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## International Treaties in Deterrence: How the INF is Failing

Ratified in 1987 the Intermediate-Range Nuclear Treaty (INF) was an attempt by two super powers, the Union of Soviet Socialist Republics (USSR) and the United States, to de-escalate tensions in Western Europe regarding Russia's deployment of the SS-20 missiles and the subsequent deployment by the United States of the Pershing II missile. Serving as a warning to Russia primarily, the initial INF Treaty talks, and eventual treaty itself bolstered assurance throughout the region that the United States was committed to both nuclear arms control talks and honoring the North Atlantic Treaty Organization (NATO) commitments to protect Western Europe in the event of an attack. Despite the challenges, the goal of nuclear peace in Western Europe has held, but such violations are a discouraging trend that the law must play a role in halting. Since then, both the Russian and United States governments have alleged that the other has violated the treaty.

This paper will examine the ways in which the INF treaty has been effective in achieving its stated goals. Beginning with conception and growth, this paper will then explore recent administrations' policies towards the treaty and how international law and policy influence the effectiveness of deterrence theories. It will then explore what role international and domestic law can play to create a more effective INF treaty in the future. Because of the recent trends toward accusations of non-compliance by the United States and the Russian Federation, the INF treaty is clearly beginning to wane in its effectiveness at checking the balance of nuclear weapons systems present in the European theater and new procedures implemented to bolster the INF treaty.

### History

In 1972 the Strategic Arms Limitation Talks (SALT) led to the Anti-ballistic Missile (ABM) Treaty, which increased Western NATO countries' fears that the United States would be unable to effectively respond to an USSR attack. In the period after the Cuban Missile Crisis, Mutually Assured Destruction (MAD), and the "flexible response" doctrine of the Kennedy administration, a more forceful approach was sought by (NATO) to address Russia's continued armament. By 1977 most European NATO members were increasingly concerned by the need of NATO forces to modernize their nuclear delivery capabilities given that the Soviets were rapidly replacing their SS-4 and SS-5 missiles with the new SS-20.<sup>1</sup> The SS-20 was mobile, accurate, and capable of being concealed and rapidly redeployed.<sup>2</sup>

In October 1977 German Chancellor Schmidt gave a speech which implied that American nuclear forces were inadequate to provide protection for Europe. The United States was then motivated to participate fully in the first high level group (HLG) discussion concerning NATO's nuclear forces. This first meeting of the HLG decided that adjustments should be made to

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<sup>1</sup> Sherrett, R. R. (1992) *THE DUAL TRACK DECISION AND THE INTERMEDIATE- RANGE NUCLEAR FORCE TREATY: THE ROLE OF THE CRUISE AND PERSHING II MISSILES* (Master's thesis). Retrieved from <http://www.dtic.mil/dtic/tr/fulltext/u2/a258524.pdf>

<sup>2</sup> Intermediate-Range Nuclear Forces Treaty (INF Treaty)." *U.S. Department of State*, U.S. Department of State, [www.state.gov/t/avc/trty/102360.htm#text](http://www.state.gov/t/avc/trty/102360.htm#text).

America's European theater nuclear weapons to achieve strike capabilities in the Soviet Union, including the deployment of 108 Pershing II missiles in Western Germany.<sup>3</sup> The decisions reached by these debates resulted in the 1979 Dual Track Decision. Schmidt's pressure on the United States provided the momentum to move toward the dual track decision which called for four European countries (Britain, Belgium, Italy, and the Netherlands) to accept American cruise missiles in their territories and for the United States to proceed with arms negotiations with the Soviet Union.<sup>4</sup> The Soviets were motivated to negotiate in order to stall the deployment of the US Pershing II throughout Europe which they argued should be considered in lump sum with United States' allies' systems and would create a detrimental imbalance for the USSR.

Talks in 1979 saw the creation of NATO's Integrated Decision Document which outlined the new deployment schedule of Pershing II intermediate range missiles and ground launch cruise missiles (GLCMs) throughout Western Europe.<sup>5</sup> NATO European nations were particularly anxious for the ratification of Strategic Arms Limitation Talks II (SALT II) in 1979 as well, hoping that strategic nuclear weapons would accompany any limitations on INF.<sup>6</sup> SALT II however, was never brought into effect by the Carter Administration.

The Reagan administration's first year attempted to usher in a new era of reduction negotiations which faltered when neither the U.S. nor Soviet Union could commit to a beginning date for Strategic Arms Reduction Talks (START), while in Geneva INF talks were just beginning in November 1981.<sup>7</sup> On November 18, President Reagan announced a negotiating proposal in which the United States would agree to eliminate its Pershing IIs and GLCMs if the Soviet Union would dismantle all of its SS-20s, SS-4s, and SS-5s. This proposal became known as the "zero-zero offer."<sup>8</sup>

Formal talks for what would become the INF Treaty began on November 30<sup>th</sup>, 1982 and ended in March with Soviet Premier Brezhnev announcing a halt to the deployment of intermediate range weapons in Europe. However, President Reagan suggested this stoppage was an easy concession by the Soviets, as the Soviet- U.S. disparity was 300-0 at the time.<sup>9</sup> Deployment of Pershing II components began in November 1983, fulfilling the promises of the dual track decision. This deployment led to the Soviets walking out of the Geneva negotiations and announcing their intention to station the SS-20s throughout East Germany and Czechoslovakia. It was not until Secretary Gorbachev changed tactics in 1986 and acquiesced to American imperatives that the total elimination of SS-20s be considered that negotiations were resumed.<sup>10</sup> As U.S. GLCM deployments continued, the Soviet Union outlined an interim INF agreement that would permit some U.S. GLCMs in Europe, but which would permit SS-20 warheads equal to the sum of all warheads on U.S., British, and French systems combined.<sup>11</sup>

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<sup>3</sup> Sherrett, 36-37

<sup>4</sup> Sherrett, 24

<sup>5</sup> Sherrett, 43

<sup>6</sup> Davis, Lynn E. "Lessons of the INF Treaty." *Foreign Affairs*, vol. 66, no. 4, 1988, pp. 720-734., [www.jstor.com](http://www.jstor.com) .

<sup>7</sup> Sherrett, 50-51

<sup>8</sup> "Intermediate-Range Nuclear Forces Treaty (INF Treaty)." *U.S. Department of State*, U.S. Department of State, [www.state.gov/t/avc/trty/102360.htm#text](http://www.state.gov/t/avc/trty/102360.htm#text).

<sup>9</sup> Sherrett, 58

<sup>10</sup> Davis, 728

<sup>11</sup> INF Treaty, [www.state.gov/t/avc/trty/102360.htm#text](http://www.state.gov/t/avc/trty/102360.htm#text)

Verification talks began in March 1987. On-site inspectors, national technical means of verification, and photo-reconnaissance satellites were proposed by the U.S.. The USSR was hesitant to agree to specifics, but by December 8<sup>th</sup>, 1987 treaty documents were formally signed in Washington.<sup>12</sup>

### The Treaty Itself

Entered into force on June 1, 1988, the treaty begins by defining the terms used in the agreement. Existing intermediate range missiles are defined for the United States as the Pershing II and BGM-109G, and for the Russians as the SS-20, SS-4, and SS-5. Shorter range missiles are the Pershing 1a, and SS-12 and SS-23 for each party.

Each Party shall eliminate all its intermediate-range missiles and launchers of such missiles, and all support structures and support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than three years after entry into force of this Treaty and thereafter no such missiles, launchers, support structures or support equipment shall be possessed by either Party.<sup>13</sup>

Article VI contains language prohibiting producing or flight-testing any missile of the type described earlier in the treaty. Regulatory means and expectations were laid out in various articles throughout the document as Fieldhouse points out:

To avoid any ambiguity or disputes about potential differences such as range, capability, or purpose within a prohibited type of missile or its launcher, the INF Treaty says that if any type of missile or launcher meets that definition of a prohibited item, then all such items, regardless of any potential variations or differences, ‘shall be considered to be’ that type of prohibited item, even if they have not been demonstrated or tested for the purpose, and thus must be eliminated.<sup>14</sup>

The INF treaty created a Special Verification Commission, which is now a multilateral body that provides a forum to “discuss and resolve implementation and compliance issue and to consider additional steps to improve the viability and effectiveness of the treaty.”<sup>15</sup> “The verification provisions are extremely detailed and include a schedule for reductions, procedures for removing the warheads and destroying the missiles, a description of the rights and responsibilities of the host and inspecting nations, and cooperative measures to ensure that no SS-20s are concealed within SS-25 garages.”<sup>16</sup> Article XV of the treaty defines the treaty as unlimited in duration and gives each of the parties “the right to withdraw from this Treaty if it decides that

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<sup>12</sup> Sherrett, 72-76

<sup>13</sup> INF Treaty, [www.state.gov/t/avc/trty/102360.htm#text](http://www.state.gov/t/avc/trty/102360.htm#text)

<sup>14</sup> Fieldhouse, Richard W. “INF Treaty Impasse: Time for Russian Action.” *Arms Control Today*, 2016, pp. 8–15., [www.jstor.com](http://www.jstor.com).

<sup>15</sup> Fieldhouse, 13

<sup>16</sup> Davis, 728

extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests.”<sup>17</sup>

### Modern Approach

In the modern era, the United States has alleged that the Russian Federation has violated the INF treaty in 2014, 2015, 2016, and 2017. The United States’ State Department and other officials have confirmed reports that the Russian Federation has deployed a noncompliant missile in the treaty area. This missile is designated by the U.S. as SSC-8.<sup>18</sup> Russia has denied these allegations and in turn, accused the U.S. of violations as well by accusing the Mk-41 Aegis Ashore launcher of being in violation of the treaty when it is in fact, compliant. Responses to Russian violations have varied wildly between the Obama Administration, the Trump Administration, and NATO:

Since 2014 [NATO] has been reluctant to strongly condemn Russia for violating the treaty, [it] said in a Dec. 15 statement that member states had identified a Russian missile system that “raises serious concerns” and called on Russia “to address these concerns in a substantial and transparent way, and actively engage in a technical dialogue with the United States.”<sup>19</sup>

### The Obama Era

Brian McKeon, then Principal Deputy Undersecretary of Defense for Policy of the Defense of Department testified, in December 2014 that the Obama administration had three kinds of response capabilities in the event of Russia deploying a non-compliant GLCM. The primary objectives of these responses were to “bring Russia back into compliance with the treaty and ... ensure Russia does not gain any significant military advantage from its violation.”<sup>20</sup> These approaches included “active defenses,” “counter force capabilities,” and “countervailing strike capabilities.”<sup>21</sup> Active defenses refers to augmenting the defenses of U.S. assets within reach of noncompliant GLCM. Counter force capabilities involve U.S. resources that can attack such missiles; and increasing countervailing strike capabilities to enhance the ability for the U.S. or allied forces to respond in the event of Russian active violation and attack. Brian McKeon also addressed the Senate explaining that U.S.-Russia talks relating to violations had been ongoing since 2013 and that the administration was considering options that would not be compliant with the treaty should Russia continue to disregard treaty guidelines. As Fieldhouse notes, these non-compliant options are most probably a contingency plan in case of Russian aggression.<sup>22</sup> At a Senate hearing on December 1, 2015, Brian McKeon, said that he would expect to use one of those three complaint approaches in response to a Russian violation. Later that year, McKeon outlined

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<sup>17</sup> INF Treaty, [www.state.gov/t/avc/trty/102360.htm#text](http://www.state.gov/t/avc/trty/102360.htm#text)

<sup>18</sup> “Fact Sheets & Briefs.” Edited by Daryl Kimball, *The Intermediate-Range Nuclear Forces (INF) Treaty at a Glance | Arms Control Association*, 22 Dec. 2017, [www.armscontrol.org/factsheets/INFtreaty](http://www.armscontrol.org/factsheets/INFtreaty).

<sup>19</sup> Reif, Kingston. “Arms Control Today.” *Trump Sets INF Response Strategy | Arms Control Association*, 10 Jan. 2018, [www.armscontrol.org/act/2018-01/news/trump-sets-inf-response-strategy](http://www.armscontrol.org/act/2018-01/news/trump-sets-inf-response-strategy).

<sup>20</sup> Fieldhouse, 10

<sup>21</sup> Reif, Kingston. “U.S. Broadens Response on INF Treaty.” *Arms Control Today*, vol. 46, no. 1, 2016, pp. 41–42. *JSTOR [JSTOR]*, [www.jstor.org/stable/43746370](http://www.jstor.org/stable/43746370).

<sup>22</sup> Fieldhouse, 10

broader steps to do so, such as, “expanding... military exercises with European allies, improving air defense systems, positioning military equipment in Central and Eastern Europe, as well as continuing to modernize U.S. nuclear forces.”<sup>23</sup> Testifying along with McKeon, Undersecretary of State for Arms Control and International Security Affairs Rose Gottemoeller noted “that the administration continues to ‘consider economic measures with regard to the INF [Treaty].”<sup>24</sup> Jacek Durkalec wrote in an email to *Arms Control Today* that these approaches as laid out by the Obama Administration “would be relevant for [the] deterrence and defense” of NATO, thereby avoiding debate within NATO about available responses to attack.<sup>25</sup> The National Defense Authorization Act (NDAA) for fiscal year 2015 included two provisions relating to the INF Treaty. Sections 1651 and 1244 require the Secretary of Defense to report to Congress on the “steps being taken planned to be taken” in response to Russian violations, requires a comprehensive report on noncompliance by Russia, and requires prompt notification to Congress if the President determines there has been a non-compliant act. The NDAA for fiscal year 2016 reflected the language of a Republican Senate and included Section 1243 requiring the Secretary of Defense to submit to Congress a plan to develop capabilities in line with the 3-pronged approach testified to be McKeon in December 2014, with the added caveat that such capabilities be developed “whether or not they are in compliance with the INF Treaty.” Section 1243 also stipulated these capabilities should be deployment ready to the field within two years.<sup>26</sup>

### The Trump Era

On December 8, 2017 the Trump administration released a statement regarding the INF treaty stating,

The United States does and will continue to abide by its INF Treaty obligations. We call on the Russian Federation to take concrete steps to return to compliance, preserve the INF Treaty, and restore confidence in the role of arms control to manage strategic stability.<sup>27</sup>

This announcement included policy implications of researching new compliant missiles to better protect the U.S. and its allies. In addition, “lawmakers voted in November to require the Defense Department to establish a program to begin development of a new ground-launched cruise missile (GLCM) having a range prohibited by the treaty as part of the fiscal year 2018 National Defense Authorization Act.”<sup>28</sup> Such development would potentially take years and cost several billion dollars. The administration is also continuing to pursue diplomatic resolution and punitive economic measures.

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<sup>23</sup> Reif “U.S. Broadens Response on INF Treaty”, 41

<sup>24</sup> Reif “U.S. Broadens Response on INF Treaty”, 42

<sup>25</sup> Reif “U.S. Broadens Response on INF Treaty”, 42

<sup>26</sup> Fieldhouse, 11-12

<sup>27</sup> Nauert, Heather. “Trump Administration INF Treaty Integrated Strategy.” *U.S. Department of State*, U.S. Department of State, 8 Dec. 2017, [www.state.gov/r/pa/prs/ps/2017/12/276363.htm](http://www.state.gov/r/pa/prs/ps/2017/12/276363.htm).

<sup>28</sup> Reif, Kingston. “Arms Control Today.”

## The Russian Response

The Department of State releases an INF Treaty compliance report each year. In 2014 the report contained the first public description of Russia's actions. It accused the Russian Federation of "possessing, producing, or flight-testing" a non-compliant GLCM. The June 2015 report and subsequent interview with Rose Gottemoeller, more clearly detailed the previously mentioned violation as a non-compliant cruise missile developed by the Russian Federation that had been flight tested as a ground launched missile system.<sup>29</sup> This violation heralded the testimony by Brian McKeon outlining the three-pronged approach discussed earlier. Furthermore, Rose Gottemoeller, has stated that Russia claims to be in full compliance with the treaty and has accused the U.S. of violations "with respect to three types of ... systems: ballistic missile defense target missiles, armed unmanned aerial vehicles, and the Mk-41 launcher." Brian McKeon explained at the December 2014 hearing that the first two systems are clearly within compliance of the INF treaty and that the Mk-41 is only capable of launching defensive intercept missiles, not cruise missiles; unlike the U.S. sea-based Aegis missile which has such capabilities but is compliant because of its sea based launch site<sup>30</sup> "Some Russian officials have raised doubts about the continuing value of the treaty, noting that it limits only Russia and the United States."<sup>31</sup> This line of critique seems designed, as Fieldhouse argues, to undermine the treaty as it is unlikely that any other country would be willing to become subject to the treaty.

## The Way of the Future

The most serious consequence of both sides continuing to accuse each other of violations is the termination of the INF Treaty; another is a continual "action-reaction cycle of military deployments" leading to increased instability.<sup>32</sup> Fieldhouse argues that precluding deployment of any non-compliant systems is essential but will require significant transparency and confidence-building steps, such as on-site inspections by both the U.S. and Russia.<sup>33</sup> Any plan for the future will mean that the "United States must ... be seen as willing to use force in the face of aggression it has tried to deter. Deterrence involves perceptions about military might but also political will."<sup>34</sup>

Michael McNerney postulated that assessing whether overseas posture contributes to deterrence by:

1. Showing a costly commitment to a country or region
2. Maintaining capabilities to prevent a quick victory
3. Improving capabilities of allies and friends, particularly through security cooperation
4. Improving understanding of regional dynamics

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<sup>29</sup> Fieldhouse, 9

<sup>30</sup> Fieldhouse, 13

<sup>31</sup> Fieldhouse, 14

<sup>32</sup> Fieldhouse, 8

<sup>33</sup> Fieldhouse, 13

<sup>34</sup> McNerney, Michael T., and Eric Peltz. "Strategic Considerations: Benefits of Overseas Posture for Deterrence and Assurance." *Overseas Basing of U.S. Military Forces*, by Michael J. Lostumbo, RAND Corporation, 2013, pp. 73–86. *JSTOR [JSTOR]*.

The United States has invested greatly in the INF treaty, to the point of leveraging all means of national power. The promulgation of the Pershing II missile, backed up by the various other compliant systems around the world demonstrates that the U.S. is certainly maintaining the necessary resources to prevent a quick victory by Russian aggression. One of the express reasons for the INF Treaty was to enable U.S. NATO allies to rest easy in the face of Russia's deployment of the mobile, accurate, and quick SS-20. Improving understanding of the regional dynamics through overseas posture is admittedly the least effective model for application of the INF Treaty. U.S. presence had been significant and near constant throughout the region before the INF and our NATO allies have been instrumental in U.S. intelligence gathering efforts of Russia's actions for decades. It is indisputable however, that as a result of the INF Treaty the weapons systems in the region have both modernized and economized tremendously. When examining how these influences apply to the INF Treaty, it becomes clear that the U.S. has, theoretically, achieved considerable deterrence posture by completing the deployment of Pershing II missiles throughout Europe. Our posture in Europe, irrespective of the success or continued sway of the INF Treaty serves an important role throughout the region. The Quadrennial Defense Review Report of September 2001 states that

The U.S. military plays a critical role in assuring allies and friends that the Nation will honor its obligations and will be a reliable security partner. Through its willingness to use force in its own defense and that of others and to advance coming goals, the United States demonstrates its resolve and steadiness of purpose and the credibility of the U.S. military to meet the Nation's commitments and responsibilities.

Lakshman Guruswamy of the University of Colorado of Law suggests judging treaties should be done by the following measures: do they accurately address the full extent of the problem, do they embody prescriptions aimed at the core of the problem and finally, do the "remedies and methods employed by the treaty... have demonstrably beneficial impact on the problem".<sup>35</sup> He suggests that both effectiveness *and* impact are vital points to consider when judging an international treaty.<sup>36</sup>

Nuclear arms control, even just the intermediate range missiles in Europe cannot be fully addressed through one treaty. The INF Treaty was however, a negotiation aimed at curbing the proliferation of SS-20s which could create an East-West imbalance of intermediate-range nuclear missiles. In addressing that problem, the INF Treaty could be considered comprehensive. The methods of transparency, investigative procedures and prescribed techniques for disarmament of the excess missiles in the parties' armaments do in fact "embody prescriptions aimed at the core of the problem."<sup>37</sup> As for the impact of the prescriptions, the Treaty has been largely effective since its conception, as the lack-of-compliance events have only manifested themselves in the last decade. From this analysis, the INF Treaty could be judged mostly successful, with compliance being the major downfall in need of significant reformation.

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<sup>35</sup> Guruswamy, Lakshman. "Judging Treaties." *American Society of International Law*, vol. 101, Mar. 2007, pp. 175–181. *Jstor*.

<sup>36</sup>Guruswamy, 176

<sup>37</sup> Guruswamy, 176

It has been suggested by social scientists that the compliance problems that do exist are best addressed as management rather than enforcement problems, and that this approach holds the key to the evolution of future regulatory cooperation in the international system. Noncompliance is to be found in “the ambiguity and indeterminacy of treaties, the capacity limitations of states, and uncontrollable social or economic changes.”<sup>38</sup> Referencing Chayes and Chayes, Downs insists that noncompliance is a problem to be solved, not a violation to be punished. The strategies to solving these problems lie in improved dispute resolution procedures, technical and financial assistance, and increased transparency.<sup>39</sup> The INF Treaty takes pains to define the terms within it to reduce ambiguity as to what systems are prohibited. While indeterminacy is almost impossible to counteract by its nature, the INF Treaty lays out expectations for both parties in almost equal measure, limiting the counterarguments one could reasonably make. Capacity limitations again are almost equal between the two signatories, and uncontrollable economic or social change has, not yet not proven a factor in the compliance issues of the treaty. Both parties have volatile political systems which tend to change political priorities, but political power grabs have not led to non-compliance in the United States until the Trump administration’s push for a new non-compliant system in the NDAA for 2018. This call, however, remains an idea only whereas the Russian Federation has certainly breached the treaty.

The INF Treaty has largely been ineffective when it comes eliminating and forswearing all nuclear and conventional GLCM and, as Jozef Goldblat stated “there is a remarkable compatibility between the Treaty limitations and the projected strategic nuclear weapons programs of both sides.”<sup>40</sup>

The existence of international bureaucracies created and driven by treaty regimes they supervise makes compliance possible and likely, helping resolve ambiguity or indeterminacy of norms, assisting regulatory targets to overcome deficits in capacity to comply through technical assistance, and otherwise inducing conforming behavior. International institutions thus are a focal point for maximizing compliance and reducing the likelihood of defection.<sup>41</sup>

Laws can rarely anticipate future problems, and they are almost always responsive in nature, reflecting current needs and values of the societies that draft them. However, “law is often deemed a necessary, if usually insufficient, basis for ordering behavior... [it] most precisely communicates expectations and produces reliance, despite inevitable ambiguities[.]”<sup>42</sup> Soft law considerations in maintaining the INF Treaty will come from the unenforceable willingness to endeavor to strive of both parties to cooperate. “Soft law instruments often serve to allow treaty parties to authoritatively resolve ambiguities in the text or fill in gaps.”<sup>43</sup> Using political capital to leverage soft law cooperation can be instrumental on the international stage as opposed to the

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<sup>38</sup> Downs, George W., et al. “Is the Good News about Compliance Good News about Cooperation?” *International Organization*, vol. 50, no. 3, 1996, pp. 379–406. *JSTOR [JSTOR]*.

<sup>39</sup> Downs, 380-381

<sup>40</sup> Downs, 390

<sup>41</sup> Shelton, Dinah L. “Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System.” *Scholarly Commons*, George Washington University College of Law, 2000, [scholarship.law.gwu.edu/faculty\\_publications](http://scholarship.law.gwu.edu/faculty_publications).

<sup>42</sup> Shelton, 7

<sup>43</sup> Shelton, 10



relatively small legal consequences of a hard law breach. Soft law's "flexibility extends to implementation and compliance where the dynamic interaction of the various actors can play a crucial role."<sup>44</sup> Where the U.S. can leverage political consequences from a soft law breach as opposed to legal consequences of a hard law breach, it should be done by the U.S. continuing to voice displeasure within the international community and urging NATO to set aside their reluctance to condemn these violations. With the comparable political might of the Russian Federation, considering soft law consequences first could prove beneficial in the long-term success of the INF Treaty in maintaining intermediate range missile equality.

"Compliance review mechanisms are an intermediate phase in treaty implementation, between domestic application and sanctions for non-compliance."<sup>45</sup>

Article XIII established the Special Verification Commission (SVC). The SVC serves as a forum for discussing and resolving implementation and compliance issues, for considering additional procedures to improve the viability and effectiveness of the Treaty, and for determining the characteristics and methods of use of inspection equipment as anticipated by Section VI of the Protocol on Inspection. The sides resolved many of those issues during the first SVC session and agreed to utilize the agreements reached until such time as a document embodying them was signed by the two sides.<sup>46</sup>

Articles X- XIII also lay out the considerable verification measures both sides agreed to when implementing the treaty. Each party has the right to conduct on-site inspections, use national technical means of verification, and the means by which the inspections should be carried out. From this analysis it is clear that these measures should be utilized as often as possible to keep the peace and substance of the treaty going for another thirty years.

### Conclusion

The INF Treaty's continual success or failure will lie in the abilities of each party to maintain compliance. In recent years compliance issues have become increasingly certain and unresolved. With no formal and enforceable mechanisms to ensure compliance the INF Treaty is in a perilous position. Utilizing forceful legal ramifications by means of economic sanctions and leveraging collection soft law consequences throughout NATO are just some potential measures that can be taken to curb non-compliance. Unfortunately, international law is inherently difficult to enforce and as such, most treaties rely on the willingness of parties so signed and therefore simple answers are impossible to find.

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<sup>44</sup> Shelton, 13

<sup>45</sup> Shelton, 15

<sup>46</sup> INF Treaty, [www.state.gov/t/avc/trty/102360.htm#text](http://www.state.gov/t/avc/trty/102360.htm#text)

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