

WebMemo



Published by The Heritage Foundation

No. 2526
July 7, 2009

Arms Control with Russia: Senators Should Provide Their Advice to the Obama Administration

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[The President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur...

—The United States Constitution, Article II, Section 2, Clause 2

During his recent trip to Moscow, President Obama entered into a joint statement with Russian President Dmitri Medvedev regarding a prospective treaty on strategic nuclear arms control. The description of the joint statement provided by the White House demonstrates why prudent Senators should provide advice to the President Obama regarding this prospective treaty well before they are asked to consent its ratification.¹

The Obama Administration appears determined to negotiate this new treaty before the existing 1991 Strategic Arms Reduction Treaty (START) with Russia expires on December 5. This might lead outside observers to conclude that the number of U.S. and Russian deployed strategic nuclear warheads will immediately increase after December 5. Yet, because the U.S. and Russia are already well below the ceilings established by START and remain bound by another 2002 treaty called the Strategic Offensive Reductions Treaty (“the Moscow Treaty”), such a spike will not occur. Indeed, the Moscow Treaty requires the U.S. and Russia to have no more than 2,200 operationally deployed strategic nuclear warheads by end of 2012. Thus, there is no reason for the Obama Administration to be in such a rush to negotiate a new treaty—the world will not end when START expires.

The Risk in Rushing. The description of the Obama–Medvedev joint statement reveals several areas of concerns that may not be addressed if the arms control process is rushed:

- The Obama Administration is committing to a new limit on operationally deployed strategic nuclear warheads of between 1,500 and 1,675. This commitment comes despite the fact that the Administration has not yet completed its Nuclear Posture Review and, consequently, this range of numbers seems to have been chosen arbitrarily.
- More ominously, the Obama Administration has also committed to negotiating a concomitant limit on strategic delivery systems of between 500 and 1,100. This means that the Administration is prepared to let a treaty limiting strategic nuclear weapons also limit U.S. conventional military capabilities, as strategic delivery systems can be useful in carrying conventional warheads. It is not clear why the Administration, which wants to emphasize conventional military capabilities over

This paper, in its entirety, can be found at:
www.heritage.org/Research/NationalSecurity/wm2526.cfm

Produced by the Douglas and Sarah Allison
Center for Foreign Policy Studies

Published by The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002–4999
(202) 546-4400 • heritage.org

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nuclear options, would permit Russia to use arms control to limit U.S. conventional capabilities.

- The description of the joint statement states that the new treaty will include effective verification measures. However, it fails to state what such measures will be included in the treaty.

On the positive side, Presidents Obama and Medvedev also signed a joint statement on missile defense. This statement, by what it does not say, makes it clear that the Obama Administration has not yet agreed to permit Russia to use the arms control process to limit U.S. missile defense options.² While the Russians have long objected to the fielding of long-range missile defense systems in the Czech Republic and Poland,³ the joint statement commits both sides to exploring cooperative measures in the field of missile defense.

What Advice Senators Should Provide. Despite the fact that the U.S. House of Representatives plays no direct role in the making of treaties under the Constitution, it has already shown how Senators should advise the Obama Administration regarding arms control.

On June 25, the House of Representatives, without objection, included an amendment offered by Rep. Michael Turner (R-OH) to the National Defense Authorization Act for fiscal year 2010.⁴ The amendment prohibits the use of funds made available in fiscal year 2010 for implementing a treaty or other agreement with Russia to reduce U.S. strategic nuclear forces unless the President certifies that the treaty or agreement does not impose limits on ballistic missile defense systems, space capabilities, or advanced conventional weapons. It also requires the

President to certify that he is prepared to modernize and refurbish the U.S. nuclear weapons complex.

Individual Senators should make the same recommendations to the Obama Administration. They should also offer additional pieces of advice in a way that makes it clear that if the Administration presents a treaty to the Senate that fails to address Members' concerns, they will be prepared to withhold their consent. These include:

- Not letting the expiration of START become an artificial deadline on current negotiations with Russia by simply letting START expire;
- Focusing the near-term negotiations with Russia on drafting a transparency and verification protocol to the Moscow Treaty's limits on operationally deployed strategic nuclear warheads;
- Not letting arms control with Russia interfere with the immediate need to modernize the entire strategic posture of the U.S., including that related to nuclear weapons, in order to adapt this posture to the requirements of the less certain and less predictable post-Cold War world; and
- Placing greater emphasis on using the longer-term arms control process with Russia to facilitate a transition to strategic policies and postures on both sides that are more fundamentally defensive and that offer protection to the U.S. and Russia against strategic attack, including ballistic missile attacks.⁵

Haste Makes Waste. The old adage that haste makes waste is most definitely applicable to the process of crafting arms control treaties. Haste will not only increase the risk that the Obama Administration may fail to reach an agreement with Russia on

1. The White House, "The Joint Understanding for the START Follow-on Treaty," July 6, 2009, at http://www.whitehouse.gov/the_press_office/FACT-SHEET-The-Joint-Understanding-for-the-START-Follow-on-Treaty (July 6, 2009).
2. The White House, "Joint Statement by Dmitry A. Medvedev, President of the Russian Federation, and Barack Obama, President of the United States of America, on Missile Defense Issues," July 6, 2009, at http://www.whitehouse.gov/the_press_office/Joint-Statement-by-Dmitry-A-Medvedev-President-of-the-Russian-Federation-and-Barack-Obama-President-of-the-United-States-of-America-on-Missile-Defense-Issues (July 6, 2009).
3. Sally McNamara, "Abandoning Third-Site Missile Defenses Would Threaten Transatlantic Security," Heritage Foundation WebMemo No. 2173, December 12, 2008, at <http://www.heritage.org/Research/Europe/wm2173.cfm>.
4. *Congressional Record*, June 25, 2009, pp. H7342-H7350.
5. Andrei Shoumikhin and Baker Spring, "Strategic Nuclear Arms Control for the Protect and Defend Strategy," Heritage Foundation Background Paper No. 2266, May 4, 2009, at <http://www.heritage.org/Research/NationalSecurity/bg2266.cfm>.

an important treaty; there is also the risk that any treaty that is signed will fail to enter into force or, even more important, fail to serve U.S. interests.

After all, in the recent past, unnecessarily rushed treaty negotiations have resulted in failure. For example, President Carter was forced to request the Senate to defer consideration of SALT II in 1980, and the Senate voted to reject CTBT in 1999. As for concerns that haste will result in a treaty that fails to serve U.S. interests, consider the 1972 Anti-Ballistic Missile Treaty. Signed by President Nixon, the ABM treaty was supposed to limit the U.S.–Soviet strategic nuclear arms race. By the end of the Cold War,

however, the strategic nuclear arms deployed by both sides quadrupled.

By providing their advice now, Senators will improve the chances that the Obama Administration will produce an arms control treaty with Russia that meets both nations' needs, including the national security needs of the United States.

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