

Testimony
Before the
House Foreign Affairs Committee
Subcommittee on Europe, Eurasia, Energy & the Environment
And the Commission on Security and Cooperation in Europe
The Importance of the Open Skies Treaty

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By

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Chairman Keating, Chairman Hastings Ranking Member Kinzinger and members of the Committees. It is an honor to appear before you today and to give testimony before the U.S Congress. No matter how many years I work in Washington, and no matter how many chances I get to inform the public debate, it is always an honor to be called to provide testimony for our elected members of Congress as work to keep our country safe and secure. As the child of a refugee and immigrant, I am reminded again and again how lucky I am to be an American and to be a part of this great diverse and prosperous country, and to have the chance to appear before you today.

Sadly, today, many of the foundation of global stability and security painstakingly built up over the course of the last 75 years are showing signs of fatigue and are under assault from some quarters. We are witnessing a widespread neglect for both arms control and the pillars of stability and peace, elements of the global system that have enabled the United States to become the richest and strongest country the world has ever known. The foundations of law, a rules-based international order, and the reinforcement of norms of behavior that have served us and our allies well since the end of the Second World War are facing an onslaught of dangers from benign neglect to outright hostility. It is in this context, not just the specific details of the Open Skies Treaty alone, that we could consider what is taking place today and how the OST fits in the global order.

I was asked to provide testimony regarding the Open Skies Treaty and why the treaty remains in the interest of US security, the security of our allies and is an important tool to enhance global security and stability. The Open Skies Treaty is the most expansive conventional arms control regime providing transparency and predictability that benefit our security and that of our allies “from Vancouver to Vladivostok.” Like much of the implementation work in arms control and in global security, the Open Skies Treaty is the opposite of exciting. And yet, like most arms control agreements, activities under the Open Skies Treaty provide transparency and security and predictability that benefit our security and that of our allies, and the work done by State and DoD employees to implement the provisions of the Treaty is greatly underappreciated by the public at large and in many policy circles. The process of maintaining and implementing the Open Skies Treaty – maintaining and servicing aircraft, scheduling and conducting flights, coordinating flights and objectives with allies and other Treaty members, distributing and analyzing collected information, ensuring the equipment on the planes of other countries complies with Treaty requirements, coordinating regular implementation meetings in Vienna, and ensuring that the

procedures and operational aspects of the Treaty remain relevant to changing technologies are highly bureaucratic, arcane and specialized.

Yet even in a narrow context, preserving and enhancing the OST remains very much in our security interest. It has been argued that since the United States has other national technical means to collect information about military activities on the territory of OST members that we no longer have an interest in being a member of this agreement. While the United States does not use OST imagery as a primary means to collect intelligence information, the same is not true of all US allies who use Open Skies flights to better understand Russian military activities and posture. This is particularly valuable because all of the data collected by OST flights can be shared with all the members. These mechanisms for sharing, as well as the information itself, enhances transparency and confidence in the United States as a reliable partner and ally. And the work of implementing the treaty also enhances the ability of militaries and security officials in different states to work together, procedures and relationships that can be used in periods of stress or crisis.

This point is critical. I spend the bulk of my work focusing on how small things – military interactions, accidents, altercation can escalate into full blown conflict even rising to the possible exchange of nuclear weapons. We must recognize that through deliberate efforts by Russia under President Putin to weaponize risk in Europe, and due to other forces here in the United States, NATO and Russia have less sustained military to military contact and ongoing crisis management that is needed to ensure that small things that are sure to happen do not become major conflicts that risk global security and catastrophe. We must recognize that both President Putin and Trump are increasing the salience of nuclear weapons, and working to develop and deploy smaller, allegedly more “usable” nuclear weapons like the 9M729 missile by Russia and the W-76/2 submarine launched nuclear warhead by the United States. IN the face of this plummeting nuclear threshold, we need to use what we have, and expand into areas we sorely need, to provide the means to understanding and managing the inevitable crisis we will face in Europe with Russia in the coming months and years. The OST by itself will not provide this, but it is one of the few remaining tools we have that we can and must build upon to address this urgent need for crisis management.

Due to the hard work, diligence and dedication of public servants in the United States Government, America has been able to apply OST to help shed light on Russian behavior along the Ukraine border and also in the disputed area along the border with Georgia.

In addition, the US is able to use its membership in the OST to further enhance its relationship with allies and partners in Europe in other ways. One of our first actions to demonstrate political commitment to Ukraine following the Russian invasion of Crimea in 2014 was to send an Open Skies flight over Russian military installations along the border, providing unclassified evidence of Russian military build-up. Furthermore, when Ukraine was blocked from flying over Russian territory, we were able to partner with them in an overflight that Russia had to accept. It was less than a year ago that Ukraine asked the US and other NATO allies to conduct a joint flight to show what Russia had done when it seized Ukrainian naval assets in the Sea of Azov, and produced evidence that could be widely shared with allies and the public. We have used Open

Skies to shine a bright light on Russian bad behavior and provided political support to a vital partner in the center of Europe.

In another example, it was less than a year ago that the Ukraine asked the US and other NATO allies to conduct a joint flight to show what Russia had done when it seized Ukrainian naval assets in the Sea of Azov, and produced evidence that could be widely shared with allies and the public. We shone a bright light on Russian behavior and provided political backing to a vital partner in the center of Europe all under the OST.

As with all arms control agreements, there are challenges. Similar to Russia's behavior in other international regimes, Russia has sought to reinterpret treaty provisions and restrict the rights of other parties to overfly their territory. The State Department's "2019 Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments (Compliance Report)" lists two Russian acts as "violations" of the Treaty and lays out the actions taken in response by the United States, in coordination with our allies and partners, to convince Russia to return to full compliance. Already, as with the case of Georgia, persistence has convinced Russia to reverse its disputed behavior. Other cases are more persistent and may take more time, but even if they are unresolved, the Treaty's benefits to us and our allies outweigh those concerns as long as we persist in pursuing Russian violations and remedies to them.

As for the elephant in the room. We are discussing this unglamorous and far from famous Treaty due to press reports that President Trump – at the urging of now former National Security Advisor John Bolton and other staff members – has signed a decision memo directing the United States to withdraw from the OST. I do not know the veracity of these reports, but the allegation as has been discussed is consistent with the long-standing and hostile approach that has been taken by Ambassador Bolton and his former staff for many years.

It would be a mistake for the United States to withdraw from the OST for several reasons.

First, although the United States does not rely on the Treaty for intelligence collection or information gathering purposes, having the option to fly such flights and to share and talk publicly about the information we can collect is a valuable tool in both deterring or complicating military acts of aggression or coercion by would be adversaries.

We could, should we chose, use the Treaty to even greater effect with more flexible and rapid implementation of flights. Instead of working to pull out of the treaty, we should be enhancing our ability to squeeze even more value from the agreement. We should purchase new planes, enhance their capability and work to use them in a more rapid response role.

Second, withdrawal from the OST by the United States would deprive us of the ability to work within the OST process with allies to push back against Russian behavior that undermines their rights and, in some cases, their legitimacy. Moreover, withdrawal by the US would eliminate our ability to overfly the states of other parties, including Russia, while those states would still be able to overfly US bases and deployments in Europe.

Third, despite the prevailing sense in the White House and parts of the security community we need more tools to enhance stability and security, not less. Going it alone, relying purely on military capabilities, and increasing the risk of accident or unintended conflict undermines US and NATO security and makes conflict, war, and even the use of nuclear weapons through rapid escalation more likely. OST on its own may not prevent such events, but they can help reduce the chances they will happen or get out of control if they should.

Moreover, while not high profile or fun, the OST provides one of the few remaining avenues for the US and Russian militaries to engage and work together. These are useful confidence building activities that provide us with insights about Russia, and they about us. In a world where we have to worry about escalation and accidents, we need more of these opportunities, not less.

Lastly, we should be clear. Russia is seeking to undermine the rule of law and the rules based international order. The major pillars of that system, built at the end of the Cold War, including the INF Treaty, the START agreement (and its successor) and the Open Skies Treaty are either defunct, or at risk. The decision by the United States to let Russia off the hook as a result of its violations of the INF Treaty was, in my opinion, a mistake. While I give the Trump Administration credit for gaining NATO allied support for its decision, it also bears responsibility for not using this unity more effectively to pressure Russia to return to compliance with the INF. It is clear that the long-standing desire to withdraw from the INF Treaty by some, and the opportunity withdrawal provided for others, sealed the fate of this valuable pact.

However, in the case of OST, there is no national benefit to its demise or even the unilateral US withdrawal. There is no military act we are prevented from taking because of the OST. Instead, killing the OST would go against the security interests and stated preferences of our allies, and would make it harder not easier to confront Russian behavior.

I am deeply concerned that the lack of an internal US government process, and lack of coordination with our allies over the fate of the OST, has failed to understand the value we should place on the Treaty and the value that our allies clearly do place on the agreement. I worry that the possible withdrawal from the OST will be another step by this Administration to undue the foundations of post-WWII and post-Cold War stability. Doing so would do further damage to our security, to stability, to our role as a reliable ally, with no corresponding benefit.