

Executive Summary Backgrounder

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Strategic Nuclear Arms Control for the Protect and Defend Strategy

Andrei Shoumikhin, Ph.D., and Baker Spring

The Obama Administration has declared its determination “to stop the development of new nuclear weapons; work with Russia to take U.S. and Russian ballistic missiles off hair trigger alert; and seek dramatic reductions in U.S. and Russian stockpiles of nuclear weapons and material.” In line with these goals, the Administration has rushed to renew negotiations with the Russian Federation on a follow-on agreement to the Strategic Arms Reduction Treaty (START) and broader areas of cooperation. The negotiations will seek to reduce the number of nuclear weapons and prevent further proliferation, in accordance with the joint statements issued by President Barack Obama and Russian President Dmitry Medvedev in London on April 1, 2009.

The recent upsurge in international calls to eliminate all nuclear weapons has intensified the Administration’s hope to develop a new workable agreement with Russia by December 5, 2009, when START will expire. Yet the Strategic Offensive Reductions Treaty (SORT or the Moscow Treaty) already requires the U.S. and Russia to reduce their strategic nuclear forces below START levels. However, SORT lacks the verification and control measures in START. Since mid-2006, Moscow has called for maintaining START verification and transparency measures, albeit modified to reduce expenses and make the measures less cumbersome.

U.S.–Russian Relations. Admittedly, progress in U.S.–Russian relations, particularly in reducing

American and Russian nuclear arsenals, could benefit both powers and the international community at large. However, progress will not emerge automatically simply on the strength of good intentions. Moreover, while the quantity and quality of weapons possessed by nuclear powers are key elements in assessing defense requirements, the nature and state of relations between them are just as important. Obviously, the United States has nothing to fear from the nuclear arsenals of Britain and France, but the U.S. relationships with Russia and China are clearly much more complex and controversial. Russia retains a significant nuclear weapons capability and is the only global power capable of threatening the existence of the United States. Notwithstanding the often repeated official mantra that the two countries are diligently building up their strategic partnership, their nuclear arsenals continue to play mutual deterrence roles as reflected in their respective nuclear postures and military policies.

Haste in redefining the parameters of the U.S.–Russia strategic relationship, whether for political

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expediency or for any other reason, is inadvisable and potentially dangerous for U.S. national security interests. As the Obama Administration pursues the available options on arms control, the Senate and the public at large should not permit the Administration to neglect its fundamental responsibility under the Constitution to provide for the common defense of the American people and, by extension, U.S. allies against attack.

The Administration needs to fashion an arms control policy specifically tailored to meeting current and projected U.S. defense needs. This policy should be based on an in-depth professional analysis of political, legal, economic, and all other pertinent aspects of existing and future negotiations and agreements with the Russian Federation. It should also take into account Russian internal and foreign policies, including Russian motivations and goals in arms control.

A “Protect and Defend” Strategic Posture. The Heritage Foundation has proposed a “protect and defend” strategic posture for the U.S. that is based on shifting away from the retaliation-based strategic posture of the Cold War toward a more defensive posture that is adapted to the emerging international structure. To the greatest extent possible, this defensive posture would employ offensive and defensive forces and conventional and nuclear forces to defeat any strategic attack on the U.S. and its allies. It also recognizes that arms control can play a positive role in facilitating this shift and enabling the U.S., Russia, and other states to pursue both near-term and long-term arms control.

The Obama Administration needs to pursue the planned strategic nuclear arms control negotiations with Russia with care and patience. On this basis, it should proceed as follows:

1. Chronological deadlines should not drive negotiations to renew START. Negotiations should be guided by a clear understanding of how this process and its expected results would advance the security interests and defense requirements of the U.S. and its allies.
2. Allowing START to expire is a much lesser evil than negotiating a hasty agreement that may compromise U.S. interests.
3. Parallel to or in lieu of START negotiations, the U.S. and Russia should negotiate a verification and transparency protocol (as a treaty document) to the Moscow Treaty. This is the most immediate and important issue for U.S.–Russian arms control.
4. While there may be informal linkages to other issues, formal negotiations on other issues should be deferred until after the conclusion of the negotiations on the verification and transparency protocol to the Moscow Treaty.
5. Contrary to the goal stated in the London joint statements, negotiations to reduce nuclear arsenals below Moscow Treaty levels should also be deferred until after the verification and transparency protocol is concluded.
6. Negotiations on any treaty that would further reduce nuclear weapons must be based on careful planning, specifically the broader requirements for U.S. strategic forces and related goals that are consistent with the protect and defend strategy.
7. Following the completion of the planning process, the U.S. should seek a new joint declaration with Moscow that defines the scope of the negotiations for a successor treaty to the Moscow Treaty and other arms control negotiations.

Conclusion. A unilateral commitment by the U.S. to posture its military forces to defend the people, territories, institutions, and infrastructure of the U.S. and its allies—even in the absence of Russia cooperation—will prove both just and wise. If Russia also adopts a more defensive and less threatening strategic posture, the world will be a better and safer place.

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Background

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Strategic Nuclear Arms Control for the Protect and Defend Strategy

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The Obama Administration has declared its determination “to stop the development of new nuclear weapons; work with Russia to take U.S. and Russian ballistic missiles off hair trigger alert; and seek dramatic reductions in U.S. and Russian stockpiles of nuclear weapons and material.”¹ In line with these goals and the promise “to extend a hand if others are willing to unclench their fist,”² the Administration has rushed to renew negotiations with the Russian Federation (RF) on a follow-on agreement to the Strategic Arms Reduction Treaty (START) and broader areas of cooperation. The negotiations will seek to reduce the number of nuclear weapons and prevent further proliferation, in accordance with the joint statements issued by President Barack Obama and Russian President Dmitry Medvedev in London on April 1, 2009.³

The recent upsurge in international calls to eliminate all nuclear weapons⁴ has intensified the Administration’s hope to develop a new workable agreement with the RF by December 5, 2009, when START will expire. Yet the Strategic Offensive Reductions Treaty (SORT), frequently referred to as the Moscow Treaty, already requires the U.S. and Russia to reduce their strategic nuclear forces below START levels. However, SORT lacks the verification and control measures in START. Since at least mid-2006, Moscow has called for maintaining START verification and transparency measures, albeit modified to reduce expenses and make the measures less cumbersome.⁵

Admittedly, progress in bilateral U.S.–Russian relations, particularly in reducing American and Russian

Talking Points

- On April 1, 2009, President Obama and Russian President Medvedev issued a joint statement committing both states to arms control negotiations on strategic nuclear weapons.
- The U.S. should begin these negotiations by separating the matters that require immediate attention from those that are best left until after the U.S. has completed the relevant policy reviews.
- The U.S. should allow the Strategic Arms Reduction Treaty to expire in December rather than rush to negotiate a replacement on such a short deadline.
- The immediate U.S. goal should be to adopt a verification and transparency protocol to the Moscow Treaty.
- After completion of the protocol, the U.S. should pursue follow-on negotiations to facilitate both sides moving toward more defensive strategic postures. This could begin by issuing a joint statement to guide negotiations on further strategic nuclear weapons reductions, missile defense cooperation, countering the threat of nuclear-armed terrorism, and implementing other defensive measures.

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nuclear arsenals, could benefit both powers and the international community at large.⁶ However, progress will not emerge automatically simply on the strength of good intentions. Moreover, while the quantity and quality of weapons possessed by nuclear powers are key elements in assessing defense requirements, the nature and state of relations between them are just as important. Obviously, the United States has nothing to fear from the nuclear arsenals of Britain and France, two democratic Western allies, but the U.S. relationships with Russia and China are clearly much more complex and controversial.

Haste in redefining the parameters of the U.S.–RF strategic relationship, whether for political expediency or for any other reason, is inadvisable and potentially dangerous for U.S. national security interests. As the Obama Administration pursues the available options on arms control, the Senate and the public at large should not permit the Administration to neglect its fundamental responsibility

under the Constitution to provide for the common defense of the American people and, by extension, U.S. allies against attack.

Resurgent Russia

Despite the political and economic turmoil of the decade before the collapse of the Soviet Union and the early post-independence period, Russia retains a significant nuclear weapons capability and is the only global power capable of threatening the existence of the United States. Notwithstanding the often repeated official mantra that the two countries are diligently building up their strategic partnership,⁷ their nuclear arsenals continue to play mutual deterrence roles as reflected in their respective nuclear postures and military policies.⁸

In recent years, emboldened by economic growth driven largely by rising oil and gas prices and progress in restoring the Russian military and its power projection capabilities, the Kremlin has moved to challenge America's global interests

1. The White House, "The Agenda: Foreign Policy," at http://www.whitehouse.gov/agenda/foreign_policy (March 19, 2009).
2. Barack Obama, "Inaugural Address," January 21, 2009, The White House Blog, at <http://www.whitehouse.gov/blog/inaugural-address> (April 16, 2009).
3. The White House, "Joint Statement by Dmitriy A. Medvedev, President of the Russian Federation, and Barack Obama, President of the United States of America, Regarding Negotiations on Further Reductions in Strategic Offensive Arm [sic]," April 1, 2009, at http://www.whitehouse.gov/the_press_office/Joint-Statement-by-Dmitriy-A-Medvedev-and-Barack-Obama (April 7, 2009), and "Joint Statement by President Dmitriy Medvedev of the Russian Federation and President Barack Obama of the United States of America," April 1, 2009, at http://www.whitehouse.gov/the_press_office/Joint-Statement-by-President-Dmitriy-Medvedev-of-the-Russian-Federation-and-President-Barack-Obama-of-the-United-States-of-America (April 7, 2009).
4. See George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn, "Toward a Nuclear-Free World," *The Wall Street Journal*, January 15, 2008, p. 13, at <http://online.wsj.com/article/SB120036422673589947.html> (April 16, 2009); Henry A. Kissinger, "Our Nuclear Nightmare," *Newsweek*, February 7, 2009, at <http://www.newsweek.com/id/183673> (April 16, 2009); and U.K. Foreign and Commonwealth Office, "Lifting the Nuclear Shadow: Creating the Conditions for Abolishing Nuclear Weapons," at <http://www.fco.gov.uk/en/fco-in-action/counter-terrorism/weapons/nuclear-weapons/nuclear-paper> (April 16, 2009).
5. Nikolai Sokov, "Putin Seeks to 'Replace' START I Treaty," *WMD Insights*, September 2006, at http://www.wmdinsights.org/18/18_R4_PutinSeeks.htm (April 16, 2009).
6. Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) arguably imposes an obligation on all NPT signatories to move in the general direction of nuclear and total disarmament. See Alexei Arbatov and Vladimir Dvorkin, eds., "Yadernoe sderzhivanie i nerastrostranenie" (Nuclear deterrence and non-proliferation), Carnegie Moscow Center, 2006, p. 9, at <http://www.carnegie.ru/en/pubs/books/9271Nuclear%20Deterrence%20and%20Non-Proliferation.pdf> (April 16, 2009).
7. "Text of the US–Russia Strategic Framework Declaration," *International Herald Tribune*, April 6, 2008, and Jim Garamone, "Robert Gates: U.S., Russia Not Headed for New Cold War," *Muncie Free Press*, October 24, 2007, at <http://www.munciefreepress.com/node/17782> (April 16, 2009).
8. For example, see J. D. Crouch, "Special Briefing on the Nuclear Posture Review," U.S. Department of Defense, Office of the Assistant Secretary of Defense (Public Affairs), January 9, 2002, at <http://www.defenselink.mil/transcripts/transcript.aspx?transcriptid=1108> (April 16, 2009), and ITAR-TASS, "Russia–U.S. Relations Should Be Turned Over to Strategic Partnership," July 15, 2008, trans. by Open Source Center, Document CEP20080715950208.

and positions. In a series of high-profile statements, Vladimir Putin and his successor Dmitry Medvedev denounced the international security and economic system dominated by the United States and its allies. In effect, these statements created an ideological foundation for the predominantly anti-American and anti-NATO policies of the Russian Federation.⁹

Toward a U.S. Protect and Defend Posture

The Administration needs to fashion an arms control policy specifically tailored to meeting current and projected U.S. defense needs. This policy should be based on an in-depth professional analysis of political, legal, economic, and all other pertinent aspects and implications of existing and future negotiations and agreements with the Russian Federation. It should also take into account Russian internal and foreign policies, including Russian motivations and goals in arms control.

The Heritage Foundation has proposed a “protect and defend” strategic posture for the U.S. that is based on shifting away from the retaliation-based strategic posture of the Cold War toward a more defensive posture that is adapted to the emerging international structure.¹⁰ To the greatest extent possible, this defensive posture would employ offensive and defensive forces and conventional and nuclear forces to defeat any strategic attack on the U.S. and its allies, as opposed to continuing the Cold War strategy of maintaining deterrence by threat of a devastating counterstrike. The protect and defend strategy also recognizes that arms control can play a positive role in facilitating this shift. In this context, the U.S. with Russia and other states could pursue opportunities for both near-term and long-term arms control.

The Obama Administration needs to pursue the planned strategic nuclear arms control negotiations with Russia with care and patience. It should proceed on the basis of clearly defined U.S. security goals and requirements, particularly those established in the next Nuclear Posture Review. It also needs to have as comprehensive and accurate understanding as possible of Russian interests, goals, and methods in future negotiations.

In the negotiations, the Administration should honor the enduring requirements and standards for effective arms control, which apply regardless of the negotiating forum and the topic of negotiations. This will require pursuing a step-by-step approach that separates the pursuit of near-term treaties with Russia from long-term treaties and that narrows the focus of negotiations toward concluding specific treaties. Ultimately, arms control should complement U.S. military capabilities in providing for basic national security.

Honoring these basic guidelines leads to the following specific recommendations on arms control negotiations with Russia:

1. Chronological deadlines should not drive negotiations to renew START. Instead, negotiations should be guided by a clear understanding of how this process and its expected results would comply with the security interests and defense requirements of the United States and its allies.
2. Allowing START to expire is a much lesser evil than negotiating a hasty agreement that may compromise U.S. interests.
3. Parallel to or in lieu of START negotiations, the U.S. and Russia should negotiate a verification and transparency protocol (as a treaty document) to the Moscow Treaty. This is the most

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9. See Vladimir Putin, “Speech and the Following Discussion at the Munich Conference on Security Policy,” President of Russia, Web site, February 10, 2007, reposted at <http://www.usrcne.org/news2.phtml?m=306> (April 16, 2009); Interfax, “Russia Will Offer Response to Deployment of U.S. NMD in Czech Republic—Medvedev,” July 9, 2008, trans. by Open Source Center, Document CEP20080709950132; and Dmitry Medvedev, “Speech at World Policy Conference,” October 8, 2008, President of Russia, Web site, at http://www.kremlin.ru/eng/speeches/2008/10/08/2159_type82912type82914_207457.shtml (April 16, 2009).
 10. Baker Spring, “Congressional Commission Should Recommend a ‘Damage Limitation’ Strategy,” Heritage Foundation *Backgrounder* No. 2172, August 14, 2008, at <http://www.heritage.org/Research/NationalSecurity/bg2172.cfm>, and “Toward an Alternative Strategic Security Posture,” Heritage Foundation *WebMemo* No. 2183, January 2, 2009, at <http://www.heritage.org/Research/NationalSecurity/wm2183.cfm> (March 19, 2009).

immediate and important issue for U.S.–Russian arms control.

4. While there may be informal linkages to other issues, formal negotiations on other issues should be deferred until after the conclusion of the negotiations on the verification and transparency protocol to the Moscow Treaty.
5. Contrary to the goal stated in the London joint statements, negotiations to reduce nuclear arsenals below Moscow Treaty levels should also be deferred until after the verification and transparency protocol is concluded.
6. Negotiations on any treaty that would further reduce nuclear weapons must be based on careful planning, specifically completion of a Nuclear Posture Review that establishes the broader requirements for U.S. strategic forces and related goals for longer-term arms control that are consistent with the protect and defend strategy.
7. Following the completion of the planning process, the U.S. should seek a new joint declaration with Moscow that defines the scope of the negotiations for a successor treaty to the Moscow Treaty and other arms control negotiations that are consistent with the protect and defend strategy.

Where Things Stand Now

In quantitative terms, strategic nuclear arms reductions by the U.S. and Russia have progressed well since the end of the Cold War. The U.S. and the Soviet Union signed START in 1991, while the U.S. and Russia, as the primary partners following the collapse of the Soviet Union, ratified it in 1994. START limited both sides to a maximum of 6,000 deployed warheads, and both parties are now well

below this limit. The U.S. and Russia signed the Moscow Treaty in 2002, which was ratified in 2003. The Moscow Treaty limits both sides to between 1,700 and 2,200 operationally deployed warheads, which must be met by the end of 2012. Through these two treaties, the U.S. and Russia have dramatically reduced the number of deployed strategic nuclear warheads. According to the Congressional Research Service, the U.S. had more than 12,000 deployed strategic nuclear warheads in 1990, but under START the U.S. had reduced that number to 5,914 as of January 1, 2008.¹¹ In 1990, the Soviet Union had more than 11,000 strategic nuclear warheads,¹² but as of July 1, 2008, Russia had reduced that number to 4,138.¹³

Under the Moscow Treaty, both the U.S. and Russia are on the path to reducing the numbers of operationally deployed strategic nuclear warheads to between 1,700 and 2,200 each. According to a newspaper report, the U.S. is ahead of schedule in making the required reductions.¹⁴ However, Moscow contests this claim and argues that the U.S. is simply using its own arbitrary counting rules to demonstrate progress that does not correspond to reality.¹⁵

For the U.S. and Russia, the most immediate issue in strategic nuclear arms reductions is that START is set to expire in December 2009. This is not an issue regarding the numbers of weapons deployed. Both sides are well below the START limits and working toward the lower limits established by the Moscow Treaty. The problem is that the Moscow Treaty uses START's verification and transparency provisions to inform each side of the reductions that they are making. The issue is complicated because the START provisions do not

11. Amy F. Woolf, "U.S. Strategic Nuclear Forces: Background, Developments, and Issues," Congressional Research Service *Report for Congress*, updated August 5, 2008, p. 3, at <http://italy.usembassy.gov/pdf/other/RL33640.pdf> (April 16, 2009).
12. Natural Resources Defense Council, "Table of USSR/Russian Nuclear Warheads," revised November 25, 2002, at <http://www.nrdc.org/nuclear/nudb/datab10.asp> (March 16, 2009).
13. U.S. Department of State, "START Aggregate Numbers of Strategic Offensive Weapons," *Factsheet*, July 1, 2008, at <http://www.state.gov/documents/organization/110594.pdf> (March 19, 2009).
14. Walter Pincus, "U.S. Ahead of Moscow Treaty Schedule in Reducing Its Nuclear Arsenal," *The Washington Post*, February 13, 2009, p. A3, at <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/12/AR2009021203497.html> (April 16, 2009).
15. See Viktor Yesin, "Yadernye vooruzheniya i podkhody Vashingtona" (Nuclear weapons and Washington's approaches), *Nezavisimoe Voennoe Obozrenie* (Moscow), March 13, 2009, at http://nvo.ng.ru/realty/2009-03-13/1_washington.html (April 16, 2009).

reflect the Moscow Treaty's different definition of the limited weapons, which are referred to as operationally deployed warheads. While Article XXVII of START allows the parties to extend the treaty, a simple extension will not resolve this problem with the verification and transparency mechanism because the START provisions are poorly suited for verifying the reductions required by the Moscow Treaty. A simple extension of START would perpetuate this mismatch.

The more fundamental, although longer-term, issue is determining what kind of strategic nuclear arms control treaty would bolster the security of both countries after the Moscow Treaty, especially in the context of the more complicated and less predictable world that is emerging. On this fundamental issue, the Obama and Medvedev Administrations seem to be talking past each other. The Obama Administration seems focused on a quest for global nuclear disarmament, while the Medvedev Administration appears to be seeking a smaller, but modernized and more capable strategic nuclear arsenal, which does not reflect a desire to achieve nuclear disarmament.¹⁶ In fact, the Russian approach appears more consistent with a strategic posture that would emphasize nuclear weapons.

Moscow's Views on Strategic Nuclear Arms Control

Strategic relations between the United States and the Russian Federation are of paramount importance for the Russian leadership, just as they were for Soviet leaders.¹⁷ From Moscow's perspective, they symbolize the equivalence of the geostrategic potentials of the two powers that have the largest

nuclear arsenals. As former Russian President and current Prime Minister Putin has noted:

Russia and the United States are the biggest nuclear powers. Our economy might be smaller, but Russia's nuclear potential is still comparable to that of the United States... It is also important that we have the years of experience, the technology and the production potential, the technological chains and the specialists. Russia is a great nuclear power. No one disputes or doubts this. And the United States and Russia definitely have a shared interest in ensuring security on this planet.¹⁸

After the loss of the former Soviet Union's superpower status, Russia has worked diligently to reestablish its influence in Eurasia, the Middle East, and even Latin America. While this lost status hurts the Russian pride, it also allows Moscow to blame the U.S. for any problems in international relations. On behalf of Russia, Putin officially asserted that "the stagnation in disarmament...has not come about through any fault of ours."¹⁹ At the same time, Russian leaders have never missed an opportunity to praise the virtue of and their adherence to the remaining regimes and treaties. This is not because of some abstract devotion to so-called international legality²⁰ or infinite trust in treaty obligations, but because these treaties were usually seen as an effective way of preventing the U.S. and other powers from gaining superiority over Russia in advanced weapon systems. In fact, Moscow has demonstrated its readiness to abandon treaty obligations that fail to serve Russian interests.²¹

16. Vladimir Isachenkov, "President Calls for Modernizing Russia's Military," Associated Press, March 17, 2009.

17. See Andrei Shoumikhin, *Goals and Methods of Russian Arms Control Policy: Implications for U.S. Security*, National Institute for Public Policy, August 2008, at <http://nipp.org/Adobe/Russian%20Arms%20Control%20web.pdf> (April 16, 2009).

18. Vladimir Putin, "Interview with Al Jazeera Television Channel," President of Russia, Web site, October 16, 2003, at http://www.kremlin.ru/eng/speeches/2003/10/16/1648_type82916_54238.shtml (April 17, 2009).

19. See Vladimir Putin, "Speech at the New Headquarters of the Chief Intelligence Directorate of the Russian Armed Forces General Staff," President of Russia, Web site, November 8, 2006, at http://www.kremlin.ru/eng/text/speeches/2006/11/08/0000_type84779type127286_113593.shtml (April 17, 2009).

20. President Medvedev, a former law professor, is particularly keen on raising the issue of international legality and global legal order. For example, see Dmitry Medvedev, "Speech at the Meeting with Russian Ambassadors and Permanent Representatives to International Organizations," President of Russia, Web site, July 15, 2008, at http://www.kremlin.ru/eng/speeches/2008/07/15/1121_type82912type84779_204155.shtml (April 17, 2009).

Russia's Nuclear Shield. While championing arms control on its terms, Moscow continues to rely on nuclear weapons and nuclear deterrence as quintessential elements of its grand strategy.²² Russia's dependence on nuclear weapons may be explained by the deficiencies of Russian conventional forces, which remain in a deep structural crisis despite continuous, albeit controversial reform efforts.²³ More importantly, a robust nuclear deterrent allows Russia to claim a special role in geopolitics. It is also a powerful lever in relations with other existing and potential nuclear powers.

An elaborate system of doctrinal and strategy documents reserve a special place for the Russian nuclear missile force. These documents include the federal Law on Defense,²⁴ the National Security Doctrine,²⁵ the Military Doctrine,²⁶ and the Foreign Policy Doctrine²⁷ as well as policy statements by high government officials, such as annual presidential addresses to the Federal Assembly (the legislature of the Russian Federation). Without naming specific Russian adversaries, these documents leave

little doubt that the Russian nuclear triad (ballistic missiles, strategic bombers, and ballistic missile submarines) is primarily intended to deter the United States and NATO. Furthermore, the Russian military doctrine maintains that “nuclear weapons of all states that possess them are ultimately aimed at Russia.”²⁸

In line with his views on the role of nuclear weapons, Vladimir Putin provided the rationale for restoring the nuclear weapons industry, the key component of the former Soviet military-industrial complex and the bloodline of the RF Strategic Deterrence Force today:

Our country's nuclear potential is of vital importance for our national security interests. The reliability of our “nuclear shield” and the state of our nuclear weapon complex are a crucial component of Russia's world power status.²⁹

Moving Away from MAD. While praising the roles of the Strategic Deterrence Force and the

21. For example, Moscow suspended the Treaty on Conventional Armed Forces in Europe claiming the emergence of “exceptional circumstances that affect the security of the Russian Federation.” See “Information on the Decree ‘On Suspending the Russian Federation's Participation in the Treaty on Conventional Armed Forces in Europe and Related International Agreements,’” President of Russia, Web site, July 14, 2007, at <http://www.kremlin.ru/eng/text/docs/2007/07/137839.shtml> (April 17, 2009).
22. Vladimir Putin, “Opening Address at Meeting on Developing Russia's Nuclear Weapons Complex,” President of Russia, Web site, March 30, 2006, at http://www.kremlin.ru/eng/speeches/2006/03/30/2300_type82912type82913_104010.shtml (April 17, 2009).
23. See Vladimir Sherbakov, “Osobennosti natsionalnoi voennoi reformy” (Peculiarities of the national military reform), *Nezavisimoe Voennoe Obozrenie* (Moscow), October 31, 2008, at http://nvo.ng.ru/forces/2008-10-31/1_reform.html (April 17, 2009).
24. See “Federal'nyi zakon ot 31 maya 1996 g. T 61-F3 ‘Ob oborone’ s izmeneniyami” (The law of the Russian Federation on defense with modifications), adopted by the State Duma on April 24, 1996, and approved by the Federation Council on May 15, 1996, at <http://www.gdezakon.ru/fz/oborona> (April 27, 2009).
25. See “Kontseptsiya natsionalnoi bezopasnosti Rossiiskoi Federatzii” (National security concept of the Russian Federation), Russian Federation Presidential Decree No. 1300, December 17, 1997, in Russian Federation Presidential Decree No. 24, January 10, 2000, at <http://www.iss.niit.ru/doktrins/doktr01.htm> (April 17, 2009).
26. See “Voennaya doktrina Rossiiskoi Federatzii” (Military doctrine of the Russian Federation), Russian Federation Presidential Decree No. 706, April 21, 2000, at http://www.rg.ru/oficial/doc/ykazi/doc_war.htm (April 17, 2009).
27. See “The Foreign Policy Concept of the Russian Federation,” President of Russia, Web site, July 12, 2008, at <http://www.kremlin.ru/eng/text/docs/2008/07/204750.shtml> (April 17, 2009).
28. Makhmut Gareev, “Novye usloviya—novaya voennaya doktrina” (New conditions—new military doctrine), *Nezavisimoe Voennoe Obozrenie*, February 2, 2007, at http://nvo.ng.ru/concepts/2007-02-02/1_uslovia.html (April 27, 2009).
29. Vladimir Putin, “Opening Remarks at Meeting with Heads of the Russian Nuclear Weapons and Nuclear Energy Complexes,” Novo-Ogaryovo, June 9, 2006, President of Russia, Web site, at http://www.kremlin.ru/eng/text/speeches/2006/06/09/1952_type82912type82913_106757.shtml (April 17, 2009).

nuclear component of the military-industrial complex, Russian politicians regularly pay lip service to the abstract goal of total elimination of nuclear weapons.³⁰ In recent years, the Russians have rushed to add their voice to growing calls in the West to eliminate nuclear weapons. Apparently, Moscow does not want to lose an attractive propaganda slogan in the competition for the sympathies of world public opinion.³¹

At the same time, a small but vocal group of Russian traditionalists allege that calls for eliminating nuclear weapons hide a sinister U.S. desire to deprive Russia of its ultimate security guarantee:

Today, nuclear weapons are a factor of deterrence. However, take a closer look: The Americans are already developing the theory of strategic nonnuclear deterrence.... Actual use of nuclear weapons... puts an end to any deterrence because it results in irreversible processes. In contrast, strategic high-precision nonnuclear weapons may be used both for deterrence and punishment. This is why in America... they are now seriously looking at strategic nonnuclear deterrence that offers significantly more flexible capabilities for use and punishment of any aggressor specifically for purposes of deterrence.³²

A significant litmus test of the Russian leadership's real attitudes toward nuclear weapons and nuclear disarmament is its position on overcoming the vestiges of the Cold War in strategic relations

with the United States. Moscow rejected the Bush Administration's offer to give up the paradigm of mutual assured destruction (MAD) in favor of non-aggressive and defensive postures.³³ The Putin government called the U.S. withdrawal from the Anti-Ballistic Missile (ABM) Treaty a "serious mistake."³⁴ In a widely held Russian view, keeping both powers vulnerable to inexorable and devastating retaliation is the only viable guarantee against a premeditated first strike.³⁵

Moreover, mutual vulnerability to retaliation theoretically assures Russia equal or near-equal strategic status vis-à-vis the only remaining superpower. Keeping that status, or at least the semblance thereof, is quintessential for the Russian policymaking elite after other attributes of Russia's grandeur—territorial, demographic, economic, military, power projection, and others—have diminished dramatically.

The MAD-based U.S.–RF relationship organically presupposes continued tensions and the need for rigid controls over the nuclear weapons of both countries.³⁶ Moscow is interested in maintaining the system of continuous strategic negotiations with Washington for many reasons. These negotiations are marked by the aura of uniqueness and unparalleled significance in international relations. They symbolize the equal status of the involved parties. The Russians, like the Soviets before them, believe that the negotiations together with the accompanying summitry create a powerful background for and define the tone of all other bilateral exchanges. They

30. Sergei Lavrov, speech at plenary session of the Conference on Disarmament, Geneva, February 12, 2008, at http://www.mid.ru/brp_4.nsf/sps/EF2BBEF46AE2344EC32573ED006C584C (April 17, 2009).

31. See Vladimir Dvorkin, "Dorozhnaya karta' yadernogo razorusheniya" ("Roadmap" of nuclear disarmament), *Nezavisimoe Voennoe Obozrenie*, October 17, 2008, at http://nvo.ng.ru/concepts/2008-10-17/6_karta.html (April 17, 2009).

32. Vladimir Slipchenko, "K kakoi voine dolzhna byt gotova Rossiya" (What kind of war should Russia be prepared to wage), *FreeLance Bureau (Russia)*, November 23, 2004, at <http://www.flb.ru/info/32983.html> (April 17, 2009).

33. President George W. Bush, speech at National Defense University, Washington, D.C., May 1, 2001, at <http://www.fas.org/nuke/control/abmt/news/010501bush.html> (April 17, 2009).

34. See Vadim Markushin, "Plokhaya vest' dlya mirovogo soobshestva" (Bad news for the world community), *Krasnaya Zvezda*, December 15, 2001, at http://www.redstar.ru/2001/12/15_12/1_02.html (April 27, 2009).

35. See Eugene Miasnikov, "The Future of Russia's Strategic Nuclear Forces: Discussion and Arguments," trans. by Brian Finn and Renee Friedman, Moscow Institute of Physics and Technology, Center for the Study of Problems of Arms Control, Energy and Environmental Studies, June 1996, at <http://www.armscontrol.ru/subs/snf/snf0322.htm> (April 17, 2009).

36. See R. M. Dyachkov, "Istoriya prinyatiya Dogorvora ob ogranichenii protivoraketnoi oborony ot 1972 goda" (The history of the conclusion of the Treaty on the Limitation of Anti-Ballistic Missile Systems of 1972," 9th International Conference "Lomonosov-2002," at <http://www.hist.msu.ru/Science/LMNS2002/23.htm> (April 17, 2009).

also see direct linkages between maintaining the bilateral strategic balance and the global security situation, including Russia's relations with NATO, the fate of the Conventional Forces in Europe Treaty, the roles of tactical nuclear weapon systems and anti-ballistic missile defenses in Europe and other regions, the future of the nuclear nonproliferation regimes, and nuclear weapons testing.³⁷

Nuclear Policy Under Putin and Medvedev.

The Putin and Medvedev governments developed an elaborate system of asymmetric responses to American and Western policies and programs that they deemed threatening or inimical to Russian interests. For example, in ballistic missile defense, in which Russia lacks the funds to develop equivalent Russian strategic defensive systems, it moved to develop strategic offensive capabilities with a strong anti-ABM component.³⁸ The anti-ABM component was backed by a large-scale public diplomacy campaign, active measures, and influence operations to generate public opposition to the deployment of missile defense systems in Europe. Other Russian asymmetric responses included threats to withdraw from the Intermediate-Range

Nuclear Forces (INF) Treaty³⁹ and to make tactical nuclear weapons an important component of the Russian deterrence strategy.⁴⁰

In the absence of any real negotiations at the late stages of the Bush Administration,⁴¹ Russia opted for intense propaganda campaigns denouncing and discrediting American policies. The anti-American pitch of these campaigns would often reach levels typical of the worst periods of major-power confrontation during the Cold War.⁴² U.S.–Russian relations reached a particularly intense peak in August 2008 in connection with the conflict in South Ossetia⁴³ and the signing of agreements on the third U.S. ballistic missile defense (BMD) site in Eastern Europe.⁴⁴ Moscow resorted to demonstrations of military power in the Western Hemisphere⁴⁵ and other provocative moves, such as proposing to deploy tactical missiles in the Kaliningrad region.⁴⁶

The Soviets widely used such tactics to demonstrate Soviet toughness and to probe the opponent and establish limits of his tolerance. However, as a rule, whenever bilateral negotiations were

37. See Dmitry Medvedev, "Speech at World Policy Conference," President of Russia, Web site, October 8, 2008, at http://www.kremlin.ru/eng/speeches/2008/10/08/2159_type82912type82914_207457.shtml (April 17, 2009).

38. See Vladimir Putin, "Speech at Expanded Meeting of the State Council on Russia's Development Strategy Through to 2020," President of Russia, Web site, February 8, 2008, at http://www.kremlin.ru/eng/speeches/2008/02/08/1137_type82912type82913_159643.shtml (April 19, 2009).

39. See "Baluevskii prigoznil SShA vykhodom iz dogovora o raketakh srednei i menshei dalnosti" (Baluevskii threatened the U.S. with withdrawal from the treaty on intermediate- and shorter-range missiles), *Lenta.Ru*, February 15, 2007, at <http://www.lenta.ru/news/2007/02/15/rsm�> (April 19, 2009).

40. See Vladimir Belous, "Yadernoe oruzhie kak zalog stabilnosti" (Nuclear weapons as guarantee of stability), *Nezavisimoe Voennoe Obozrenie*, January 21, 2005, at http://nvo.ng.ru/concepts/2005-01-21/4_stability.html (April 19, 2009).

41. See ITAR-TASS, "Russia, U.S. to Hold Talks on Missile Shield, CFE and START Treaty," October 11, 2007, trans. by Open Source Center, Document CEP20071011950455.

42. See Putin, "Speech and the Following Discussion at the Munich Conference on Security Policy," and Dmitry Medvedev, "Opening Address at the Meeting of the State Council on the Situation Around South Ossetia and Abkhazia," September 6, 2008, President of Russia, Web site, at http://www.kremlin.ru/eng/text/speeches/2008/09/06/1515_type82912type82913_206195.shtml (April 19, 2009).

43. Igor Bunin, "Russia and Georgia: A De Facto War," *Politcom.ru*, August 11, 2008, trans. by Open Source Center, Document CEP20080811015003.

44. See CNN, "Poland Signs Missile Shield Deal with U.S.," August 20, 2008, at <http://www.cnn.com/2008/WORLD/europe/08/20/poland.us.missile/index.html> (April 19, 2009).

45. Victor Litovkin, "Sindrom karibskogo krizisa 1962 goda" (Syndrome of the Caribbean crisis of 1962), *Nezavisimoe Voennoe Obozrenie*, September 12, 2008, at http://nvo.ng.ru/wars/2008-09-12/3_karibsky.html (April 19, 2009).

46. "Rossiya razvernet raketnyi kompleks v Kaliningradskoi oblasti" (Russia will deploy the missile complex in the Kaliningrad Oblast), *Lenta.Ru*, November 5, 2008, at <http://lenta.ru/news/2008/11/05/final> (April 19, 2009).

restarted after periods of acute deterioration, the Soviet Union would soften its extreme positions and maximal demands to demonstrate the flexibility and the spirit of compromise in Soviet policy and diplomacy. Russia appears to be employing similar tactics.

Currently, Moscow appears to be on the threshold of a shift in attitudes. While it is still not ready to give up completely the provocative and acerbic anti-Americanism of recent months, it is already signaling its readiness to open up an active dialogue with Washington across the entire agenda of bilateral relations, beginning with the fate of START. This shift was codified by Russian acceptance of the language in the April 1 joint statements on strategic nuclear arms control and the broader U.S.–Russian relationship. One important reason is the deteriorating economic situation in Russia in the aftermath of the global crisis.

Russian leaders claim that there will be no major disturbances for the bulk of the population. They also insist they will keep the military appropriations intact, especially for maintaining and modernizing the Strategic Deterrence Force. As Putin announced on February 10, 2009, at a meeting of the RF's Council of the General and Chief Designers (Sovet general'nykh i glavnykh konstruktorov) representing key military enterprises, appropriations for the state defense order (*gosoboronzakaz*) will remain at 1.3 trillion rubles (\$37 billion)⁴⁷ as planned earlier.⁴⁸ The overall defense order for 2009–2011 is set at 4 trillion rubles (\$114 billion).⁴⁹ The Russian missile-space industry is not supposed to suffer

from any cuts either, although it is not clear whether this is a realistic agenda.⁵⁰

Another reason for the mellowing of Russian attitudes may be seen in the shifts in U.S. policies, such as the Obama Administration's formal entry into negotiations with Moscow on START and the possible deal on the third BMD site.⁵¹ Many in the Russian policymaking elite are likely interpreting these American moves as indicators of growing American geopolitical weakness. Moscow may decide to use the situation to its full advantage by procrastinating a little longer before agreeing to any substantive compromises, such as the new arms control treaty with the United States. For example, to build up the atmosphere of the intrigue, the Kremlin refused to make any immediate deal linking the ballistic missile defense site in Europe with Russia's tougher stand on the Iranian nuclear program.⁵²

Moscow's Weak Bargaining Position. However, parallel developments in Russia raise many questions about Moscow's military strategy, capabilities, and arms control positions. Russian military experts outside of the government predict that the ongoing reforms of the armed forces may eventually throw the Russian military machine into total disarray, possibly resulting in "unilateral Russian disarmament." These reforms, led by the Defense Ministry under Anatolii Serdyukov, have included significant personnel reductions, especially of the officer and general corps, which have led to protests and resignations by some prominent Russian military officers.⁵³

47. One U.S. dollar equals approximately 35 rubles.

48. See "Putin zayavil o printsipial'nom reshenii ne sokrashat' gosoboronzakaz" (Putin announced the principled decision not to curtail the state defense order), *Oruzhie Rossii*, February 11, 2009, at <http://www.arms-expo.ru/site.xp/049057054050124054053054055.html> (April 28, 2009).

49. "Putin poobeshchal ne ekonomit na perevooruzhenii armii" (Putin promised not to economize on reequipping the army), *Lenta.Ru*, February 11, 2009, at <http://lenta.ru/news/2009/02/11/defense> (April 19, 2009).

50. See "Krizis ne otrazitsya na finansirovanii raketno-kosmicheskoi otrasli RF" (The crisis will not affect the financing of the missile-space industry of the RF), *Lenta.Ru*, March 18, 2009, at <http://lenta.ru/news/2009/03/18/cosmos> (April 19, 2009).

51. "SShA izmenyat plany po PRO v obmen na uchastie RF v razoruzhenii Irana" (USA will modify ABM plans in return for Russia's participation in the disarmament of Iran), *Lenta.Ru*, February 14, 2009, at <http://lenta.ru/news/2009/02/13/help> (April 19, 2009).

52. Sergei Turchenko and Konstantin Valentinov, "Yadernye predlozheniya Rossii dlya SShA i sekretnaya perepiska Obamy s Medverdevym" (Russian nuclear proposals to the U.S. and the secret communications between Obama and Medvedev), *Svobodnyaya Pressa* (Moscow), March 3, 2009, at <http://svpressa.ru/issue/news.php?id=5224> (April 19, 2009).

Furthermore, some of these experts predict that, with or without new arms control agreements, the Strategic Deterrence Force will inexorably drop to 1,000 warheads in the foreseeable future, with even fewer warheads deployed on missiles and other delivery systems. Russia is having great difficulty in replacing its aging Soviet-built missiles, as epitomized by the repeated failures of the Bulava SLBM (submarine-launched ballistic missile) program at the Moscow Institute of Thermal Technology (Moskovskii Institut Teplotekhniki).⁵⁴ Consequently, these experts argue that Moscow should agree to any reductions offered by Washington without raising its traditional conditions and objections, such as those related to the third BMD site in Eastern Europe and prospective NATO membership for Ukraine and Georgia.⁵⁵

However, official Moscow refuses to recognize any weakness in its bargaining position and has declared that it will negotiate with Washington only on the basis of full equality. Moreover, it “plans to conclude all new agreements with the U.S. in the sphere of disarmament on terms more favorable to itself, while still observing the relevant international legal standards.”⁵⁶ The announced Russian agenda for resumed bilateral strategic negotiations includes many controversial issues and establishes linkages between different aspects of military–political relations, not only between the United States and the Russian Federation, but also between Russia and NATO. In particular, as defined by the Russian Foreign Ministry,

[Moscow wants] the future Russian–American agreement on SOW [strategic offensive weapons] to be legally binding, and limiting not only warheads but also the means of their delivery—the intercontinental ballistic missiles, submarine-launched ballistic missiles and heavy bombers. We also think it imperative to exclude the possibility of deploying SOW outside national territories, and assure the inadmissibility of the “uploading” and “compensatory” potentials.⁵⁷

Other ambitious Russian plans related to bilateral strategic exchanges include:

- Rejection of the launch-on-warning concept and the gradual extension of launch-preparation times under stringent mutual controls;
- Reaching a compromise on U.S. BMD deployments in Europe;
- Downgrading the role of nuclear weapons in the military doctrines of the Big Five states;
- Ensuring ratification of the Comprehensive Test Ban Treaty (CTBT) by the U.S. and China and, subsequently, by India, Pakistan, Israel, and North Korea;
- Conducting U.S.–RF negotiations on nonstrategic nuclear weapons; and
- Expanding the U.S.–RF nuclear dialogue to include Britain, France, and China.⁵⁸

53. See ITAR-TASS, “Sokrashchenie rezerva VGK” (Reductions of the Commander-in-Chief’s Reserve), *Nezavisimoe Voennoe Obozrenie*, February 27, 2009, at http://nvo.ng.ru/news/2009-02-27/3_rezerv.html (April 19, 2009), and “Nayalnik GRU Genshtaba napisal raport ob otstavke” (Head of GRU of the General Staff submitted his resignation), *Lenta.Ru*, March 12, 2009, at <http://www.lenta.ru/news/2009/03/12/gru> (April 19, 2009).

54. Mikhail Kardashev, “Zachem nuzhna ‘Bulava’, kogda est ‘Sineva?’” (Why do you need ‘Bulava’ if you have ‘Sineva?’), *Nezavisimoe Voennoe Obozrenie*, March 6, 2009, at http://nvo.ng.ru/armament/2009-03-06/1_sineva.html (April 19, 2009).

55. See Aleksandr Khramchikhin, “Predlozhenie, ot kotorogo Rossii nelzya otkazatsya” (The offer Russia cannot refuse), *Nezavisimoe Voennoe Obozrenie*, February 27, 2009, at http://nvo.ng.ru/concepts/2009-02-27/8_predlozhenie.html (April 19, 2009).

56. “Dmitry Medvedev Signed the Federal Law on the Ratification of the Protocols to the Agreement Between the Russian Federation and the United States of America on the Safe and Secure Transportation, Storage and Destruction of Weapons and the Prevention of Weapons Proliferation of 17 June 1992,” President of Russia, Web site, July 23, 2008, at <http://www.kremlin.ru/eng/text/news/2008/07/204645.shtml> (April 19, 2009).

57. S. V. Lavrov, press conference after speech at the Conference on Disarmament on March 7, 2009, Foreign Ministry of the Russian Federation, March 13, 2009, at http://www.mid.ru/brp_4.nsf/2fee282eb6df40e643256999005e6e8c/3bd076e864b828e9c32575780046be62?OpenDocument (April 19, 2009).

58. Dvorkin, “‘Dorozhnaya karta’ yadernogo razorozheniya.”

In light of these plans, the fundamental question for the U.S. is whether it should rush into new mutually binding and far-reaching agreements with Russia at a time when the United States has not yet defined its own security requirements and the outcome of internal Russian developments in the strategic and military-political areas remain unclear and uncertain.

Observing the General Rules of Arms Control

President Obama does not have extensive experience in the intricacies of negotiating, bringing into force, and executing arms control treaties. The country's security interests will be harmed, perhaps severely, if he and his Administration are lured into any of the many pitfalls in the arms control process. To avoid these pitfalls, he will need to observe the general rules of arms control, which apply to all arms control endeavors.

However, before examining the specific rules of arms control, it is even more important for President Obama to honor the requirements of the Constitution. Article II, Section 2, Clause 2 states that the President may make a treaty as long as two-thirds of the Senate concurs prior to ratification. Clearly, international agreements that would limit the armaments of the U.S. military are so important that they should be negotiated and drafted as treaties, subject to Senate advice and consent. This view is reinforced by statutory law, which states that agreements by the U.S. government to reduce or limit U.S. armaments should be concluded through the treaty-making power of the President under the Constitution.⁵⁹ Further, it is generally understood by both the executive branch and the Senate that any international agreement that would substantively modify an existing treaty should also be concluded as a treaty.⁶⁰ Fortunately, Russia, for reasons unrelated to U.S.

constitutional requirements, wants any new strategic nuclear arms limitation agreement with the U.S. to be concluded as a treaty, and the U.S. accepted this in the joint declaration on strategic nuclear arms control on April 1, 2009.⁶¹

Even so, the experience of START II ratification in Russia urges additional caution.⁶² After formal approval at the top executive level, the ill-fated treaty became embroiled for many years in a complicated and controversial approval process in the Federal Assembly. Today, even though United Russia, the pro-Kremlin ruling party, has a comfortable majority in the State Duma (the lower house of the Federal Assembly), a newly negotiated instrument could still become an object of intense rivalries among groups in the Russian military-political establishment, potentially leading to years of legislative bickering.

The Obama Administration should, therefore, observe the following eight rules in pursuing a new strategic nuclear arms limitation treaty with Russia:

Rule #1: The U.S. should not enter into a negotiation from which it is not willing to walk away.

In arms control, the cost of avoiding failure can exceed the cost of failing. There are numerous examples of U.S. negotiating partners making unacceptable demands. A prominent example that illustrates the importance of following this rule is the exchange between President Ronald Reagan and Soviet Secretary General Mikhail Gorbachev at the Reykjavik Summit in 1986. Secretary Gorbachev made the unacceptable demand that the U.S. abandon its Strategic Defense Initiative (SDI) missile defense program in exchange for eliminating strategic nuclear ballistic missiles. President Reagan quite properly refused to buckle to this demand, and as a result they failed to reach an agreement.⁶³ However,

59. 22 U.S. Code § 2573(b).

60. David A. Koplow, "When Is an Amendment Not an Amendment? Modification of Arms Control Agreements Without the Senate," *The University of Chicago Law Review*, Vol. 59 (1992), p. 1033, note 281.

61. The White House, "Joint Statement...Regarding Negotiations on Further Reductions in Strategic Offensive Arm."

62. See Eugene Myasnikov, "Problems of START-2 Treaty Ratification in Russia. Is START-3 Possible?" *Nezavisimaya Gazeta* (Moscow), September 12, 1996.

63. Lou Cannon, "Reagan-Gorbachev Summit Talks Collapse as Deadlock on SDI Wipes Out Other Gains," *The Washington Post*, October 13, 1986, p. A1, at <http://www.washingtonpost.com/wp-srv/inatl/longterm/summit/archive/oct86.htm> (March 19, 2009).

this initial “failure” established the circumstances in which the U.S. and the Soviet Union negotiated the 1987 Intermediate-range Nuclear Forces (INF) Treaty, which entirely eliminated intermediate-range nuclear missiles, and START, which significantly reduced strategic nuclear forces while preserving the SDI program.

As the Obama Administration enters into strategic nuclear arms limitation negotiations with Russia, the Russians will almost certainly make unacceptable demands. For example, Russia may demand that the U.S. abandon plans to expand NATO. The U.S. should reject this kind of demand, even if at the cost of a collapse in negotiations. Other similarly unacceptable demands by Russia should be met with the same response.

Rule #2: Arms control should not become an end in itself.

The distinction between ends and means can become blurred in the conduct of arms control. The 1928 Kellogg–Briand Pact, formally known as the Pact of Paris, embodied the principle that agreements are the culmination of the “peace process.” Informally named after U.S. Secretary of State Frank Kellogg and French Foreign Minister Aristide Briand, who backed the proposal and encouraged other nations to approve it, the pact’s purpose was ambitious and ultimately unachievable. In utopian grandeur, it henceforth outlawed war and forbade its use as “an instrument of national policy.” At the outset, 15 nations signed the pact. Eventually, nearly every nation in existence at that time approved it.

The central flaw in the Kellogg–Briand Pact is that it confused the ends with the means. It followed from a premise that war itself, distinct from the purposes for which it is waged, is evil and thus can and should be outlawed. Paradoxically, if war were truly outlawed, the means ultimately needed to enforce such a provision would be war itself.

The failure to appreciate this distinction doomed the Kellogg–Briand Pact. By the 1930s, it became clear to many states that the Kellogg–Briand Pact was utopian. Japan determined that war was a use-

ful instrument of national policy in subjugating Manchuria and ultimately creating a puppet state. In 1932, Japan attacked the city of Shanghai. Its actions were a prelude to a cycle of rearmament and conflict in Asia and Europe that culminated in World War II. The United States did not recover from its period of unfounded faith in the Kellogg–Briand Pact until Japan attacked U.S. naval forces at Pearl Harbor on December 7, 1941. Only then was the American public convinced that only its own will to defend itself, not the terms of an unrealistic treaty, would fulfill its aspirations for security.

Arms control is a means to the end of national security. It is not the sole means, and it should be balanced with the means of military preparedness in the pursuit of national security. Negotiations with Russia that fail to reflect this balance will be jeopardizing U.S. national security.

Rule #3: In arms control, process should not dominate substance.

It is all too easy to succumb to the temptation to assign more value to the process of arms control than to its substance. Valuing process over substance took the U.S. in the wrong direction during the Strategic Arms Limitation Talks (SALT) process with the Soviet Union in the 1970s. In this case, the SALT process was perceived to be the barometer of the U.S. détente policy toward the Soviet Union. As long as SALT continued, the détente policy was perceived to be effective. Meanwhile, the Soviet Union was taking numerous steps to undermine détente in areas outside of arms control. Effective arms control became the casualty in this misguided, process-dominated exercise. The resulting 1979 SALT II Treaty did not reduce the number of strategic nuclear warheads; it only limited their future growth.⁶⁴ In the end, President Jimmy Carter withdrew the SALT II Treaty from Senate consideration because Soviet actions to undermine détente in areas outside arms control, particularly the Soviet invasion of Afghanistan in December 1979, could no longer be masked by a process-dominated arms control exercise.⁶⁵

64. Michael B. Donley, ed., *The SALT Handbook* (Washington, D.C.: The Heritage Foundation, 1979), p. 46.

65. Congressional Quarterly, *Congress and the Nation*, Vol. 5, 1977–1980 (Washington, D.C.: Congressional Quarterly, 1981), p. 34.

The Obama Administration similarly seems on the cusp of defining its planned negotiations with Russia as the barometer of its initiative for “resetting” U.S.–Russian relations.⁶⁶ If these negotiations are defined in that broader context, process will come to dominate substance, and the resulting treaty will likely serve neither the central purposes of arms control nor U.S. interests.

Rule #4: The U.S. should seek treaties in narrowly defined subject matters.

Arms control negotiations can easily be expanded to cover overly broad subject matters, which is exactly what the Russians are proposing. When U.S.–Soviet arms control negotiations were resumed in 1985, one option was to lump together negotiations on INF forces, strategic nuclear forces, and space and defense forces. The Reagan Administration wisely chose to place these negotiations on separate tracks, although under a purely rhetorical umbrella labeled the Nuclear and Space Talks.⁶⁷ These separate tracks produced the INF Treaty, which was signed in 1987, and START, which was signed in 1991. A space and defense treaty with the newly independent Russia was within reach in 1992,⁶⁸ but the Clinton Administration chose to walk away from the negotiations in 1993.⁶⁹

If the Obama Administration chooses to lump together negotiations to limit strategic nuclear arms with a sweeping set of negotiations to achieve worldwide nuclear disarmament, the negotiations with Russia will almost certainly bog down. The negotiations would become unfocused, likely putting conclusion of an effective treaty out of reach.

Rule #5: The U.S. should seek treaties that reduce the likelihood of conflict, not only the number of armaments.

The central purpose of arms control is to reduce the likelihood of war, not only to limit the num-

ber or quality of armaments. However, this more important purpose can become lost in the process.

The 1972 ABM Treaty barred the United States and the Soviet Union from fielding defenses to protect their national territories against missile attack. As such, it sought to limit, both qualitatively and quantitatively, the level of armaments in both countries. The problem with the treaty, despite the severe limitations on defensive arms, was that it undermined strategic stability and increased the likelihood of conflict. It provided an incentive for the Soviet Union to achieve a first-strike capability against which the United States could not respond. U.S. negotiators of the treaty had stated that the United States would withdraw if a circumstance of instability arose.

Yet by the early 1980s, it had become clear that the ABM Treaty had opened a destabilizing and dangerous window of vulnerability, but the United States failed to withdraw from the treaty. Hence, the ABM Treaty experience offers a valuable lesson: Purposeful vulnerability does not promote arms control. Instead, increasing stability and reducing the risk of conflict are far more important considerations than limiting the quantity and quality of arms.

If the Obama Administration simultaneously seeks numerical limitations on strategic nuclear arms and the weakening of U.S. nonnuclear defensive capabilities, it would risk creating a circumstance in which an openly belligerent Russia, China, or other emerging nuclear powers can contemplate first-strike options. The limited progress toward stability that has been achieved is already being eroded by Russian threats to withdraw from the INF Treaty. START may not survive after December 5, 2009, and the Moscow Treaty needs a negotiated addendum on verifications and control.

66. Hillary Rodham Clinton, “Remarks with Russian Foreign Minister Sergey Lavrov,” U.S. Department of State, March 6, 2009, at <http://www.state.gov/secretary/rm/2009a/03/120124.htm> (March 19, 2009).

67. For a summary diplomatic history of the nuclear and space talks, see U.S. Department of State, “Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Short-Range Missile,” at <http://www.state.gov/www/global/arms/treaties/inf1.html> (March 19, 2009).

68. The White House, “Joint U.S.–Russian Statement on a Global Protection System,” June 17, 1992.

69. Bill Gertz, *Betrayal: How the Clinton Administration Undermined American Security* (Washington, D.C.: Regnery, 1999), pp. 53–79.

Rule #6: The U.S. should seek treaties that are adequately verifiable.

An effective arms control treaty will provide verification and transparency mechanisms that provide both sides with confidence that the arms limitations are being honored. The level of intrusiveness required depends on the risk that potential non-compliance would pose to national security.

The 1996 Comprehensive Test Ban Treaty contains many flaws.⁷⁰ Among the most prominent is that the CTBT is not adequately verifiable. First, it established an extremely stringent requirement for verification by adopting a “zero yield” standard for banning nuclear test explosions. The verification mechanism, although extensive, was not sufficient to instill confidence that violations of its central restriction could and would be detected. This was a major contributing factor in the Senate’s decision on October 13, 1999, to reject the treaty.

The Obama Administration would do well to recognize the CTBT’s central flaw and to avoid repeating it in negotiations with Russia on limitations on strategic nuclear arms. If the Administration pursues an overly ambitious limitation standard, it will be likely to find that the required verification standards cannot be met.

Rule #7: The U.S. should seek treaties that are enforceable.

Effective arms control treaties must be accompanied by policies that will ensure that they are fully enforced. Otherwise, the U.S. will find itself effectively pursuing unilateral disarmament.

For example, the 1922 Five-Power Naval Limitation Treaty (Washington Naval Treaty) capped the number of and established a specific ratio for ships (primarily battleships) that the major naval powers of the day could possess. This treaty failed because its terms were not honored and could not be enforced.

In 1921, U.S. Secretary of State Charles E. Hughes invited eight select naval powers (Belgium, China, France, Great Britain, Italy, Japan, the Netherlands,

and Portugal) to discuss security matters at a conference in Washington, D.C. In his opening remarks, Secretary Hughes outlined a proposed 10-year moratorium on the construction of capital ships and a ratio of 5-5-3 for ships already in the possession of the United States, Great Britain, and Japan, respectively.

His proposal was popular in the United States. In negotiating the agreement, the United States made a concession to Japan that it would not fortify certain island possessions in the Pacific, including the Philippines, Guam, Wake Island, and the Aleutians. After France and Italy joined the agreement, the final ratio of ships was 5 for the United States, 5 for Great Britain, 3 for Japan, 1.7 for France, and 1.7 for Italy. The treaty was signed on February 22, 1922.

However, the relative naval strengths established in the treaty were never enforced. The other naval powers continued building ships not expressly limited by the treaty, such as cruisers, destroyers, and submarines. The U.S. government had naïvely assumed that the ratio governing capital ships would be applied to these other ships as well. By 1930, in terms of overall naval power, the United States lost parity with Great Britain and its naval superiority over Japan, shattering the relationship that was designed to maintain a balance of naval power and peace, particularly in the Pacific. Yet few Americans seemed concerned during the complacent period following the adoption of the Kellogg-Briand Pact.

By 1934, the increasingly aggressive Japanese formally renounced the Washington Naval Treaty. The renunciation became effective in 1936. The cycle of rearmament and suspicion intensified. The United States continued to lag behind in this new naval arms race. Not until 1938, when President Franklin Roosevelt requested a \$1 billion appropriation for the U.S. Navy, did the United States begin a serious naval rearmament effort. However, this was late in the game. Japanese naval forces attacked Pearl Harbor three years later.

If the Obama Administration negotiates a new strategic arms limitation treaty with Russia and just

70. Baker Spring, “The Comprehensive Test Ban Treaty: In Arms Control’s Worst Tradition,” Heritage Foundation *Backgrounder* No. 1332, October 7, 1999, at <http://www.heritage.org/Research/MissileDefense/BG1332.cfm>.

assumes that Russia will abide by the treaty, it will expose the U.S. to significant new vulnerabilities. The Administration needs to be prepared to ask Congress to fund corresponding defense programs that will ensure that the U.S. has viable options for addressing potential Russian noncompliance. These would include robust strategic defense measures and select nuclear weapons readiness and modernization programs that would remain outside the specific limitations of any such treaty.

Rule #8: The U.S. should not negotiate a treaty that is in any way inconsistent with U.S. alliance obligations.

U.S. security commitments to its allies around the world are the bedrock of the U.S. global security posture. As such, any arms control treaty that includes provisions at odds with those commitments would undermine U.S. national security.

During the 1970s and early 1980s, the Soviet Union used its deployment of INF forces to drive a wedge between the U.S. and its allies in Europe. Because the U.S. and its allies had no effective corresponding forces, the Soviets thought that they could shake the European allies' confidence in the U.S. commitment to their security and intimidate them into moving away from their alliance relationship with the United States. In the arms control arena, the Soviets sought to preserve their effort to intimidate the Europeans by arguing in favor of a "nuclear freeze" that would leave their INF forces in place and preclude any corresponding U.S. deployment. The Soviets wanted to conclude this agreement with the U.S. over the heads of the allies.

Despite enormous Soviet pressure, the Reagan Administration resisted this gambit. In consultation with its allies, it proposed a "zero option" for INF forces that would eliminate INF forces on both sides while moving to field U.S. ground-launched cruise missiles and Pershing II ballistic missiles in Europe. In the face of U.S. and allied solidarity, the Soviets yielded, and the zero-option INF Treaty was signed in 1987. The U.S. and NATO emerged stronger as result of their steadfast position.

If the Obama Administration enters into strategic nuclear arms negotiation with Russia intending to negotiate a treaty over the heads of its European

allies, such a treaty would seriously damage U.S. interests and leave the European allies vulnerable to both Russian military threats and Russian claims that portions of Europe should be within the Russian sphere of influence. This would be particularly true if the negotiations are broadened to cover U.S. missile defense programs and the resulting treaty requires the U.S. to renounce its agreements with the Czech Republic and Poland to field missile defense facilities on their territories.

Recommended Steps for Arms Talks with Russia

Pursuant to the general rules of arms control outlined above, the Obama Administration can improve U.S. security in arms negotiations with Russia by following five steps:

Step #1: The Administration should not be afraid to let START expire.

START will expire in December unless both sides agree to extend it for five more years, pursuant to the terms of the treaty. This circumstance presents three practical options for the Obama Administration and Russia: allowing the treaty to expire, extending the treaty for five years, or negotiating a new comprehensive treaty to replace both START and the Moscow Treaty. While the April 1 joint statement on arms control implies that the U.S. and Russia have decided to negotiate a new comprehensive treaty, allowing START to expire is the best option.

Letting START expire would remove an unrealistic deadline for negotiations with Russia on strategic nuclear arms limitations. Negotiating a new treaty under such a deadline would prohibit a careful review of the U.S. strategic force posture, which cannot be concluded until the Nuclear Posture Review is completed at the end of this year or early next year. Furthermore, hasty negotiations are much more likely to produce a deeply flawed treaty that is inconsistent with U.S. security requirements. The Senate would be wise to reject such a treaty. Finally, there is no compelling reason to keep START in place. Its expiration will not end numerical limitations on U.S. and Russian operationally deployed strategic nuclear warheads because the Moscow Treaty will remain in force through the end of 2012.

However, it should be noted that one school of thought in the Russian policymaking elite argues that SORT may simply cease to exist on its own terms if START expires:

If negotiations [on the follow up to START] do not continue, what will happen with the Strategic Offensive Reductions Treaty (SORT)? Up to now, the U.S. has refused to talk about new international commitments on verification, for one. How can we discuss ceilings on deployed warheads if we don't know what these are? How can we check their presence? If SORT does not enter into force, the Intermediary-Range Nuclear Forces (INF) Treaty will become pointless because there will be no limits on strategic offensive and defensive weapons. What will happen with tactical nuclear weapons? Agreements that prohibit one class of nuclear weapons and allow all others are devoid of any sense.⁷¹

Simply extending START would perpetuate the mismatch between START's verification and transparency provisions and the different definition of the arms limited under the Moscow Treaty. The Moscow Treaty directly limits operationally deployed warheads. START verification and transparency measures apply to accountable deployed warheads, among other categorical limitations, and are ill suited to providing adequate verification under the Moscow Treaty.

Negotiating a new comprehensive treaty to replace both START and the Moscow Treaty—the implied goal of the new negotiations—is much too ambitious. First, the unrealistic December deadline would remain in place. Second, the comprehensive approach increases the likelihood that the resulting treaty will be poorly adapted to the requirements of the post-Cold War world and actually increase instability. Third, it is more likely to produce a treaty that is inadequately verifiable and unenforceable. Fourth, it would likely undermine U.S. commitments to its allies, particularly if the new treaty limits defensive systems. Ultimately, the attempt to negotiate a new comprehensive agreement will likely become a process-dominated enterprise and

make arms control an end in itself, as opposed to a means for achieving national security.

Step #2: Negotiate a verification and transparency protocol to the Moscow Treaty.

The expiration of START will require the U.S. and Russia to address the question of providing adequate verification and transparency measures to the Moscow Treaty. While START verification and transparency have been tentatively applied to the Moscow Treaty reductions, they are not a good match to the Moscow Treaty.

The general rules of arms control make it necessary to provide adequate verification for the Moscow Treaty, specifically a system that is well suited to monitoring reductions in the numbers of operationally deployed strategic nuclear warheads. This near-term negotiating subject is an appropriately narrow one. It would be conducted under the aegis of an existing treaty and would not require the completion of a policy review by the Obama Administration. This negotiating goal is clear, not overly ambitious, and achievable in the near term. Unless the Obama Administration and Russia badly mishandle the negotiations, this Moscow Treaty protocol would likely enjoy the necessary support in the Senate.

Step #3: Seek to limit formal linkages to the negotiations on a new protocol to the Moscow Treaty.

Linkages to arms control negotiations, at least to some degree, are unavoidable. Aggressive Soviet behavior outside of arms control rightly ended the SALT process in the late 1970s. Today, Russia needs to understand that, among other things, threats to use force to intimidate or subjugate U.S. friends and allies in Europe will interrupt the arms control process. Recent Russian actions against the Czech Republic, Georgia, Poland, and Ukraine point to the dangers that are already present.

Nevertheless, the U.S. and Russia should seek to keep linkages for less contentious issues at the informal level. For example, both sides may see these negotiations as relevant to other issues, such

71. Sergei Rogov, "Five Steps to Preventing a New Cold War," *The Washington Times*, July 31, 2007, p. A14.

as missile defense cooperation or the multilateralization of the INF Treaty. Such linkages should take the form of unilateral or joint statements that are separate from the negotiations over the protocol. If these tangential issues are permitted to become part of the negotiations, they will only delay progress.

Step #4: Defer negotiations on reducing strategic nuclear weapons below Moscow Treaty levels.

The Obama Administration, despite the goal implied in the joint statement on arms control, is not in a position to negotiate a new treaty with Russia that would effectively replace the Moscow Treaty. It has yet to see the final report from the congressionally appointed Strategic Posture Commission, which could include consensus-based recommendations on these matters. Further, it has yet to produce its own National Security Strategy and Nuclear Posture Review. All of these reviews are necessary parts of establishing a broader policy governing the U.S. strategic posture and defining the proper role for arms control in that context.⁷²

Further, there is no need to rush this broader strategic arms control process. By allowing START to expire and concluding a narrow treaty on verification and transparency measures under the Moscow Treaty, no immediate deadline looms. The Obama Administration could use this breathing space to establish a new and carefully prepared policy for arms control with Russia and beyond. It could also use the opportunity to fashion an arms control policy that is based on the Constitution's requirement that the federal government provide for the common defense. Such an arms control policy would serve as an arm of a broader national security policy and strategic posture that is designed to protect and defend the people, territory, institu-

tions, and infrastructure of the U.S. and its allies against strategic attack. The arms control element of such a policy could also encourage all other nuclear-armed states, beginning with Russia, to assume more defensive strategic postures.

Step #5: Propose a joint declaration with Russia to establish a set of arms control negotiations in accordance with the protect and defend strategy.

After START expires, negotiations on a verification and transparency protocol to START are concluded, and the necessary reviews are completed to establish the protect and defend strategy and begin constructing the associated strategic force posture, the Obama Administration should propose a draft text of a U.S.–Russian joint declaration to establish several sets of negotiations on arms control and cooperative treaties.

The joint declaration should state that both sides recognize that the Cold War strategy of retaliation-based deterrence is losing its effectiveness in the increasingly complex global strategic environment. It should state that the better option for maintaining stability and reducing the number of nuclear arms is for all states, particularly nuclear-armed states, to adopt defensive strategic force postures in keeping with the principle of nonaggression. These defensive postures would focus on deterring strategic attacks and be organized to defeat such attacks. Inherent in this transition from retaliation-based strategic forces to defensive forces is that neither the U.S. nor Russia would purposely target their strategic forces at the population centers or economic infrastructure of other states, including each other.

The joint declaration should conclude by stating that the U.S. and Russia are prepared to engage in a series of arms control and cooperative security negotiations to facilitate the transition to more

72. The Medvedev government seems to be deeply involved in drafting doctrinal documents that may significantly change how Russia approaches arms control. At the RF Security Council meeting on March 24, 2009, the Kremlin announced preparation of a new National Security Strategy to 2020. A new version of the RF Military Doctrine is to be submitted to the President for signing before the end of 2009. As reported, “Russia does not intend to get involved in burdensome confrontation or the new arms race,” however, by 2011, it plans to start large-scale rearmament in response to the “serious conflict potential in a number of world regions...international terrorism, and the unending attempts to expand NATO’s military infrastructure in close proximity to Russian borders.” See “Rossiya otkazalas ot vozobnovleniya gonki vooruzhenii” (Russia refused to renew the arms race), *Lenta.Ru*, March 24, 2009, at <http://lenta.ru/news/2009/03/24/armsdrive> (April 19, 2009).

defensive strategic postures. These negotiations would seek to establish the following treaties:

- **Strategic Offensive Reductions Treaty II (SORT II).** This treaty would seek to reduce the operationally deployed strategic nuclear warheads on both sides to levels below the Moscow Treaty, consistent with the requirements of more defensive strategic postures. In this context, the treaty would explicitly encourage nuclear forces that demonstrate a defensive purpose by holding at risk the means of strategic attack and that are consistent with the principle of nonaggression. Given the need to transition away from the existing retaliation-based nuclear forces, this treaty would not foreclose selected steps for nuclear modernization.
- **Strategic Defense Cooperation Treaty.** This treaty would establish a mutual commitment between the U.S. and Russia to cooperate in fielding effective defenses against strategic attack. This commitment would entail a number of coordinated defense programs, covering defenses against nuclear, biological, and chemical arms. Further, it would support the coordinated deployment of defenses against ballistic missiles, cruise missiles, and aircraft. In essence, this negotiation would resuscitate the 1992 Global Protection System negotiations that the Clinton Administration unwisely terminated in 1993.
- **A treaty to counter nuclear-armed terrorism.** The U.S. and Russia are already spearheading the Global Initiative to Combat Nuclear Terrorism, a multilateral initiative to counter nuclear-armed terrorism.⁷³ This treaty would serve as a bilateral offshoot of this multilateral initiative.

- **A treaty to bolster global strategic stability.** This treaty would initially be a bilateral treaty. Over time other qualifying states would be invited to join. Qualifying states would be required to adopt similarly defensive strategic postures. The primary purpose of the initiative would be to maintain strategic stability in the complicated and unpredictable world. Ultimately, this treaty could serve as the future forum for bringing other major powers, particularly those with nuclear arms, into a productive arms control process.

Despite their far-reaching nature, these various negotiations with Russia would still leave the question of nuclear disarmament unresolved.⁷⁴ In part, this is because it is not clear that Russia favors nuclear disarmament at this time. However, it would not ignore President Obama's vision for nuclear disarmament. As the December 2008 interim report of the Strategic Posture Commission states: "It is clear that the goal of zero nuclear weapons is extremely difficult to attain and would require a fundamental transformation of the world political order."⁷⁵ In essence, this finding means that there is no direct path to nuclear disarmament at this time.

As a result, the Obama Administration needs to further its vision for nuclear disarmament by focusing on the steps that could position the U.S. and the world to consider direct steps toward nuclear disarmament. Fundamentally, the protect and defend strategy and its corresponding defensive strategic posture are the most promising option for arriving at a position that would permit direct consideration of nuclear disarmament. In the language of the Strategic Posture Commission, broad acceptance of defen-

73. U.S. Department of State, "U.S.–Russia Joint Fact Sheet on the Global Initiative to Combat Nuclear Terrorism," July 15, 2006, at <http://2001-2009.state.gov/r/pa/prs/ps/2006/69016.htm> (March 20, 2009).

74. These various negotiations would also leave unresolved the question of additional limitations on non-strategic nuclear weapons. Existing limitations on these weapons are governed by reciprocal and politically binding declarations under the Presidential Nuclear Initiatives made by President George H.W. Bush on September 27, 1991, Soviet President Mikhail Gorbachev on October 5, 1991, and Russian President Boris Yeltsin on January 29, 1992. It is unclear whether Russia is currently in compliance with the applicable declarations. At this point, the interests of the U.S. would be better served by addressing the issue of limitations on non-strategic nuclear weapons with Russia as a compliance issue as opposed to negotiating new limitations. For a discussion of the issues related to controls on non-strategic nuclear weapons, see Amy F. Woolf, "Nonstrategic Nuclear Weapons," Congressional Research Service *Report for Congress*, Updated July 29, 2008.

75. Congressional Commission on the Strategic Posture of the United States, "Interim Report," December 11, 2008, p. 9, at http://www.usip.org/strategic_posture/sprc_interim_report.pdf (March 20, 2009).

sive strategic postures would represent a necessary step toward fundamentally transforming the world political order. This slate of recommended U.S.–Russian negotiations is designed to start the transition toward the preferred defensive strategic postures.

Conclusion

During the Cold War, the destructive power of nuclear weapons led the United States to abandon the principled position that the Founding Fathers wrote into the Preamble of the Constitution. Military forces are designed, first and foremost, to provide for the common defense. Diplomacy and arms control are to prevent aggression.

As the Obama Administration and the Senate consider the arms control options with Russia, they need to honor these fundamental principles. They should be determined to use arms control to test

Russia's willingness to commit to the same principles. If Russia proves unwilling to do so, arms control should and will fail.

A unilateral commitment by the U.S. to posture its military forces to defend the people, territories, institutions, and infrastructure of the U.S. and its allies—even in the absence of Russian cooperation—will prove both just and wise. If Russia also adopts a more defensive and less threatening strategic posture, the world will be a better and safer place.

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