

**EXECUTIVE SUMMARY OF FINDINGS**

**On**

**ADHERENCE TO AND COMPLIANCE WITH  
ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT  
AGREEMENTS AND COMMITMENTS**



**April 2020**

**Prepared by the U.S. Department of State**

# **ADHERENCE TO AND COMPLIANCE WITH ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS**

## **INTRODUCTION**

### **PURPOSE**

This document is an unclassified Executive Summary of the Report that is transmitted pursuant to Section 403 of the Arms Control and Disarmament Act, as amended (22 U.S.C. § 2593a), which requires a report by the President on *Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments*. This unclassified Executive Summary is intended to address the requirement in that statute that a report be submitted to Congress not later than April 15 annually. The full-length unclassified version of the Report will be provided at the earliest possible opportunity consistent with safe personnel and reduced staffing practices necessitated by the COVID-19 pandemic, along with the SECRET and the TOP SECRET/SCI level annexes.

### **SCOPE OF THE REPORT**

The full Report assesses U.S. compliance with and adherence to arms control, nonproliferation, and disarmament agreements and related commitments in 2019, including confidence- and security-building measures (CSBMs), as well as the compliance and adherence in 2019 of other nations to arms control, nonproliferation, and disarmament agreements and commitments, including CSBMs and the Missile Technology Control Regime, to which the United States is a participating State. The issues addressed in the Report will primarily reflect activities from January 1, 2019, through December 31, 2019, unless otherwise noted.<sup>a</sup>

The Compliance Report includes reporting and analysis at the levels of classification for which reliable supporting information is available. The unclassified and SECRET versions of the Report recount as much information as possible, but certain issues can be discussed only at higher levels of classification. Some compliance concerns are raised and some findings of violations are made, for instance, only in the SECRET or TOP SECRET/SCI-level elements of the Report.

### **ADHERENCE AND COMPLIANCE**

Arms control, nonproliferation, and disarmament agreements and related commitments continue to be important tools that can protect and advance U.S. interests. Their provisions can limit or reduce threats to U.S. and allies' and partners' security, including by limiting participating

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<sup>a</sup> In this year's Report, previous editions of the Report are cited by their year of release unless otherwise noted. In general, each edition of the Report focuses on activities that took place during the preceding calendar year. For example, the previous edition of the Report was released in 2019 and primarily reflected activities from January 1, 2018, through December 31, 2018. However, there have been some exceptions to that general practice. For example, the edition released in 2011 primarily reflected activities from January 1, 2009, through December 31, 2010, and the edition released in 2010 primarily reflected activities from January 2004 through December 2008.

States' access to or engagement in dangerous or destabilizing capabilities or activities, providing insight and transparency into the actions of participating States, and encouraging stabilizing patterns of behavior and interaction. In these ways, such agreements and commitments can contribute broadly to transparency and stability on a global and regional scale.

However, the utility of arms control, nonproliferation, and disarmament agreements and commitments as tools of statecraft and for the protection and advancement of security interests diminishes significantly if participating States do not fully implement the obligations and commitments they have undertaken. In fact, failure to comply can present serious national security challenges. A Party that complies with a treaty only to have one or more of its counterparts violate the agreement, for instance, can find itself at a potentially grave and destabilizing disadvantage – a danger that would be all the more acute to the degree that such cheating is successfully concealed. Violations that are not appropriately and effectively addressed can perpetuate and compound these dangers. Therefore, within the framework of any given set of agreements and commitments, vigorous verification, scrupulous compliance analysis, and robust compliance enforcement are critical aspects of U.S. national security planning.

In evaluating any country's compliance with its arms control, disarmament, and nonproliferation obligations, the United States considers a variety of factors. These include the nature and precise language of the obligations undertaken in the context of international law, information regarding the country's activities – including that acquired by so-called National Technical Means of verification (*i.e.*, intelligence collection), cooperative verification measures, open source information, and diplomatic means – and any information provided by the country in question. A similar process is used to evaluate a country's adherence to politically binding commitments.

Many concerns relating to compliance involve matters of interpretation; many involve highly classified information derived from sensitive sources and methods. Furthermore, some states often attempt to conceal activity that is inconsistent with their obligations or commitments, and some are able to do so with a thoroughness and sophistication that can make it difficult to “pierce the veil” of denial and deception and establish the requisite factual basis for a compliance assessment. For these reasons, it may take significant time to assess whether the actions or activities that gave rise to concerns constitute violations or simply represent differences in implementation approaches or some other permissible activity.

In the Report, the term “violation” refers to any action or omission by a State Party to an international agreement that has been determined by the United States to be inconsistent with obligations owed by that State Party to the United States under the agreement in question and that may give rise to international legal remedies.

As noted above, there can sometimes be legal or factual uncertainty as to whether a violation has occurred. Accordingly, the Report distinguishes between “violations” and instances in which the U.S. government is considering but has not yet determined whether a violation has occurred, for example because there are unresolved factual or legal questions about compliance. The Report refers to the latter category as “compliance concerns.”

In general, the Report uses the terms “violation” and “compliance” only in reference to legal obligations undertaken in international agreements. When discussing politically binding commitments, the Report generally uses the term “adherence” instead of “compliance.” Thus, a State engaged in conduct that is determined to be inconsistent with a politically binding commitment is said to be “not adhering” to that commitment, rather than “violating” the commitment.

When concerns arise regarding the actions of treaty partners, the United States seeks, whenever possible, to address its concerns through diplomatic engagement. However, in the event that the United States determines violations to have occurred, we also have a range of options and means to try to convince violators it is in their interest to return to compliance and to prevent violators from benefitting from their violations.

The Report evaluates adherence to and compliance with arms control, nonproliferation, and disarmament agreements and commitments to which the United States is a participating State. The United States and the majority of the other participating States involved in these agreements and commitments are implementing these obligations and commitments and have indicated their intention to continue doing so. As the Report makes clear, however, compliance concerns – and in some instances treaty violations and actions determined to be inconsistent with political commitments – exist involving a relatively small number of States. Where possible, the United States continues to pursue resolution of those issues with the States in question, as well as to assess the implications of these States’ actions and how best the United States should respond to them.

## **PART I: U.S. COMPLIANCE WITH ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS**

### **U.S. COMPLIANCE**

In 2019, the United States continued to be in compliance with all of its obligations under arms control, nonproliferation, and disarmament agreements. When other countries have formally raised a compliance concern regarding U.S. implementation activities, the United States has carefully reviewed the matter to confirm its actions were in compliance with its obligations under the following instruments:

- a) Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Biological Weapons Convention or BWC);
- b) Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention or CWC);
- c) Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles (Intermediate-Range Nuclear Forces or INF Treaty);
- d) Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapon Tests (Threshold Test Ban Treaty or TTBT), Treaty Between the United States of America and the Union of Soviet Socialist

Republics on Underground Nuclear Explosions for Peaceful Purposes (PNET), and Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Limited Test Ban Treaty or LTBT);

- e) 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare;
- f) Treaty on Conventional Armed Forces in Europe (CFE);
- g) Treaty on Open Skies (OST);
- h) Treaty on the Non-Proliferation of Nuclear Weapons (Nuclear Non-Proliferation Treaty or NPT);
- i) Treaty Between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START or NST); and
- j) Agreement between the Government of the United States of America and the Government of the Russian Federation Concerning the Management and Disposition of Plutonium Designated as No Longer Required for Defense Purposes and Related Cooperation, as amended (Plutonium Management and Disposition Agreement or PMDA).

## **PART II: OTHER STATES' COMPLIANCE WITH AND ADHERENCE TO ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS PERTAINING TO NUCLEAR ISSUES**

### **TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (INTERMEDIATE-RANGE NUCLEAR FORCES OR INF TREATY)**

#### **RUSSIAN FEDERATION (RUSSIA)**

The United States has determined that in 2019, the Russian Federation (Russia) continued to be in violation of its obligations under Articles I, IV, and VI of the INF Treaty not to possess, produce, or flight-test a ground-launched cruise missile (GLCM) with a range capability of 500 kilometers (km) to 5,500 kilometers, or to possess or produce launchers of such missiles. The Russian GLCM in question is the SSC-8 SCREWDRIVER, which the United States assesses to be designated by Russia as the 9M729. On December 4, 2018, Secretary of State Michael Pompeo announced that Russia's continued production, possession, and deployment of such a GLCM constituted a material breach of the treaty. Secretary Pompeo also announced the United States would suspend its obligations under the treaty in 60 days as a remedy for Russia's material breach unless Russia returned to full and verifiable compliance. Since 2014, the United States made very clear its concerns about Russia's violation and the risks it posed to European and Asian security. Russia would have had to verifiably eliminate all SSC-8/9M729 missiles, all SSC-8/9M729 launchers, and all associated support equipment in order to come back into full and verifiable compliance with its INF Treaty obligations.

On February 2, 2019, the United States notified Russia that the United States was suspending its obligations under the treaty as a remedy for Russia's material breach, as announced on December 4, 2018. At the same time, the United States also announced it would withdraw from the treaty in six months, in accordance with Article XV of the treaty. Subsequently, Russia announced the suspension of its obligations under the treaty on March 4, 2019. Despite continuing U.S. efforts to convince Russia to return to compliance, it chose not to do so, and the United States duly withdrew from the treaty on August 2, 2019, resulting in the treaty's termination.

## **TREATY ON MEASURES FOR THE FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (NEW START OR NST)**

Based on the information available as of December 31, 2019, the United States certifies the Russian Federation to be in compliance with the terms of New START. The United States has raised some implementation-related questions with the Russian Federation through diplomatic channels and in the context of the Bilateral Consultative Commission (BCC). Discussions of these questions were ongoing as of December 31, 2019.

## **PRESIDENTIAL NUCLEAR INITIATIVES CONCERNING TACTICAL NUCLEAR WEAPONS (PNIs)**

The United States assesses that Russia is not adhering to all of its PNI commitments. Although Russia has consolidated its Non-Strategic Nuclear Weapons into fewer nuclear weapons storage sites, Russia's efforts to retain dual-capable non-strategic systems for its ground forces are inconsistent with its PNI pledge to eliminate nuclear warheads for such systems. Despite a 2014 statement by a Russian Ministry of Foreign Affairs (MFA) official that force posture changes were made based on the PNIs "that are still carried out by Russia," and other carefully worded statements by Russia that the PNIs are still "relevant" to it, the United States assesses, based on Russian activities and statements from Russian officials and military officers from 1994 through the mid-2000s, that Russia no longer feels bound by its PNI pledge to eliminate all nuclear warheads for the ground forces.

## **PLUTONIUM MANAGEMENT AND DISPOSITION AGREEMENT (PMDA)**

### **RUSSIAN FEDERATION (RUSSIA)**

There is no indication that Russia has violated any of its obligations under the PMDA. Russia's October 2016 notification of its purported suspension of the PMDA raised concerns regarding Russia's future compliance with its PMDA obligations. Those concerns may be resolved one way or the other once the United States is in a position to engage Russia on the U.S. proposal for an alternative to irradiation for disposition of its PMDA plutonium.

## NUCLEAR NON-PROLIFERATION TREATY (NPT)

### MYANMAR (BURMA)

The available evidence does not support a conclusion that Myanmar (Burma) violated the NPT; however, the United States remains concerned about Burma's lack of transparency regarding past nuclear work, as much of this knowledge remains within the military and is not reported to the civilian government. Burma's signing of an Additional Protocol (AP) to its safeguards agreement in 2013 and its announcement that it would adhere to the modified Small Quantities Protocol (SQP) contributed significantly to U.S. confidence in the civilian leadership's peaceful intentions regarding its nascent nuclear program. However, more than five years have passed and neither the AP nor the modified SQP has entered into force. Efforts to bring them into force and implement them will require cooperation between the civilian and military elements of the Burmese government. The United States urges these bodies to delay no longer and to complete the collaborative work necessary to bring the AP and modified SQP into force. Burma's implementation of the AP and a modified SQP will improve confidence regarding an assessment of Burma's NPT compliance.

### DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (NORTH KOREA)

The Democratic People's Republic of Korea (North Korea or DPRK) was in violation of its obligations under Articles II and III of the NPT and its Comprehensive Safeguards Agreement (CSA) with the IAEA at the time it announced its withdrawal from the NPT in 2003, and it remains accountable for these violations. North Korea's continuing nuclear activities make clear that it also has not adhered to its commitments in the 2005 Joint Statement of the Six-Party Talks to abandon all nuclear weapons and existing nuclear programs, and to return at an early date to the NPT and IAEA safeguards. As discussed in prior Reports, North Korea failed to adhere to its commitments under the 1994 Agreed Framework. North Korea is in violation of its IAEA safeguards obligations.

### ISLAMIC REPUBLIC OF IRAN (IRAN)

Iran's efforts to retain files, documents, and personnel related to its pre-2004 nuclear weapons program – as revealed in the atomic archive acquired by Israel in 2018 – suggest that Iran may have maintained this information at least in part to preserve technical expertise relevant to a nuclear weapons capability, and potentially to aid in any future effort to pursue nuclear weapons again, if a decision were made to do so.

In November 2019, the Acting IAEA Director General (DG) reported the detection by IAEA inspectors of particles of chemically processed uranium at an undeclared location in Iran, and noted that this indicates the possibility of undeclared nuclear material in Iran. The IAEA continues to engage Iran regarding an explanation for the presence of these uranium particles that is consistent with the IAEA's technical analysis. Iran's intentional failure to declare nuclear material subject to IAEA safeguards would constitute a clear violation of Iran's CSA required by the NPT, and would constitute a violation of Article III of the NPT itself. Until Iran provides a full and complete explanation for the presence of this man-made uranium, the IAEA's safeguards

concerns are a matter of current proliferation concern. (Following the reporting period, additional concerns arose with regard to Iran's compliance with its safeguards obligations and commitments. In March 2020, the IAEA DG reported that Iran had failed to provide inspector access at two locations not declared by Iran, and did not substantively respond to the IAEA's requests for clarification regarding possible undeclared nuclear material or activities at those locations and a third, unspecified location.)

During the reporting period, Iran progressively expanded its uranium enrichment activities and stockpile of enriched uranium, key factors in determining the amount of time required to produce enough fissile material for a nuclear weapon or device, should Iran decide to pursue nuclear weapons. If Iran were to manufacture or otherwise acquire a nuclear weapon, such actions would violate its obligations under Article II of the NPT.

### **SYRIAN ARAB REPUBLIC (SYRIA)**

The Syrian Arab Republic (Syria) remains in violation of its obligations under Article III of the NPT and its CSA with the IAEA. Syria failed to declare and provide design information to the IAEA for the construction of a nuclear reactor at Al Kibar (also known as Dair Alzour), which was destroyed in an Israeli airstrike in September of 2007. Syria's clandestine construction of the Al Kibar reactor and its continued denial of IAEA requests for access and information concerning the Al Kibar reactor and information concerning three reported functionally related locations are clear violations of its obligations under its CSA, including with respect to modified Code 3.1 of the Subsidiary Arrangements to its CSA. To the extent that these activities were undertaken in connection with an effort to develop nuclear weapons, Syria may have also violated Article II of the NPT. Given the IAEA's finding of particles of chemically processed uranium compounds at the site, the United States remains concerned regarding whether any undeclared nuclear material might exist in Syria.

### **TREATY BETWEEN THE UNITED STATES AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS (THRESHOLD TEST BAN TREATY OR TTBT)**

The United States assesses that Russia has conducted nuclear weapons-related experiments that have created nuclear yield. The United States does not know how many, if any, supercritical or self-sustaining nuclear experiments Russia conducted in 2019. Russia may be testing in a manner that releases nuclear energy from an explosive canister, which raises compliance concerns with Russia's TTBT notification obligation. Russian intent to carry out at its test site an underground nuclear weapons related experiment that is supercritical (creates a self-sustaining chain reaction) and that is anticipated to result in a release of nuclear energy through a physical breach of the explosive canister, regardless of the magnitude of its planned nuclear yield, would require an affirmative TTBT notification to the United States. A Russian nuclear test notification would alert the United States of the forthcoming opportunity to conduct specified verification activities in accordance with the TTBT Protocol.



A failure on the part of Russia to provide an accurate annual notification of planned nuclear tests, as defined in the treaty and set out above, for the following calendar year, and to provide timely revised notifications as may be required, would prevent the United States from exercising its verification rights, as specified in paragraph 2(b) of Section III of the Protocol. Based on available information, Russian activities during the 1995-2019 timeframe raise concerns about Russia's compliance with its TTBT notification obligation.

## **NUCLEAR TESTING MORATORIA AS INTERPRETED IN ACCORDANCE WITH THE U.S. "ZERO-YIELD" STANDARD**

### **PEOPLE'S REPUBLIC OF CHINA (CHINA)**

China maintained a high level of activity at its Lop Nur nuclear weapons test site throughout 2019. China's possible preparation to operate its Lop Nur test site year-round, its use of explosive containment chambers, extensive excavation activities at Lop Nur, and lack of transparency on its nuclear testing activities – which has included frequently blocking the flow of data from its International Monitoring System (IMS) stations to the International Data Center operated by the Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization – raise concerns regarding its adherence to the "zero yield" standard adhered to by the United States, the United Kingdom, and France in their respective nuclear weapons testing moratoria.

### **RUSSIAN FEDERATION (RUSSIA)**

The United States finds that Russia has conducted nuclear weapons experiments that have created nuclear yield and are not consistent with the U.S. "zero-yield" standard. The United States does not know how many, if any, supercritical or self-sustaining nuclear experiments Russia conducted in 2019. Despite Russia renewing its nuclear testing moratorium in 1996, some of its activities since 1996 have demonstrated a failure to adhere to the U.S. "zero-yield" standard, which would prohibit supercritical tests.

## **PART III: OTHER STATES' ADHERENCE TO MISSILE COMMITMENTS AND ASSURANCES**

### **PEOPLE'S REPUBLIC OF CHINA (CHINA)**

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The People's Republic of China (China) has failed to adhere to its November 2000<sup>✓</sup> commitment to the United States not to assist "in any way, any country in the development of ballistic missiles that can be used to deliver nuclear weapons (*i.e.*, missiles capable of delivering a payload of at least 500 kilograms to a distance of at least 300 kilometers)."

This failure to adhere to its November 2000 commitment is reflected in Chinese entities' continued supply of items to missile programs of proliferation concern.

## **PART IV: OTHER STATES' COMPLIANCE WITH AND ADHERENCE TO ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS PERTAINING TO CHEMICAL ISSUES**

### **CHEMICAL WEAPONS CONVENTION (CWC)**

#### **MYANMAR (BURMA)**

Based on available information, the United States cannot certify that Burma has met its obligations under the Chemical Weapons Convention (CWC). The United States certifies that Burma is in non-compliance with the CWC due to its failure to declare its past chemical weapons (CW) program and destroy its CW production facility (CWPF). The United States has concerns that a CW stockpile may remain at Burma's historical CW facility.

#### **ISLAMIC REPUBLIC OF IRAN (IRAN)**

The United States certifies Iran is in non-compliance with the CWC due to (1) its failure to declare its transfer of CW to Libya during the 1978-1987 Libya-Chad war, (2) its failure to declare its complete holdings of Riot Control Agents (RCAs), and (3) its failure to submit a complete Chemical Weapons Production Facility (CWPF) declaration. Further, the United States has concerns that Iran is pursuing pharmaceutical-based agents (PBAs) for offensive purposes.

#### **RUSSIAN FEDERATION (RUSSIA)**

The United States certifies that Russia is in non-compliance with the CWC for its use of a military grade nerve agent in March 4, 2018 in an assassination attempt on UK soil. This attack indicates Russian retains an undeclared chemical weapons program. The United States cannot certify that Russia has met its obligations for complete declarations of its: (1) CWPFs; (2) CW development facilities; and (3) CW stockpiles. The United States has concerns regarding Russian assistance to the Syrian Arab Republic regarding the regime's use of chlorine against Douma in April 2018. Furthermore, the United States has concerns that Russia's pharmaceutical-based agents (PBAs) program is for offensive purposes.

#### **SYRIAN ARAB REPUBLIC (SYRIA)**

The United States certifies that the Syrian Arab Republic is in non-compliance with its obligations under the CWC. The United States assesses that Syria has continued to use chemical weapons against the Syrian people every year since acceding to the Convention, and therefore is in violation of its obligations under Article I of the CWC. The United States also assesses that Syria was responsible for the use of chemicals as weapons in Kabana, Latakia in May 2019. In addition, the United States assesses that Syria did not declare all the elements of its CW program, as required by Article III of the CWC, and that Syria retains chemical weapons as defined by the CWC. The process for verifying the accuracy and completeness of the Syrian declaration and the resolution of these matters are ongoing.

## **PART V: OTHER STATES' COMPLIANCE WITH AND ADHERENCE TO ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS PERTAINING TO BIOLOGICAL ISSUES**

### **BIOLOGICAL WEAPONS CONVENTION (BWC)**

#### **PEOPLE'S REPUBLIC OF CHINA (CHINA)**

During the reporting period, the People's Republic of China (China) engaged in biological activities with potential dual-use applications, some of which raise concerns regarding its compliance with Article I of the BWC. In addition, the United States does not have sufficient information to determine whether China eliminated its assessed biological warfare (BW) program, as required under Article II of the Convention.

Historically, the issue of compliance by China with the BWC has been of concern for many years, though the assessments have changed over time. In the 2005 Report, for instance, United States assessed that "China maintains some elements of an offensive BW capability in violation of its BWC obligations." In 2010, it was "noted that China possessed an offensive BW program prior to its accession to the BWC in 1984, and . . . was obligated to eliminate this program upon acceding to the Convention." The United States continues to note that the BWC CBM declarations China has submitted have neither documented that offensive program, nor documented that China has eliminated the program or any remaining biological weapons in accordance with Article II of the BWC.

#### **ISLAMIC REPUBLIC OF IRAN (IRAN)**

During the reporting period, Iran's activities raised concerns regarding its compliance with Article I of the BWC. The United States continues to assess that Iran has not abandoned its intention to conduct research and development of biological agents and toxins for offensive purposes. This is based on a cumulative assessment of current and past Iranian activity and its continued lack of transparency. Also, Iran maintains flexibility to use, upon leadership demand, legitimate research underway for biodefense and public health purposes for a capability to produce lethal BW agents; whether maintaining this flexibility is pursuant to decisions by leadership is unknown. The United States remains unable to differentiate some of Iran's public health research and biodefense activities from those that are prohibited under the BWC, complicating assessments of Iranian compliance.

Historically, the issue of compliance by the Islamic Republic of Iran (Iran) with the BWC has been of great concern for many years, though the assessments have changed over time. In the 2005 Report, for instance, United States assessed that "based on all available information, Iran has an offensive biological weapons program in violation of the BWC." In 2010, it noted that "Iran may not have ended activities prohibited by subparagraphs (1) and (2) of Article I of the BWC."

## **THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (NORTH KOREA)**

The United States assesses that the Democratic People's Republic of Korea (North Korea) has an offensive BW program and is in violation of its obligations under Articles I and II of the BWC. North Korea is assessed to have had BW capabilities since at least the 1960s. Although the United States has fragmented insight into North Korea's offensive BW program, continued reporting illustrates that North Korea has BW capabilities intended for use to counter U.S. and South Korean military superiority. The United States concludes that North Korea's activities violate its obligations under Articles I and II of the BWC.

## **RUSSIAN FEDERATION (RUSSIA)**

For this reporting period, available information does not allow the United States to conclude that the Russian Federation (Russia) has fulfilled its Article II obligation to destroy or to divert to peaceful purposes BW items specified under Article I of its past BW program.

Historically, the issue of compliance by Russia with the BWC has been of concern for many years. Though the assessments have changed over time, as noted in the 2005 report, the United States assessed that Russia maintained an offensive BW program in violation of Article I of the Convention. The United States continues to have concerns about Russian activities.

## **PART VI: OTHER STATES' COMPLIANCE WITH AND ADHERENCE TO ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS PERTAINING TO CONVENTIONAL ISSUES**

### **TREATY ON OPEN SKIES (OST)**

#### **RUSSIAN FEDERATION (RUSSIA)**

In 2019, the United States continued to assess that Russia was in violation of the Treaty on Open Skies (OST) in two respects, and also assessed one new violation. Specifically, in 2019, Russia was in violation of the treaty in the following respects: (1) Section III of Annex A to the Treaty and Open Skies Consultative Commission (OSCC) Decision 3/04 for imposing and enforcing a sublimit of 500 kilometers over the Kaliningrad Oblast for all flights originating out of Kubinka Open Skies Airfield; (2) Article VI of the Treaty for refusing access to observation flights within a 10 kilometer corridor along Russia's border with the Georgian regions of South Ossetia and Abkhazia; and (3) Article VI of the Treaty for improperly denying a planned U.S.-Canadian flight segment over Russia's TSENTR 2019 military exercise on September 20, 2019.

**VIENNA DOCUMENT ON CONFIDENCE- AND SECURITY-BUILDING MEASURES  
(VD11)**

**RUSSIAN FEDERATION (RUSSIA)**

The United States assesses that the Russian Federation's (Russia's) selective implementation of certain provisions of VD11 and the resultant loss of transparency about Russian military activities has limited the effectiveness of the CSBM regime and raises concerns as to Russia's readiness to provide transparency regarding its military forces.

Russia's continued occupation and attempted annexation of Crimea, which remains part of the sovereign territory of Ukraine, as well as its arming, training, and fighting alongside anti-government forces in eastern Ukraine, was contrary to paragraphs 2 and 3 of VD11, in which the participating States stress the continued validity of commitments on refraining from the threat or use of force contained in the Helsinki Final Act and the Document of the Stockholm Conference, as seen in light of the Charter of Paris and the Charter for European Security.

In its VD11 data as of January 1, 2019, Russia again failed to provide information on its military forces located in the Russian-occupied Georgian territories of Abkhazia and South Ossetia. It also failed to provide information on two Russian units in Kursk, Russia, and in Crimea, Ukraine, in its data as of January 1, 2019.<sup>b</sup>

With regard to reporting major weapons and equipment in its VD11 data, Russia failed to report on two types of combat aircraft and one type of helicopter that were deployed to units in the VD11 zone of application. Russia also continued to exclude improperly the BRM-1K armored combat vehicle from its reporting.

Finally, Russia's failure to provide timely information regarding the deadly nuclear accident with the SKYFALL/*Burevestnik* nuclear-powered cruise missile that occurred near Nenoksa, Russia, in August 2019 raised questions regarding its commitment to the VD11 paragraphs concerning cooperation on hazardous incidents of a military nature.

**REPUBLIC OF AZERBAIJAN (AZERBAIJAN)**

The Republic of Azerbaijan (Azerbaijan) failed to notify at least one major military exercise or activity for calendar year 2019.

**KYRGYZ REPUBLIC**

The Kyrgyz Republic failed to provide VD11 data on its armed forces (as of January 1, 2019) by December 15, 2018.

The Kyrgyz Republic also failed to notify at least one major military exercise or activity for calendar year 2019.

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<sup>b</sup> Russia has since declared both of these previously omitted units in its December 15, 2019, Annual Exchange of Military Information, effective as of January 1, 2020. This information will be reflected in next year's report.

Additionally, Bishkek declined a June 2019 request by Italy, an October 2019 request from Germany, and a November 2019 request from France for VD11 inspections, and declined a July 2019 request by the United Kingdom for a VD11 evaluation.

### **REPUBLIC OF TURKMENISTAN (TURKMENISTAN)**

The Republic of Turkmenistan (Turkmenistan) failed to provide VD11 data on its armed forces (as of January 1, 2019) by December 15, 2018.

Turkmenistan also failed to notify at least one major military exercise or activity for calendar year 2019. Despite these shortcomings, Turkmenistan regularly received VD11 inspections and evaluations, which were conducted satisfactorily.

### **REPUBLIC OF TAJIKISTAN (TAJIKISTAN)**

The Republic of Tajikistan (Tajikistan) did not present any VD11 adherence concerns in 2019. Although it failed to notify at least one major military exercise or activity in 2018, Tajikistan notified a military land exercise in an F25 notification on August 29, 2019, and notified an exercise to take place in 2020 in its annual calendar notification on November 19, 2019. These actions by Tajikistan are in adherence with their commitments under VD11 and resolve the previous issue of adherence concern reported in last year's Report.

### **REPUBLIC OF UZBEKISTAN (UZBEKISTAN)**

The Republic of Uzbekistan (Uzbekistan) failed to provide VD11 data on its armed forces (as of January 1, 2019) by December 15, 2018.

Uzbekistan also failed to notify at least one major military exercise or activity for calendar year 2019.

## **TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE (CFE)**

### **REPUBLIC OF ARMENIA (ARMENIA)**

Although Armenia continues to express its full support for the Treaty, its equipment total for armored infantry fighting vehicles (AIFVs) continued to exceed the relevant Treaty-Limited Equipment (TLE) sub-limit in 2019, and other Treaty implementation practices raised concerns as to its fulfillment of certain other Treaty obligations.

### **REPUBLIC OF AZERBAIJAN (AZERBAIJAN)**

Although Azerbaijan continues to express its full support for the Treaty, its equipment totals continued to exceed TLE limits in 2019, and other activities related to Treaty implementation raised concerns as to its fulfillment of certain other Treaty obligations.

### **RUSSIAN FEDERATION (RUSSIA)**

In 2007, Russia “suspended” its implementation of the Treaty, which the United States does not view as legally available under the Treaty or customary international law.<sup>c</sup> Since its “suspension,” Russia has continued to violate its Treaty obligations and has made clear that it will not resume implementation of the Treaty. In addition, Russia’s stationing of forces on the territories of Georgia, Moldova, and Ukraine without the host country’s consent continued through 2019.

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<sup>c</sup> In the Report, Russia’s action is referred to as a suspension of implementation of the Treaty, as a decision to suspend observation of Russia’s Treaty obligations, or as a “suspension” in quotation marks, since the Russian action is not viewed as a legally available option under the Treaty or under customary international law.

