

## **Ukraine's Position on the INF Treaty Suspension**

### **Ukraine and the INF Suspension**

This paper examines the official Ukrainian position on the suspension of the INF Treaty. It sheds light on current debates about Ukraine: whether it should enhance own security by starting to produce missiles that were previously forbidden by the INF. Consequently, the paper suggests three alternative scenarios. They range from keeping the status quo with the missiles currently in production up to the production of new missiles or joining European missile defense under the auspices of NATO.

In general, there are two positions on Ukraine's membership in the INF. One is that according to the "Law on the succession of States in respect of treaties" adopted by Ukrainian parliament Verkhovna Rada, Kyiv is one of the successors of the Soviet Union in respect of INF along with other former republics involved in the production and deployment of short and intermediate-range missiles. This position also bases on the "Decision on the participation of the member states of the Commonwealth of Independent States (CIS) in the Treaty between the USSR and the United States on the elimination of intermediate-range and shorter-range missiles (INF treaty)" signed in 1992.<sup>12</sup>

Since 1995 Ukraine also participated in the Special Verification Commission (SVC) on the INF Treaty along with Russia, Belarus, and Kazakhstan. SVC completed its mission in 2003. After the dissolution of the USSR, the US officially informed 12 former republics of the Soviet Union that it considers all the republics bound by the provisions of the Treaty<sup>2</sup>. Therefore, Ukraine was actively involved in the implementation and verification of the INF Treaty until 2003 when the parties agreed that the Treaty was implemented fully and irreversibly. In 2017-2018, the US summoned the SVC for resolving the problem of Russia's potential violation of the Treaty. Ukraine was one of the meeting participants together with the US, Russia, Kazakhstan, and Belarus.

Meanwhile, the other approach claims that Ukraine has never had any official obligations under the Treaty. This is because the Ukrainian parliament

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<sup>1</sup> Decision on the participation of the states-members of the Commonwealth of Independent States (CIS) in the Treaty between the USSR and the United States on the elimination of intermediate-range and shorter-range missiles (INF treaty) signed on 10 October 1992, [https://zakon.rada.gov.ua/laws/show/997\\_079](https://zakon.rada.gov.ua/laws/show/997_079)

<sup>2</sup> Agreement to End INF Inspections Signed, Arms Control Today, Arms Control Association, 1 January 2001, <https://www.armscontrol.org/node/2886>

has never ratified neither Kyiv's participation in the INF nor Ukraine's membership in CIS by a separate decision (unlike START-1)<sup>3</sup>.

Up to February 2019, this discussion could just have a symbolic meaning as Ukraine has always been in compliance with all INF provisions. However, as far as the United States and Russia, its main participants, suspended the Treaty, Ukraine runs the risk of being involved in an escalation between them.

Therefore, the idea that Ukraine needs to prepare for such a challenge affects the current position of state officials.

### **The President's position and the position of the Ministry of Foreign Affairs (MFA) of Ukraine on the INF suspension**

At first, reacting to the US determination to withdraw from the INF in case Russia does not return to compliance, Ukrainian Foreign Minister Pavlo Klimkin tweeted that he regarded the US decision "with understanding... as it gives Russia a sign that its "hybrid" ignoring of own obligations will not be tolerated anymore."<sup>4</sup> Meanwhile, at that time, it was not clear whether Kyiv was going to take any steps regarding the possible death of the Treaty.

Still, as soon as the INF was suspended, on February 6 Pavlo Klimkin commented: "...In this situation, Ukraine will need to respond to new challenges. We must respond with dignity because we have the experience, we have the necessary intelligence, and we need to protect our country. We already have certain potential in the field of missile weapons, and it is up to us to decide what missiles we need in the future."<sup>5</sup>

President Poroshenko's statement followed: "Ukraine accepted the US's suspension of the Treaty with understanding. Meanwhile, following the collapse of the international arms control system, Ukraine will have to think over the additional enhancement of the state's defense." Poroshenko emphasized that Ukraine "has the right to create effective weapons systems for self-defense, including powerful missile complexes that will become the key element of strategic deterrence against Russian aggression. It also allows our military to hit targets at longer distances."<sup>6</sup> Blaming Russia for demolishing the INF Treaty, Ukrainian President hinted that creation of intermediate-range missiles should

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<sup>3</sup> Round table "Denunciation of the INF Treaty and its consequences for Ukraine and international security", Kyiv, 5 March 2019. [https://www.gdip.com.ua/pages/view/krugliy\\_stl\\_u\\_meda-tcentr\\_gdp\\_denonsatsyva\\_dogovoru\\_rsmd\\_ta\\_naslcki\\_dlya\\_ukrani\\_mzhnarodno\\_bezpeki](https://www.gdip.com.ua/pages/view/krugliy_stl_u_meda-tcentr_gdp_denonsatsyva_dogovoru_rsmd_ta_naslcki_dlya_ukrani_mzhnarodno_bezpeki)

<sup>4</sup> Pavlo Klimkin's tweet on 22 October 2018, <https://twitter.com/pavloklimkin/status/1054309081220034560>

<sup>5</sup> Klimkin on situation with INF Treaty: We must use everything to protect ourselves, Interfax-Ukraine, 6 February 2019, <https://en.interfax.com.ua/news/general/564117.html>

<sup>6</sup> Ukraine has the right to create modern missile complexes for self-defense, Ukrinform, 6 March 2019, <https://www.ukrinform.ua/rubric-politics/2654518-vihid-rosii-z-raketnogo-dogovoru-znimae-pevni-zobovazanna-z-ukraini-prezident.html>

become one of the priorities of Ukraine's military policy and the cornerstone of its strategic deterrence.

The Ministry of Foreign Affairs expressed its official position after the recent presidential speech. In particular, it unexpectedly supported the non-membership approach to the INF: “As far as the Verkhovna Rada has never ratified the mentioned Treaty, Ukraine, in fact, has been implementing the INF on a voluntary basis. In this regard, the breach of the Treaty by the Russian Federation as its full-fledged party is especially outrageous”. Having mentioned all the violations of the Treaty by the Russian Federation, the MFA stated that: “Ukraine retains the right to develop the weapons necessary for our defense capabilities, including relevant missile weapons”<sup>7</sup>.

**There is a range of scenarios, with which Ukraine may proceed:**

1. Ukraine enhances its deterrence posture by starting to produce intermediate-range missiles.
2. Ukraine supports its deterrence posture continuing the production of missiles that are already included in the military budget.
3. Ukraine develops missile defense against new Russian intermediate- and shorter-range missiles.

**Scenario 1. Ukraine enhances its deterrence posture by starting to produce intermediate-range missiles**

The idea of keeping a strong missile industry is inherited from Soviet times and has certain grounds in Ukrainian history. While giving a historic speech dedicated to the ratification of START-1 by Ukraine in 1993, Prime Minister Kuchma emphasized that "the only real and stable perspective [for Ukraine] could be found in the guaranteed deterrence and non-provocation defense doctrine."<sup>8</sup> For this purpose, the Prime Minister suggested preserving 46 Ukrainian produced ICBMs that Ukraine had to destroy according to START-1.

This plan did not work out as the US and Russia kept insisting on considering Ukrainian strategic missiles a part of the nuclear potential to be destroyed. Moreover, to be fair, Kyiv did not need ICBMs to deter its main rival, which never happened to be across the ocean but always stayed in the neighborhood. The awareness about the necessity to deter Russia came in 2014. Earlier Kyiv failed to develop defense components of the missile industry due to multiple reasons. The industry survived on international contracts, predominantly for space launches and for their components. Simultaneously,

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<sup>7</sup>The comment of the MFA of Ukraine on the Intermediate-Range Nuclear Forces Treaty. Consulate General of Ukraine in Istanbul, 7 March, 2019, <https://istanbul.mfa.gov.ua/en/news/consular-news/71028-komentar-mzs-ukrajini-u-zvjazku-z-dogovorom-pro-likvidaciju-raket-serednyoji-i-menshoji-dalynosti>

<sup>8</sup> Kostenko, Yuriy. The History of Nuclear Disarmament of Ukraine. – K.: Yaroslaviv Val, 2015.

Missile Technology Control Regime (MTCR), being sort of a pass to the international space market for Ukraine, kept Kyiv from developing combat missiles with the range bigger than 300 km.

The main parties to the INF, Russia and the US, were never in favor of Ukraine breaking the conditions of the INF (even if Kyiv found a formal reason not to consider itself a member state). Similarly, any violations of MTCR were impossible for Ukraine from a legal, political, and economic standpoint. Taking Ukraine's missile industry potential into account, any defense missile program, even fully compliant with INF and MTCR, might be seen as provocative.

The exception on the part of the US might be Ukrainian tactical missiles out of MTCR control that could compete with Russian ones on international markets. This line of activity led to the development of Grim-2 missile with a range of up to 280 km for Saudi Arabia. After the start of Russian aggression, Ukraine's defense ministry demonstrated a substantial interest in this missile while paying attention to a possibility of increasing its range.<sup>9</sup>

Ukraine has never developed or produced missiles with ranges less than 1 000 km (shorter-range by INF Treaty terms), except for the Soviet modifications of German V-2 in the 1950s. The state developed and produced a number of INF-range and ICBMs with much longer ranges.<sup>9</sup> Nowadays Ukraine approached this technology by developing Grim-2 missile, which is still far beyond MTCR and INF Treaty limitations. Yet, Grim-2 may well open the door to distances longer than 500 km for Ukraine both technically and politically. It should be noted that Grim-2 tactical missile development does not encounter pressure from Russia. Ukrainian tactical missiles inherited from the former USSR, including Tochka-U, were successfully employed against Russian troops in a conventional conflict in the Donbas. Russia perceives Ukrainian tactical missiles legitimate.

In fact, the Ukrainian missile industry got a certain push only after the events of 2014, when the need to deter Russia from further invasion in the Ukrainian territory became obvious. Ukraine does not have a deterrent capability

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<sup>9</sup> It should be noted that the term INF represents two types of missiles: intermediate-range (1 000 – 5 500 km) and shorter-range (500 – 1 000 km) missiles. The distinction is essential for Ukrainian and post-soviet missile production and military organization. Shorter-range missiles are the continuation of tactical ones. They are used to equip the army's missile and artillery forces. Intermediate-range missiles are close to intercontinental ballistic missiles (ICBM). The latter may be used in the intermediate range. Intermediate-range missiles, as well as ICBMs, represent a separate military service branch.

In the 1960s and 1970s, Ukraine developed and produced the majority of Soviet intermediate-range nuclear forces with ranges larger than 1 000 km. Before the Treaty, there were roughly 20% of Ukrainian missiles in Soviet intermediate-range nuclear arsenal. It was exactly the intermediate-range missile of the old design (same as the one in question during Cuba Missile Crisis) that the Soviet Ukrainian industry used as a development stage for ICBMs. Independent Ukraine stopped this intermediate-range technological line and never re-launched it. First of all, this was because of Ukraine's strict adherence to the START-1, INF Treaty and MTCR. However, theoretically, even having raised the necessary money and gotten international support for the production, Ukraine would not have a possibility to test such missiles. Previously they were tested in Russia and Kazakhstan. The most suitable Ukrainian test site is out of reach after Russia annexed Crimea.

in the sense of inflicting unacceptable damage in depth to the enemy's territory. Yet, Ukraine got closer to this.

Volodymyr Gorbulin, an advisor to the President of Ukraine, claims that he has always supported the idea of developing missiles with the range of up to 1 500 km. However, in his opinion, it would take about five years for Ukraine to develop a new missile (not even mentioning financial costs and the lack of conditions for testing the missile).<sup>10</sup>

Summing up, Ukraine could potentially develop and start the production of a new shorter-range missile in several years and potentially produce a new intermediate-range missile in a longer perspective in case INF is permanently ruined. The latter would take a strong political will (foreseeing the reaction of Russia), significant costs, and would happen under the conditions, which are not favorable for developing and testing. This scenario could become viable if the situation in Donbas aggravated again and Russia's political and military pressure deepened.

Such a scenario means non-nuclear deterrence of Russia from a wide range of possible attacks and attempts of coercion.

**Scenario 2. Ukraine supports its deterrence posture continuing the production of missiles that are already included in the military budget**

Ukraine is currently developing several models of smaller missiles with a pretty light payload. They can hit targets at considerable distances (several hundred kilometers). Yet, they remain battlefield, not deterrent weapons, though Ukrainian officials tend to call any demonstration of defense capabilities, including missiles, "deterrence."

There are several such systems. The most successful of them are "Vilkha," "Neptune," and various modernizations of Soviet anti-aircraft missiles, including C-125, C-200, and C-300. "Vilkha's" claimed range is more than a hundred kilometers. Essentially it is a guided version of the unguided Soviet "Smerch" multiple launch rocket system (MLRS). However, the modernization is so deep that the missiles can be used separately as a kind of light tactical missile.

"Neptune" is an anti-ship missile that used Soviet "Uran" as a prototype. It is now capable of flying about 300 km and hitting targets at sea and on the ground. In its basic ground mobile version, it may serve as a tactical missile a bit heavier than "Vilkha" but by far not as heavy as Russian "Iskander."

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<sup>10</sup> Horbulin about new missiles, Putin and Zelenskii, 21 March 2019, [https://www.youtube.com/watch?feature=youtu.be&v=Es16X1\\_YBOo&fbclid=IwAR3Np7qEK0QOIbImnvJZpPiDhIrgUUmnZzu7o8Hw4G7jB4VSVl3sG9\\_Zyo&app=desktop](https://www.youtube.com/watch?feature=youtu.be&v=Es16X1_YBOo&fbclid=IwAR3Np7qEK0QOIbImnvJZpPiDhIrgUUmnZzu7o8Hw4G7jB4VSVl3sG9_Zyo&app=desktop)

Soviet anti-aircraft missiles get modernized in such ways that increase ranges, improve accuracy, and widen the capabilities of hitting surface targets. Upon widening this limitation these weapons may play the mentioned role of light tactical missiles.

With the active development of battlefield missiles, Ukraine does not trespass the limits of the INF Treaty or MTCR. None of the mentioned missiles is capable of delivering a 500-kilogram payload to at least 300 kilometers or delivering any weapon of mass destruction. Ukraine reacts to the Russian missile threat by producing specific kinds of weapons that may be called light tactical missiles. These missiles may give Ukraine some sort of deterrence against Russia launching a large-scale military attack. In this case, Ukraine could strike rear echelons of advancing Russian armies more effectively with light tactical missiles. Similarly, Ukraine could deter Russia from expanding the theater of war in Donbas.

Bearing in mind political and financial cost-effectiveness, such missiles could potentially serve as a deterrent against Russia at least where it comes to regional operations like the one in Donbas. It is not about building up separate deterrence forces but rather improving the long-range capabilities of existing services.

### **Scenario3. Ukraine develops missile defense against new Russian intermediate and shorter-range missiles**

This idea was suggested by a member of the European Parliament, the leader of EPP, Manfred Weber at the Munich Security Conference 2019. According to his concept, Germany, France, Poland, Lithuania, and Ukraine should build a common missile defense. Weber noted that this project would unite Europe in the face of the new threats resulting from the INF suspension.<sup>11</sup>

It means building up a head-on defense against a direct missile threat for Kyiv. On the one hand, Ukraine has a smaller potential in developing missile defense than in creating missile deterrence capabilities. On the other hand, such a defense does not require launching a politically sensitive missile program. Theoretically, Ukraine may even continue fulfilling its obligations under the INF Treaty after its suspension.

An important driver for this scenario is that Ukraine has a moral right to appeal to western allies for help against Russian missile threat. A strong incentive for North America and Europe is that Russia poses a missile threat to them, whereas Ukraine may be a geographically important ally.

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<sup>11</sup> Ukraine ready to consider initiatives relating to security in Europe, 18 February 2019, <https://en.interfax.com.ua/news/general/566836.html>

Ukrainian experts outlined how this scenario might look. In its dialogue with NATO Kyiv could actively support building-up regional air and missile defense systems on the Eastern flank of the Alliance. Ukraine could also promote its participation and could become a new base for international missile defense training. The state could lease a couple of Patriot batteries from NATO countries to protect its capital. After that, Ukraine may buy more Patriots to protect important centers throughout its territory. In case of a substantial advancement of Russian INF capabilities, such as hypersonic missiles, and their deployment outside Russian territory (for example in Belarus) Ukraine could deploy the US Aegis systems.<sup>12</sup>

To some extent, this scenario is a projection of Polish experience on Ukraine. Ukrainian expectations may be exaggerated. Patriot and Aegis solutions may take a decade of negotiations, while Russia did deploy SSC-8 of shorter range, may deploy a ground version of intermediate-range Kalibr cruise missile in a couple of years and Zircon hypersonic missile in five years. Both Patriot and Aegis are not effective against cruise missiles, including hypersonic ones. Their deployment would play more of a political than a military role. This scenario can potentially face strong resistance. Russia has been regarding missile defense in Europe as a security threat for many years. Considering Ukraine's special meaning for Russia, the idea of Kyiv joining European missile defense (in case of Aegis missiles stationing) would probably become a *casus belli* for Moscow.

### **Conclusion**

Ukraine has been strictly adhering to the letter and spirit of the INF Treaty. Thus, Ukraine is in a much weaker position compared to Russia, which has been clandestinely violating the Treaty for years. This is why Ukraine may be interested in a new broader INF treaty. In case it is not possible, Ukraine could build its missile potential up step by step to create deterrence from Russian missile attack. At some stage, Ukraine may ask for help from western partners to improve missile defense capabilities. The latter brings risks of further escalation at different fronts. Russia considers any advancement of western military infrastructure of any kind to its border a threat, especially when it comes to such "spheres of vital interest" as Ukraine.

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<sup>12</sup> Vadym Tyutyunyk and Valentyn Horovenko. Denunciation of INF Treaty: new challenges and possibilities for defense of Ukraine. CACDS, 18 March 2019, <https://cacds.org.ua/?p=6307>