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Baroness Anelay of St Johns
Chair, International Relations and
Defence Committee
House of Lords
London
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5 November 2020

Dear Baroness Anelay,

THE OPEN SKIES TREATY AND NEW START

Thank you for your letter of 9 October on The Open Skies Treaty and New START. You posed a number of questions. I will respond to each in turn.

The Open Skies Treaty

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

As soon as it became apparent that the US were considering withdrawing from the Treaty in October 2019, we increased our engagement with the US Administration. We have held discussions from expert level right through the system up to and including at Cabinet Minister level, to understand US concerns and explain the UK position in support of continued participation. Officials met their counterparts in Washington DC that month, and the Defence Secretary and the then National Security Adviser both raised the topic with their US opposite numbers. At US request, we set out our position in writing at official level alongside other States Parties. We have been clear throughout that the UK remains committed to the Treaty, for the reasons your witnesses set out.

It is nevertheless important to be clear that the US concerns about the functioning of the Treaty, and in particular about Russia's non-compliance, are legitimate. The onus is on Russia to change its approach if the Treaty is to continue to deliver transparency and risk reduction benefits, even after the US departure. Officials have been engaging with Russian experts and policy makers in London, Moscow and Vienna to clearly deliver this message.

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?

The terms of the Treaty make no provision for "pausing" a notice of intention to withdraw. When a State Party decides to withdraw they select a date for doing so, with six months' notice being the minimum permitted. The US Administration set the date at 22 November, within the term of office of the current Administration. In theory the US Administration could revise the date they have proposed (currently 22 November) to propose a new date, further into the future. This would, however, require a request to be drafted, tabled, and agreed by consensus at the Open Skies Consultative Commission (OSCC) in Vienna.

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?

While the Government agrees with your witnesses that repeated Russian non-compliance with the Treaty does not necessarily fatally undermine its utility, it remains a matter of deep concern and we engage frankly with the Russian government on this topic. The senior responsible official in London meets regularly with Russian diplomats to discuss it, our ambassador in Moscow has raised the topic at a senior level, and our Ambassador to the OSCE has repeatedly spoken in that forum to call on Russia to amend its behaviour. We have made clear to Russia that we support the Treaty, see it as mutually beneficial, and are committed to its continued implementation, but that Russia must adjust its approach to ensure the Treaty retains its value.

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.

The UK has not carried out or participated in any Open Skies flights in 2020. This is because all of our Conventional Arms Control activity has been postponed due to the COVID-19 pandemic. Many other Open Skies Treaty States Parties have taken a similar approach. This is kept under constant review, and overflights will resume as soon as it is safe.

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?

We are working closely with those Allies and partners remaining in the Treaty. On 5 October we participated in the annual Open Skies Quota Conference, which reallocated those overflights made available by the US withdrawal (though the formal withdrawal date has not yet passed, the US has not participated in any recent flights and has not bid for future slots). The financial implications, and some technical and management issues, are still being considered through the Open Skies Consultative Commission (OSCC).

The termination of access to its Open Skies aircraft will be one of the most immediate practical implications of US withdrawal from the Treaty. However, Bulgaria, Canada, France, Romania, Sweden and Ukraine all operate Open Skies aircraft which are available for use by Allies and partners on a similar commercial basis. The UK has used these options in the past and US withdrawal will not prevent us carrying out our own flights in future.

New START

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?

The collapse of the Intermediate-Range Nuclear Forces (INF) Treaty following repeated Russian violations left New START as the only remaining strategic arms control treaty. New START has made an important contribution to international security and strategic stability by increasing transparency and mutual confidence among the two largest Nuclear Weapons States. However, we also recognise that New START has its limitations: it does not include new Russian systems, nor does it place any limits on China's growing nuclear arsenal. We have therefore publicly and privately urged extension of New START while a successor agreement is negotiated. We have also urged China to engage seriously with US calls for a new trilateral arms control agreement.

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?

The UK is committed to a successful NPT RevCon in 2021. As P5 Coordinator in 2019-20, we worked closely with our US, French, Russian and Chinese colleagues, and with non-nuclear weapons States and civil society, to prepare for the Review Conference and build momentum on efforts relating to disarmament, non-proliferation and the peaceful uses of nuclear technologies. We look forward to continuing this work under French coordination of the P5 in 2020-21.

As noted earlier, New START provides an important forum for bilateral cooperation among the two largest Nuclear Weapons States and therefore a strong contribution to the NPT's objectives. Whatever the result of the US election in November, there remains time for a US administration and Russia to negotiate an extension before the treaty expires in February.

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 work closely with the US on strategic arms control, both bilaterally and within NATO at all levels. The Foreign Secretary discussed New START extension most recently with US National Security Advisor O'Brien on 13 October. We have been clear throughout

that we value the Treaty and wish to see it extended; that we recognise its limitations; and that we support US efforts to adapt global strategic arms control to address new systems and technologies.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'J. Cleverly', written in a cursive style.

The Rt Hon. James Cleverly MP
Minister of State for the Middle East and North Africa