



Executive Memorandum

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ACCEPT NO RUSSIAN CONDITIONS TO START II TREATY

BAKER SPRING

After years of delay, the Russian Duma seems prepared to approve the 1993 Strategic Arms Reduction Treaty II (START II), which would reduce the number of deployed strategic nuclear warheads in the United States and Russia to no more than 3,500 each. The U.S. Senate approved the original START II in 1996. START II will reduce—if not eliminate—Russia's current advantage over the United States in deployed warheads on intercontinental ballistic missiles (ICBMs).

But it now appears that the Duma may decide to attach unacceptable preconditions to implementation of START II that could either prevent the Russian government from ratifying the treaty or require Russia to withdraw from it altogether. Reportedly, one of these possible conditions would require the United States to observe the terms of the defunct 1972 Anti-Ballistic Missile (ABM) Treaty with the former Soviet Union, which continues to keep America vulnerable to missile attack. Other conditions could restrict U.S. nuclear or anti-satellite weapons deployment.

The Senate should not heed such conditions. It should approve START II on its own merits, without allowing it to be linked to any other treaty or agreement, such as the old ABM Treaty.

DUMA CONDITIONS WILL NOT ALTER START II

Any new conditions imposed by the Duma on implementation of START II would *not* be modifications to the treaty that would require Senate approval. Only one modification has been made to the treaty thus far, and that was done by protocol in 1997 to extend the implementation period from January 1, 2003, to December 31, 2007. This modified START II agreement does not require the United States to accede to Duma conditions. Further, the document the Administration submits to the Senate for approval will not include those possible conditions, which establish the terms under Russian law by which the Russian government would ratify the treaty or withdraw from it under Article VI.

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However, many defense policy observers expect the Administration to demand that the United States accede to the Duma conditions. The Administration will likely argue that refusing to meet these conditions is tantamount to opposing the START II treaty itself. In other words, the Administration will establish a political linkage between the ABM Treaty and START II. Such baseless assertions serve only to distract the Senate. The Duma conditions in and of themselves are tantamount to START II opposition; one way to defeat a treaty is to attach unrealistic or unacceptable conditions to its ratification or implementation. On that note, the record will show that many, if not all, of the conditions were ones sought by members of the Duma who are at least skeptical of START II or oppose it altogether.

It is important to remember that the Senate will not vote on the Duma's possible conditions. The Senate approved START II in 1996, and it is free to approve ratification of the 1997 protocol modifying the treaty without considering any conditions. This would not preclude the U.S. government—including the Senate, when its actions are required—from deciding at a later date to take any action that is consistent with the Duma conditions.

SERVING U.S. INTERESTS

Since START II will help reduce the threat to America posed by deployed nuclear ICBMs, Senate approval of the modification to START II is in the United States' best interest. Acceding to the Duma's conditions for ratification of START II, especially one that links START II to an ABM Treaty that

leaves Americans and U.S. territory vulnerable to ballistic missile attack, clearly would not serve U.S. interests.

However, the Clinton Administration likely will try to bully the Senate into accepting the conditions adopted by the Duma, especially ones that relate to the continued observance of the ABM Treaty. It could do so by stating that the Senate must approve START II and the ABM agreements as a package, and claiming that opposition to the three ABM agreements signed last year in New York that would revive the ABM Treaty and broaden its application is tantamount to opposing START II. The Senate should not be intimidated by this rhetoric. It should approve START II on its own merits and then address the ABM agreements separately.

CONCLUSION

By approving the 1997 START II protocol, the Senate will have gone on record twice in support of START II. President Clinton and the Russians should not try to make perpetual U.S. vulnerability to missile attack the price America must pay to gain Russia's approval of START II. If, after Senate approval, START II does not enter into force or Russia withdraws because the Senate failed to approve the ABM agreements, then the Duma should bear the blame for killing this important treaty.

—*Baker Spring is Senior Defense Policy Analyst in The Kathryn and Shelby Cullom Davis International Studies Center at The Heritage Foundation.*