

## Withdrawing the Open Skies Treaty: Interview with Łukasz Kulesa



Łukasz Kulesa is the Deputy Head of Research at the Polish Institute of International Affairs (PISM). Prior to joining PISM, he worked as Research Director at the European Leadership Network (ELN) and Deputy Director of the Strategic Analyses Department at the Polish National Security Bureau. His personal research interests include nuclear and conventional deterrence and arms control, NATO, Russian security policy, WMD non-proliferation, and security aspects of the transatlantic relationship.

The Polish Institute of International Affairs (PISM) covers a wide range of security issues. What are its main lines of research in the field of non-proliferation, arms control and disarmament?

Beyond the typical think tank activities in the realm of international relations, the Institute provides analytical support to Polish decisionmakers and diplomats. Our research tends to focus on issues relevant for the Polish foreign and security policy, which in this field are primarily the functioning of regimes where Poland is an active participant - for example, the Nuclear Non-Proliferation Treaty (NPT) or the Chemical Weapons Convention (CWC) - and ongoing non-proliferation crises. Secondly, we look into the relationship between the disarmament/arms control and deterrence agendas. Finally, we analyse the impact of new and emerging technologies, such as hypersonic or ASAT capabilities, on the disarmament and arms control agenda.

In a recent article, you commented on the US announcement to withdraw from the Open Skies Treaty (OST). In your view, what consequences would the treaty's demise produce?

I find the US decision regrettable. The US listed a number of violations by Russia, for example, a refusal to accept observation flights near the border with Georgia and restrictions on flights over the Kaliningrad region. But these issues have been addressed within the Treaty-related bodies, with some progress being made. The Open Skies regime will not stop operating because of the US withdrawal. However, the Trump administration's decision weakens the treaty's confidence-building and conflict-prevention potential. Poland sees the OST also as a valuable instrument for obtaining information about the military activities of Russia and Belarus; its collapse would be

detrimental to Polish interests.

The withdrawal from the OST is yet another blow to the non-proliferation and disarmament (NPD) regime. Do you believe there is still space to relaunch transatlantic cooperation in this area?

The current US administration has been so far more successful in dismantling existing regimes than in making progress on a new system. Still, regardless of the outcome of the US presidential election in November, there are issues on which constructive, joint transatlantic initiatives on non-proliferation and arms control would be welcomed. One specific area is addressing the post-INF reality of a potential unconstrained build-up and deployment of land-based missiles in Europe. Another one would be coordinating policies on the Iranian nuclear crisis - of course, it is very difficult as long as the JCPOA remains toxic for the US.

What NPD priorities should the EU's diplomatic action pursue to ensure the maintenance of the arms control normative framework?

Amidst the social and economic turbulences created by the COVID-19 pandemic, the main priority may be simply to maintain the EU's focus on the NPD agenda, including continuing EU assistance to non-proliferation and disarmament regimes and capacity-building support for its regional partners. This should be seen as a key component of European support for multilateralism. An obvious focal point for European diplomacy will be the NPT Review Conference, now planned for early 2021. Assuring a successful outcome of the conference won't depend only upon the EU, but its member states should at least be able to rally around a set of specific proposals to strengthen the regime.

## ANOTHER HIT BELOW THE NON-PROLIFERATION BELT

The outbreak of COVID-19 has unearthed the obvious: international cooperation and coordinated responses to significant threats to stability, peace and international security are absolutely paramount.

Yet, in the midst of a world-wide pandemic, some heads of state have delivered worrying statements advocating nationalistic approaches and - more alarmingly from a non-proliferation and disarmament point of view - the US administration has indicated the intention to withdraw from historic treaties like the nearly 30-years old Open Skies Treaty and to review its long-established nuclear testing policy. While announcements of withdrawal from NPD commitments and treaties have sadly become recurring events over the past couple of years, the US's announcement on the hypothetical resumption of nuclear tests came as a great shock to most.

Although only atmosphere, outer-space and under-water nuclear tests are officially illegal pursuant to the 1963 Partial/Limited Test Ban Treaty (PTBT or LTBT), all kind of nuclear tests have been heavily frowned upon by the international community since the adoption of the Comprehensive Test Ban Treaty (CTBT) in 1996. Indeed, the CTBT, which has not entered into force yet as crucial nations have not ratified it, prohibits all nuclear explosions, from civilian to military purposes, and in every environment.

The US has been observing a self-imposed moratorium on nuclear tests since before the adoption of the CTBT (its last test was in 1992), and has since called on other countries to do the same. If it broke the hiatus it has done so much to extend - let us not forget that most sanctions against the DPRK have been adopted in response to its nuclear tests - not only there would be serious consequences for its credibility, but it would generate a domino effect with other nuclear-wannabe states feeling entitled to follow suit.

The US has justified its announcement as a way to pressure Russia and China to join the negotiating table for a new, enhanced and more comprehensive version of the US-Russian New Strategic Arms Reduction Treaty (New START), whose extension is currently under negotiation. One can only hope that such a risky move won't end up being the final knockout punch to an already worn out regime.

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Applications are now open for the 60<sup>th</sup> ISODARCO Course. The course will be held in Andalo (Trento), Italy, 7 - 14 January 2021

Deadline for application:

- October 10th 2020 for applicants requiring an Italian visa
- November 7th, 2020 for applicants who do not require an Italian visa

Participants wishing to submit a paper for consideration should enclose a short abstract of their proposed contribution in their application.

For further information please contact [Carlo Schaerf](#) or visit [www.isodarco.it](http://www.isodarco.it)

## EU INSTITUTIONAL NEWS

### The High Representative of the European Union delivers a statement on the Open Skies Treaty

Following the announcement by the US on their withdrawal from the Open Skies Treaty, on 22 May 2020, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP), Josep Borrell, delivered a statement expressing concern and stressing the EU's support to the Treaty.

Open for signature in 1992 and in force since 2002, the [Treaty on Open Skies](#) is a multilateral agreement that enables State Parties to conduct short-notice, unarmed observation flights over each other's territories and use sensors with a pre-defined resolution to take images, among other things. Through these flights, States are able to collect data on Treaty parties' military forces and activities, improving inter-state confidence. On 21 May 2020, the United States formally [announced](#) its intention to withdraw from the treaty six months from the announcement date.

The HR/VP has affirmed that the treaty is "an important contribution to European and global security" as it constitutes a "key element of our arms-control architecture and serves as a vital confidence and security-building measure", citing the enhanced transparency and predictability that the treaty has achieved. Addressing the US motivation for withdrawal, Josep Borell has argued that issues of full implementation and compliance by States Parties should be addressed within the treaty's framework. Accordingly, he has called upon the US to reconsider its decision and urged Russia to return to the full implementation of the treaty's provisions.

For more information: [Open Skies Treaty: Statement by the High Representative on the announcement by the US on their withdrawal from the treaty](#)

## NETWORK NEWS

### The EU Non-Proliferation and Disarmament Papers Series

As part of its mandate, defined in Council Decision (CFSP) 2018/299 of 26 February 2018, the EU Non-Proliferation Consortium is publishing a new series of Non-Proliferation and Disarmament Policy Papers. One of the latest papers is authored by Nils Duquet (Belgium), senior researcher at the Flemish Peace Institute,

*The 2018 EU SALW Strategy: Towards an Integrated and Comprehensive Approach*

Summary:

In November 2018 the European Union (EU) adopted a new strategy to combat the illicit proliferation of firearms, small arms and light weapons (SALW) and their ammunition. Through this new strategy, the EU and its member states commit themselves to coordinating their actions and initiatives on this important security challenge. This paper describes the development of EU policy on firearms and SALW, and analyses the actions foreseen in the new strategy. The 2018 EU SALW Strategy takes account of the changing security environment and contains various measures to secure the full life cycle of these weapons. This paper concludes that the 2018 EU SALW Strategy can be considered a highly positive development, but stresses that more attention is needed on upgrading the export control policies of EU member states. It recommends using the current review process of Common Position 2008/944/CFSP on arms exports to develop a truly comprehensive approach to combating the illicit proliferation of these lethal weapons.

Read the full paper [here](#)  
Previous papers can be found [here](#)