



Trump Administration's Decision of Withdrawal from 'Open Skies Treaty': Realpolitik Amid COVID-19 Pandemic

Dr. CHUNG Eunsook

*Director, Dept. of
Security Strategy Studies,
The Sejong Institute
(chunges@sejong.org)*

Even strong military powers such as the United States, China, and Russia, could not avoid the COVID-19 (coronavirus disease 2019). In fact, the U.S. currently tops the number of confirmed cases (1,745,803) and the number of deaths (102,107). China, the early origin of the virus, has experienced a relative stabilization; yet, it cannot relieve much anxiety for it still ranks 14th in terms of the total number of confirmed cases (82,995 confirmed cases and 4,634 deaths). Russia was rather overconfident in its early success of quarantine and now holds the world's third-highest number of confirmed cases (370,680). Russia now touts its low fatality rate (3,968), yet the West remains dubious.

While the COVID-19 pandemic has been hitting the U.S., Russia, and China hard, the mutual distrust and competition among superpowers based on political realism remain unchanged. What is worse, the U.S.-China relationship has deteriorated with the COVID-19. The problems over the origin of COVID-19 and the credibility of the WHO deepened the rift that was already caused by mistrust.

Regarding the U.S.-Russia relationship, the Trump administration announced its withdrawal from the 'Treaty on Open Skies (OST)' last week on May 21. Such action was expected to a certain extent since 2019; the final decision was made this time. The United States, through the statement of the U.S. Department of Defense and Secretary of State Pompeo, notified the following day to the member states that it decided to withdraw from the Euroatlantic, multilateral treaty that involved 35 nations due to repeated "Russia's noncompliance."

"Tomorrow (May 22), the United States will submit notice of its decision to withdraw from the Treaty on Open Skies to the Treaty Depositaries and to all other States Parties to the Treaty. Effective six months from tomorrow, the United States will no longer be a party to the Treaty." (U.S. Department of Defense, May 21, 2020)

The Open Skies Treaty was signed in 1992 in Helsinki by 24 countries including Russia, Eastern and Western European countries, the United States, and Canada within the framework of the Conference of Security and Co-operation in Europe (CSCE). After it entered into force in 2002 with 20 member states' ratification, it has served an important axis for building military trust between Europe and North America in the past 18 years. The number of members has increased to 35 due to the emergence of new, independent states after the collapse of the Soviet Union and the East-European bloc (Kazakhstan is not yet ratified). Initially, the concept of "mutual air inspection" was proposed by President Eisenhower of the U.S. to Soviet Premier Bulganin at the 1955 Geneva conference, but was not accepted. In 1989, more than 40 years later, President Bush (father) proposed the creation of an Open Skies regime based on Eisenhower's concept. After three years of negotiations by the members of NATO and the Warsaw Pact, the treaty was signed in March of 1992. However, the Cold War was already over and the Soviet Union was history.

The Open Skies Treaty is designed to enhance transparency and build military trust by permitting each member state to conduct short-notice, unarmed reconnaissance flights. It is a regime composed of specific agreements such as "active quotas," "passive quotas," standards for aircraft and 4 types of sensors, an obligation to provide at least 72 hours' advance notice and to complete observation missions within 96 hours of the observing party's arrival, and a promise to share all data (page 30, appendix 57). The Open Skies Consultative Commission was established; a review conference has been held every five years. In the first 15 years since the treaty's entry into force in 2002, the U.S. could make 196 observation flights over Russia and Belarus, and Russia-Belarus could make 71 flights over the U.S. territory. During the same period, the European allies of the U.S. made 500 observation flights over Russia and Belarus.

The rift began to show, however. The U.S. has been pointing out Russia's violation of OST since 2014, during the second term of the Obama administration. It has been a repeated source of disputes between the two countries. The concerns regarded Russia's new aircraft and its action of restricting access. The conflict grew since Trump's election in 2017. The controversial issues included Russia's imposition of a 500km limit over Kaliningrad in 2017, its denial of flying 10km of portions of the Georgian-Russian border, and its denial of a military exercise flight in September 2019. An increase of distrust between the U.S. and Russia could have had a significant impact. In October 2019, Republican senators suggested the need for President Trump to withdraw from the treaty. The Democrats, on the other hand, have emphasized that the withdrawal may threaten the security interests of the U.S. and the European allies.

There is no finite period for the treaty to stay in force, and there is a right to withdraw from the treaty. Unless there are some unexpected changes, the U.S. will withdraw from OST on November 22—six months after the announcement of withdrawal.

How are other nations reacting? Numerous European allies are expressing with reserve that Russia has indeed repeatedly violated the treaty and refused access to certain regions and yet, that they expect certain solutions to be reached by November 22. The U.S. is affirming to find ways to account for the European allies' security. After all, it is highly likely that the treaty may fall apart like the Intermediate-Range Nuclear Forces Treaty (INF Treaty, 1987), which the U.S. withdrew last year due to "Russia's noncompliance." Nonetheless, some experts anticipate that there may be a flexible approach with the Open Skies Treaty for it is a multilateral treaty, unlike the INF, which had to end because it was a bilateral treaty between the U.S. and Russia.

The withdrawal of the U.S., which has demonstrated practical leadership from the creation and maintenance of the treaty to the provision of technology, may lead to an absence of the pivot of the regime. Russia now has to re-calculate the gains and losses of staying in the regime without the U.S. After all, it is a common dilemma between security and transparency in the security regime. It may benefit Russia to stay and monitor various U.S. military bases in Europe, yet such may not be allowed. It is also unclear whether conditions can be imposed to prevent European member states from sharing information about Russia's military activities and facilities, obtained through their flight observations, with the United States.

According to the treaty, Canada and Hungary, the depository countries, have to convene a meeting to weigh the impact of the U.S. withdrawal between 60 and 90 days after the notice of withdrawal. There will be a meeting between July 22 and August 22; it is likely to be a video conference due to the pandemic. It seems difficult to expect an introduction of unconventional alternatives at the meeting.

The key to arms control between the U.S. and Russia now lies in the fate of New START (New Strategic Arms Reduction Treaty, 2010), which is expected to end in February 2021. Russia is expressing that the period of negotiation is already pressed for time while the Trump administration is not making haste and only occasionally indicating that there should be a more comprehensive negotiation for arms control that also includes "China." Without China, from the side of Asia, the U.S. is unlikely to follow the Euroatlantic-centered arms control negotiations that were premised on the U.S.-Soviet bipolar system during the Cold War. Given the new security environment (the rise of China and China's arms buildup) in the era of new technology (cyberspace, space, AI, supersonic missiles, etc.), the Trump administration and conservatives in the U.S. find fewer reasons to bind themselves in terms of military strategy and defense budget management with the existing security regime. Moreover, a member state's belligerent noncompliance, which may threaten the security of the U.S. and its allies, does not invite the U.S. to comply alone. Based on the Trump administration's *National Security Strategy* (2017), a power-based strategy is the only acceptable posture for the U.S. in a hyper-competitive world. Even if a Democratic candi-

date wins the upcoming U.S. presidential election in November, it is unclear whether it will be possible to return to or establish a new arms control regime amid the post-COVID-19 shock. There is a greater need for South Korea to face the truth now: shown with the case of the U.S.-Russia relationship, followed by that of the U.S.-China relationship, competition and distrust among superpowers are escalating. ♣

※ *Translator's note: This is a summarized unofficial translation of the original paper which was written in Korean. All references should be made to the original paper.*

※ *This article is written based on the author's personal opinions and does not reflect the views of the Sejong Institute.*