director, Center for Arms Control and Non-Proliferation; Dr Patricia Lewis, Research Director, Conflict, Science & Transformation, and Director, International Security Programme, Chatham House; Ambassador Bonnie Jenkins, Founder and President of the Women of Color Advancing Peace, Security and Conflict Transformation; Lord Browne of Ladyton, former Secretary of State for Defence, and Vice-Chair, Nuclear Threat Initiative; and Rose Gottemoeller, former Deputy Secretary-General, North Atlantic Treaty Organization, and Payne Distinguished Lecturer, Center for International Security and Cooperation, Stanford University.¹

The Open Skies Treaty

Our witnesses emphasised the importance of the Open Skies Treaty. Lord Browne said that “confidence and trust” were essential to strategic stability, and the Open Skies Treaty was “a legally binding, confidence-building measure”. It allowed “the military and representatives of countries in the West and Russia to be in the same space and to work together”.² Ms Bell said it provided “transparency, predictability and stability, which has prevented a return to Cold War levels of fear-driven militarisation and the risk of accidentally sparked war”.³ Ambassador Jenkins said it provided “a mechanism and a vehicle to reduce conflict, or at least to be able to see what was going on on the ground”.⁴

Ms Bell said that the images captured during Open Skies Treaty overflights were “beyond reproach”.⁵ Ms Gottemoeller agreed: “photos are taken on aircraft where both parties are

¹ Transcripts of oral evidence: <https://committees.parliament.uk/oralevidence/976/pdf/> and <https://committees.parliament.uk/oralevidence/977/pdf/>

² Q8

³ Q1

⁴ Q3

⁵ Q1

present, and both parties ... certify that the photos are correct, so they cannot be questioned”.⁶ The OST was also “designed to adapt to new technologies”.⁷

Dr Lewis said that the information gained under the treaty, because it is open and can be shared between states parties, could “be used in a way that often information from satellites and signals intelligence cannot”.⁸ Lord Browne said that the treaty gave states parties “the capability to get a level of transparency and ... get information independently that they can use and rely on to make their own decisions and own those decisions”.⁹ For example, Ambassador Jenkins and Ms Gottemoeller said that information obtained via the Open Skies Treaty had been used to determine that the Russian Federation was massing on the eastern borders of Ukraine in 2014.¹⁰ Ms Gottemoeller stressed the value of the treaty for “military warning”—as in Ukraine in 2014—and also “diplomatic and political messaging”. For example, at the time of the Kerch Strait incident in November 2018, flights over adjacent Ukrainian territory under the treaty had “carried an important political and diplomatic force”.¹¹

Dr Lewis noted that “approximately a third of the flights” had been over Russia and Belarus,¹² and that most overflights were conducted by European states parties.¹³ Ambassador Jenkins said that while the US and Russia already had “ways in which they could ... see what was going on in each other’s territory”, the US’s allies “saw real value” in the Open Skies Treaty. When negotiating the treaty, the US had viewed it as “an opportunity to strengthen our alliance ... and to provide another platform where we could engage with Russia.”¹⁴

Our witnesses acknowledged that there were valid concerns about Russia’s compliance with the treaty.¹⁵ However, Dr Lewis said these were “not ... militarily significant”,¹⁶ and Ms Gottemoeller said Russia was “not violating the treaty in a way that undermines [its] object and purpose”. The issue with flights over Kaliningrad was “technical”, and “we are on the cusp of probably resolving” it. Issues relating to Georgia were “political” and required “bigger resolution”.¹⁷ Witnesses said the Open Skies Treaty contained mechanisms to resolve compliance issues, including a consultative process;¹⁸ “The answer to allegations of non-compliance is not to take away the mechanism that would allow you to deal with them. That is a destructive method that does not work.”¹⁹ Dr Lewis said that the US’s planned withdrawal “allows Russia off the hook as regards compliance”, “throws US allies into disarray”, and “allows Russia the opportunity to stay in the treaty and look good”.²⁰

Witnesses said that if the US leaves as planned in November, this would diminish the treaty, but it would still have value.²¹ They identified a number of issues to resolve: quota

⁶ Q8

⁷ Q1 (Ms Bell) It also includes an accession provision. Q 10 (Lord Browne)

⁸ Q1

⁹ Q8

¹⁰ Q1 and Q8

¹¹ Q8 (Ms Gottemoeller)

¹² Q1 (Dr Lewis)

¹³ Q3

¹⁴ Q1 (Ambassador Jenkins)

¹⁵ Q2 (Ambassador Jenkins, Dr Lewis, Ms Bell) Ms Bell noted that “Russia is allowing flights to overfly Kaliningrad, just not for the flight distances technically permitted under the treaty, but last winter a joint flight between the United States, Lithuania and Estonia actually flew past that sublimit”, a point also made by Ms Gottemoeller. Q8

¹⁶ Q2 (Dr Lewis)

¹⁷ Q9

¹⁸ Q2 (Ambassador Jenkins, Dr Lewis, Ms Bell)

¹⁹ Q9 (Lord Browne)

²⁰ Q2 (Dr Lewis)

²¹ Q10 (Lord Browne and Ms Gottemoeller) Q3 (Ms Bell)

redistribution; investment in aircraft and manpower to compensate for the US's withdrawal;²² replacing the US's financial contribution; how to treat US bases on European soil; work to convince Russia of the value of the treaty without the US; and the need for the remaining states parties to provide a guarantee to Russia that they will not share imagery with the US.²³

Possible UK actions

Ms Bell said that “if our allies want the United States to stay in Open Skies, and if they want Russia to fix the compliance problems, private and public counsel at the highest levels has to happen now”.²⁴ Lord Browne said he “would argue that perhaps some [states parties] have not been making the case for the treaty strongly enough with the current US Administration”. This was “an effort worth making”.²⁵ Ms Gottemoeller said it was “possible ... to continue to work with the Trump Administration to make the case for continuing with the treaty”. She added that “quiet discussions at senior political levels about this matter” between the UK and the US “can be and will be important”.²⁶

Dr Lewis suggested a different approach: “wait until the election and then, singly and collectively, ask for a pause in the proceedings to withdraw” from the Open Skies Treaty. She said that whichever candidate wins, “given that the date of 21 November is the cut-off ... it would benefit everybody if they were to announce a pause for that period”.²⁷ Ms Gottemoeller thought that if Vice-President Joe Biden were to win the election, there would be “interest in continuing the treaty if possible”.²⁸

Ms Gottemoeller said it was also “important” for the UK “to have ... high-level discussions with Russia ... so that it does not try to throw its weight around too much in the process of transition of the treaty, if it occurs”.²⁹

The Open Skies Treaty builds valuable trust and confidence between the 34 states parties to the treaty.³⁰ It is valued by the US's allies. If the US leaves the Open Skies Treaty as planned in November, this will damage the US's interests, by diminishing its influence while enhancing the position of Russia. It will compound the damage to the international rules based system caused by the US's withdrawal from other agreements such as the Joint Comprehensive Plan of Action (the Iran nuclear deal).

The Committee welcomes the intention of the Government, together with other signatories to the Open Skies Treaty, to remain a party to this treaty. As a state party to the Open Skies Treaty, the UK Government should make clear to the US Administration the value that the Treaty has to strategic stability, and the importance that the UK attaches to the US's ongoing participation in the treaty and to pausing its notice of withdrawal if that is possible.

²² In a Written Answer on 22 May, Lord Ahmad of Wimbledon said that the UK has not possessed any Open Skies capable aircraft since 2008 and the UK hires Open Skies aircraft from other states parties. He said there was “no intention to procure an Open Skies aircraft for the future”. <https://questions-statements.parliament.uk/written-questions/detail/2020-05-12/hl4234> HL4234

²³ Q3 (Ms Bell, Dr Lewis) Q10 (Lord Browne)

²⁴ Q3

²⁵ Q10

²⁶ Q11

²⁷ Q7

²⁸ Q8

²⁹ Q11

³⁰ Kyrgyzstan has signed the treaty but not yet ratified it.

The Committee would welcome replies to the following questions:

Q1. What has the UK done to make the case for continued participation in the Open Skies Treaty to the US Administration?

Q2. What is the Government's assessment of the possibility of the US Administration implementing a pause in procedures to withdraw from the Open Skies Treaty after the election?

Q3. In what ways is the Government engaging with the Russian government over the future of the Open Skies Treaty, should the US withdraw as planned?

Q4. Is the UK still using its rights to overfly Russia? We would welcome information on the overflights the UK has participated in over the past six months.

Q5. What engagement is the UK undertaking with other signatories and allies in the context of the US's planned withdrawal? Does the UK have access to the necessary aircraft and sufficient manpower to support overflights should the US leave the Open Skies Treaty next month as planned?

New START

Ms Bell said that “New START has worked” and “provides a predictability and stability that allows for a clear-eyed force structure on both sides. Neither side can buy the kind of intelligence that the treaty provides.”³¹

Dr Lewis described extending New START as an “easy win” for the US and Russia: “To extend in the early part of next year would be feasible and possible, and Russia has indicated that it would.”³² Ms Bell said this was “the best and safest plan ... With a simple exchange of diplomatic notes, we could move past it and focus on more negotiations”.³³ Ms Gottemoeller said that the Trump Administration had “made it clear that they are ready to extend the treaty ... but not for the full five years”.³⁴ Ambassador Jenkins however thought there would be “significant problems” with President Trump on an extension: “the recent discussions did not result in anything particularly positive”.³⁵

Witnesses said the US Administration was putting conditions on extension, including: increasing the verification system;³⁶ keeping the “door open for China to be brought into the next treaty”;³⁷ ensuring the treaty takes account new Russian systems (including the hypersonic glide vehicle, the heavy inter-continental ballistic missile (ICBM), nuclear-propelled systems, and the air-launched ballistic missile);³⁸ and limiting “non-strategic nuclear warheads and non-deployed nuclear warheads”.³⁹

³¹ Q4

³² Q4

³³ Q4

³⁴ Q12

³⁵ Q4

³⁶ Q4 (Ambassador Jenkins)

³⁷ Q12

³⁸ Q12

³⁹ Q12

Ambassador Jenkins said these were “conditions that Russia has pretty much said it does not agree to live by, so we are in a very bad situation”. These new issues would be better discussed in parallel to talks on a New START extension.⁴⁰ Ms Gottemoeller said these proposals were “good”, but would take time and should not be a condition for an extension to New START;⁴¹ Ms Bell thought it “entirely valid to want to deal with emerging technologies in balance between conventional strategic forces, space technologies, artificial intelligence and synthetic biology” in a future treaty, but such discussions would “take time, work and patience”.⁴²

Lord Browne and Ms Gottemoeller said that the two new Russian strategic systems (the Sarmat ICBM and the Avangard hypersonic glide vehicle) will both be covered by New START.⁴³ Lord Browne said that including “novel delivery systems” in a future treaty was “an important goal, and it should be a key negotiating point between Washington and Moscow when we look to a successor to New START”. He also supported separate discussions with China on reducing strategic nuclear arsenals, and including France and the UK in due course.⁴⁴

On the consequences of a failure to extend New START, Ambassador Jenkins said it would lead to “an even more contentious discussion” at the 2021 Review Conference (RevCon) of the Nuclear Non-Proliferation Treaty (NPT).⁴⁵ Dr Lewis said “a lack of commitment to arms control and disarmament on the part of the larger powers ... will eventually filter through to a lack of commitment to preventing proliferation in the NPT”.⁴⁶ Ms Bell said that if the US and Russia did not extend New START, it would “be seen as a direct affront to their obligations under Article VI of the NPT” (on disarmament) and “undermine the treaty further”.⁴⁷

Possible UK actions

Ms Gottemoeller thought “it could still be effective [for the UK] to try to reach out quietly and speak to the White House at this time as well as to the Kremlin”. The UK was “well regarded in both capitals, so that can have some influence”. She also saw the P5 process as an opportunity for the UK to exercise leadership.⁴⁸

Lord Browne endorsed the conclusion of the (then) International Relations Committee in its April 2019 report, that “the Government should make clear to the US Administration the value the UK attaches to this treaty being extended beyond 2021 and its importance to Euro-Atlantic security”.⁴⁹ He said the Government should “do that publicly, privately and repeatedly, and they need to get allies from NATO and other countries across the world that have an interest to join us in doing it.”⁵⁰ Ms Bell said she was “not able to find any recent statements from UK officials about the need to extend New START”. In comparison, “Other Heads of State, from France to Finland, have been very vocal in their support for the treaty, so the UK’s absence, at least from the public conversation, is a bit striking”.⁵¹

⁴⁰ Q5

⁴¹ Q12

⁴² Q5

⁴³ Q12

⁴⁴ Q12

⁴⁵ Q6

⁴⁶ Q6

⁴⁷ Q6

⁴⁸ Q14

⁴⁹ International Relations Committee, *Rising nuclear risk, disarmament and the Nuclear Non-Proliferation Treaty* <https://publications.parliament.uk/pa/ld201719/ldselect/ldintrel/338/338.pdf>

⁵⁰ Q14

⁵¹ Q7

Dr Lewis said that “just because there are no statements in public”, she did not assume that the UK had not advocated for the continuation of New START. Both the US presidential candidates “would benefit greatly from extending” the treaty, and the key point for the UK to emphasise was the value of an extension of New START to risk reduction.⁵² She thought that “we can probably afford to wait to see if we can get an extension until we know the outcome of the election.”⁵³

We reiterate the conclusion of the (then) International Relations Committee in its report, *Rising nuclear risk, disarmament and the Nuclear Non-Proliferation Treaty*, published in April 2019, that “The possible continuation of New START is a decision for the US and Russia, but the Government should make clear to the US Administration the value the UK attaches to this treaty being extended beyond 2021 and its importance to Euro-Atlantic security” (paragraph 373).⁵⁴ We urge the Government to do this, if it has not already done so.

The Committee would welcome replies to the following questions:

Q6. What is the Government’s current assessment of the importance of the extension of the New START Treaty between the US and Russia to strategic stability?

Q7. What is the Government’s assessment of the implications of a failure to extend New START on the RevCon of the NPT in 2021? How will the Government be approaching the RevCon in this regard?

Q8. Has the Government raised with the US Administration the value it would see in the extension of the New START Treaty? We note that the Foreign Secretary met the US Secretary of State last month: did he raise the desirability of the extension of the New START Treaty at this meeting?

We look forward to your prompt response to these questions.

I have copied this letter to Baroness Goldie, Minister of State, Ministry of Defence.

Yours, as ever



Baroness Anelay of St Johns
Chair, International Relations and Defence Committee

⁵² Q7

⁵³ Q4

⁵⁴ International Relations Committee, *Rising nuclear risk, disarmament and the Nuclear Non-Proliferation Treaty* <https://publications.parliament.uk/pa/ld201719/ldselect/ldintrel/338/338.pdf>