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## The Death of the New START Treaty

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In December 2019, Russian Ambassador to the United States Anatoly Antonov and former Undersecretary of State for Arms Control and International Security Rose Gottemoeller, coauthored an article on the New START Treaty which claimed that the Treaty was "The Gold Standard" of arms control and ended with the suggestion that the U.S. Government should adopt the Russian position: "Russian President Vladimir Putin has indicated that the Russian side is ready to extend New START without any preconditions. There is nothing stopping U.S. President Donald Trump from immediately announcing the same." The Antonov-Gottemoeller recommendation implicitly rejected the Trump Administration's attempt to enhance the Treaty's limitations and its verification regime. This is exactly what the Biden Administration did when it extended New START without any review of the issues involved.

In 2020, Rose Gottemoeller made it clear that the on-site inspection regime was central to New START verification, stating that, "...we discarded the counting rules in favor of confirming declared warheads on the front of missiles through reciprocal inspections; in fact, we did not need telemetry measures to confirm compliance with the warhead limits in the new treaty...."<sup>2</sup>



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In 2022, Russia refused to resume New START Treaty on-site inspections. To date, we have not had any on-site inspections for over three years with no end in sight.

In November 2022, Rose Gottemoeller declared our negotiations on New START with Russia had "quietly born fruit" and "that at a BCC [Bilateral Consultative Commission] meeting in Cairo meeting participants can ensure that on-site inspections under New START resume, but in a way that will not interrupt the operating tempo of the three legs of the strategic nuclear forces—intercontinental ballistic missiles, submarines, and bombers." Russia cancelled the meeting.

In reality, on-site inspections have little impact on the "operating tempo" of strategic nuclear forces. Rose Gottemoeller, while acknowledging that our strategic force elimination procedures were Treaty compliant, suggested that we would address a list of Russian demands regarding changes they desired. She stated, "The Russians, for example, have long complained about the 'conversion or elimination'" procedures. She did not mention that the Russian demands for Treaty changes related to removal from accountability provisions would cost the United States several Trident submarines and most of our nuclear bomber force or a comparable reduction in our ICBMs. This would have been in addition to what the Treaty had already cost us. According to then-STRATCOM Commander Admiral Charles Richard, "… [U.S. nuclear] weapons are 'operationally unavailable' because of treaty constraints, such as provisions of the New START treaty with Russia." 5

In his February 2023 State of the Nation Address, President Putin announced Russia was, "...suspending its participation in the strategic offensive arms treaty." On March 15, 2023, the State Department announced that Russia was in "noncompliance" with the New START Treaty. It said: 1) "Russia's noncompliance with the New START Treaty, and its claimed suspension of the treaty, are unfortunate and irresponsible steps."; 2) "Russia is refusing to allow inspections."; 3) "Russia refuses to meet in the treaty's implementation body, the Bilateral Consultative Commission (BCC), despite repeated U.S. requests. The treaty requires both sides meet in the BCC."; and, 4) "Russia has stopped providing its treaty-mandated notifications."

The arms control enthusiast community is now suggesting we do not really need inspections to verify the New START Treaty warhead numbers. According to Gottemoeller, this is because we get data exchange and notifications from Russia (which have now stopped) and we verify the data by using our "own national technical means [NTM] (satellites, reconnaissance aircraft, radars, etc.)—the United States has been able to keep a close eye on developments in the Russian strategic nuclear forces." The Department of State is also taking the line that the absence of on-site inspections is of little consequence, even asserting that, "...the United States assesses that Russia did not engage in significant activity above the Treaty limits in 2022. The United States also assesses that Russia was likely under the New START warhead limit at the end of 2022." 9



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In reality, this is little more than wishful thinking. The New START Treaty clearly contains the weakest verification regime since the "fatally flawed" 1979 SALT II Treaty. Former Assistant Secretary of State for Verification, Compliance, and Implementation Paula DeSutter observed that the verification regime of the New START Treaty is so poorly designed that its verifiability is "very, very low." This suggested inadequate verification under the terms of New START, but the reality is worse with the complete absence of on-site inspections. The New START Treaty does not contain the previous START Treaty attribution rules which allowed NTM data to be used to count deployed warheads. It also lacks the START telemetry regime and many types of START Treaty inspections. With the demise of the START Treaty in 2009, the United States lost continuous monitoring of mobile ICBM production and the verification regime that monitored the actual destruction of mobile ICBMs and their launchers. Add to this Putin's complete termination of the New START Treaty verification regime, and the resulting situation is about as bad as it can get.

Without on-site inspections for over three years, the United States cannot verify the number of warheads deployed on Russian missiles. The absence of counting rules (sometimes called attribution rules) in the New START Treaty makes it impossible for NTM data to be used to count deployed warheads. If the United States could verify the number of deployed warheads without on-site inspections, it would never have had an on-site inspection regime requirement in the previous START and INF Treaties; it was an enormous challenge to secure Soviet agreement with those provisions. Satellites, reconnaissance aircraft, radars and other NTM systems provide much useful information about the potential of Russian missiles, but they cannot convey how many warheads are actually deployed on them. NTM cannot reveal whether downloaded Russia missiles have been covertly uploaded during the more than three years without on-site inspections—despite State Department claims.

Even before Putin's "suspension" of the New START Treaty, the only thing left of its severely deficient original verification regime was the prohibition on interference with NTM of verification and the very limited prohibition of concealment which did not apply to "cover or concealment practices at ICBM bases..." Today, there is literally nothing left of the verification regime.

If one reads the Biden Administration's 2022 and 2023 reports on arms control compliance, one will read that Russia is violating all of the arms control treaties except New START.¹⁴\_This year the State Department has stated, "…the United States cannot certify the Russian Federation to be in compliance with the terms of the New START Treaty."¹⁵ The long history of Soviet/Russian arms control violations suggests that today Russia is exploiting the lack of inspections and "suspension" of the Treaty to increase its nuclear forces.



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Russia obviously did not terminate New START Treaty inspections because of Covid 19 as claimed (the pandemic did not, for example, prevent Russia from invading Ukraine), or the cost of airline tickets. Pavel Luzin, a Jamestown Institute Russia analyst, has pointed out the "...evidence suggests that Russia did not intend to abide by the New START Treaty after its full-scale invasion of Ukraine, exactly one year ago." <sup>16</sup> This appears to be correct. In September 2022, the Russian space agency indicated it was not planning a Treaty-required demonstration of the new Sarmat heavy ICBM until February 2024. <sup>17</sup> The "suspension" of New START by Putin opens the door to higher Russian force levels while the United States chooses to continue to comply with the New START Treaty.

The official Russian position is that it is not increasing its force above the New START Treaty limits but this is very unlikely in light of the value the Russian leadership places on nuclear weapons and the lack of any penalty for Treaty violations. Indeed, Russian Deputy Foreign Minister Sergei Ryabkov has hinted that they do not plan to abide by the Treaty limits. He said that suspension gives "....additional possibilities to ensure our own security..." (Emphasis added.) This can only be true if Russia does not observe the Treaty limit on deployed warheads. Ryabkov made it clear that suspension would not end soon stating, "Until the United States changes its behavior, until we see signs of common sense in what they are doing in relation to Ukraine ... we see no chance for the decision to suspend New START to be reviewed or reexamined." <sup>19</sup>

What are the implications if Russia began to upload its missiles covertly in late 2021 when Putin began his assault on the West or when it became clear in early 2022 that Russia would not secure a prompt victory against Ukraine? Putin's subsequent behavior regarding the New START Treaty suggests he may have ordered covert uploading. Gottemoeller has said that without the New START Treaty "...the Russians could rapidly add several hundred more warheads, some say up to a thousand warheads, to their existing deployments of ICBMs without deploying a single additional missile." No inspections for over three years is roughly equivalent to no treaty at all since over that period Russia could have uploaded many of its missiles with little risk of detection and even less risk of a U.S. response.

The number of warheads the Russians could upload needs to be the subject of a separate analysis, but the Russians likely could have uploaded many more warheads than in Gottemoeller's high estimate; the situation will get much worse when the Russians start deploying the new Sarmat heavy ICBM (reportedly capable of carrying up to 20 warheads)<sup>21</sup> supposedly this year.<sup>22</sup> Thanks to the 15 years of the original START Treaty's verification regime, which provided technical data, demonstrations of Russian missiles for measurement, unencrypted telemetry, telemetry tapes and interpretive data and many more on-site inspections, the United States probably still has a reasonably good handle on the maximum number of nuclear warheads Russia can deploy today on its strategic nuclear forces that *are known*. That does not necessarily include the full size of Russia's mobile ICBM force.



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There is a range of Russian New START Treaty compliance issues involving placing long-range nuclear cruise missiles on aircraft other than heavy bombers, which creates Treaty violations. Our main source for this information is Russian state media which has no real legal understanding of the content of the New START Treaty and, hence, sometimes reports activities that indicate Treaty violations. Thus far, the State Department appears to have completely ignored this information in its annual noncompliance reports.

If Russia puts long-range (i.e., 600-km or greater range) nuclear air-launched cruise missiles (ALCMs) on non-heavy bombers (fighters, light bombers or medium bombers), it turns them into heavy bombers under the New START Treaty and *de facto* puts Russia in violation of the numerical limits of the New START Treaty on deployed warheads and deployed delivery vehicles. This is one of the reasons the United States does not have nuclear ALCMs on its fighters.

In 2022, Yury Borisov, then-Russia's Deputy Prime Minister in charge of defense procurement, stated in an interview with RT (Russian state media) that the Kh-101 long-range ALCM was "carried by the Sukhoi Su-30 and Su-35 fighter-bombers. We have a wide range of air-to-surface munitions with a different effective range and power to hit different types of targets. Because of that, Russia dominates the sky in Ukraine. Russia's Air Force ensures this with its efficient air-launched weapons." (Emphasis in the original). Perhaps subsequently realizing the significance of this statement as indicating Russian violation of New START limits, RT has recently removed this statement from the text of the Borisov interview but, to its credit, acknowledges it: "This article has been amended in regards to a quote by Yury Borisov on the missiles carried by the Sukhoi Su-30 and Su-35 fighter-bombers." (Emphasis in the original).

The problem is that in December 2015 President Vladimir Putin declared the Kh-101 "...can be equipped either with conventional or special nuclear warheads." <sup>24</sup> When briefing on the 2015 missile attacks against Syria, Russian Defense Ministry spokesman Major General Igor Konashenkov also said that the Kh-101 could carry conventional or nuclear warheads. <sup>25</sup> In August 2017, again speaking about Kh-101 strikes against Syria, he repeated his statement that the Kh-101 carries both conventional and nuclear warheads. <sup>26</sup> President Putin and the Russian Ministry of Defense (MoD) have said the range of the Kh-101 is 4,500 km. <sup>27</sup> That turns every Su-30 and Su-35 fighter into a heavy bomber under New START and puts Russia far above the deployed warhead and deployed delivery vehicle limits.

In 2012, the Commander of the Russian Air Force Colonel General Alexander Zelin stated that the Su-34 long-range strike fighter would be given "long-range missiles...Such work is under way and I think that it is the platform that can solve the problem of increasing nuclear deterrence forces within the Air Force strategic aviation." The compliance issue is the same as with the Su-30 and Su-35. The most important aspect of this statement is that it indicates



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Russia was doing this intentionally to achieve an illegal objective – increasing its strategic nuclear capability with fighter bombers, again in violation of New START limits.

In addition to the Kh-101 cruise missile, there are reports in the Russian press, including in Russian state media, that the Russian Kh-555 and Kh-32 long-range cruise missiles carried by the Backfire bomber are <u>nuclear-capable</u>.<sup>29</sup> If true, all the Backfire bombers become heavy bombers and about another 100 warheads and delivery vehicles are added to Russia's count under New START rules. These nuclear missiles can be used for strategic and non-strategic attacks although the Kh-32 would probably be exclusively non-strategic if launched from a Backfire bomber.

Since 2013, Colonel General Sergei Karakayev, Commander of the Strategic Missile Forces, has stated at least five times that Russia had approximately 400 ICBMs on "combat duty." <sup>30</sup> That is about 100 more than is possible under Russia's declared New START force levels. <sup>31</sup> This suggests a covert mobile ICBM force or rapid reload. A covert mobile ICBM force is a Treaty violation while rapid reload is a circumvention.

In December 2019, Colonel General Karakayev implied that Russia has over 3,300 strategic nuclear warheads when he said that Russian strategic nuclear warheads had been reduced by two-thirds from Cold War levels.<sup>32</sup> (The peak Cold War level was about 10,000 warheads.)<sup>33</sup> To reach 3,300 warheads Russia would have to have been in violation of the 1,550 warhead limit in the New START Treaty.

It appears that not one of these issues has been addressed in a State Department noncompliance report. None of the numbers of extra nuclear warheads implied by these cheating scenarios is included in open source calculations of possible Russian strategic nuclear weapons levels. Thus, even our highest estimates of Russian strategic nuclear capability may be too low. Because of the legacy of the almost dead New START Treaty, threat assessment continues to be subject to apparent political calculations which virtually guarantee serious underestimates of Russian capability with grave implications for extended deterrence. If arms control is to have any chance of being meaningful, the United States can and must do better.

<sup>&</sup>lt;sup>1</sup> Anatoly Antonov and Rose Gottemoeller, "Keeping Peace in the Nuclear Age—Why Washington and Moscow Must Extend the New START Treaty," *Foreign Affairs*, April 29, 2020, available at https://www.foreignaffairs.com/articles/united-states/2020-04-29/keeping-peace-nuclear-age.

<sup>&</sup>lt;sup>2</sup> Rose Gottemoeller, "The New START Verification Regime: How Good Is It?," *Bulletin of the Atomic Scientists*, May 21, 2020, available at https://thebulletin.org/2020/05/the-new-start-verification-regime-how-good-is-it/.

<sup>&</sup>lt;sup>3</sup> Rose Gottemoeller, "Resuming New START inspections must be a critical goal of upcoming US-Russia talks," *Bulletin of the Atomic Scientists*, November 23, 2022, available at https://thebulletin.org/2022/11/resuming-new-start-inspections-must-be-a-critical-goal-of-upcoming-us-russia-talks/?utm\_source=Newsletter&utm\_medium=



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- <sup>9</sup> U.S. Department of State, "Report to Congress on Implementation of the New START Treaty Pursuant to paragraph (a)(10) of the Senate's Resolution of Advice and Consent to Ratification of the New START Treaty (Treaty Doc. 111-5) New START Treaty Annual Implementation Report," (Washington, D.C.: U.S. Department of State, 2023), p. 6, available at https://www.state.gov/wp-content/uploads/2023/01/2022-New-START-Implementation-Report.pdf.
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