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Experts: New START Is a Non-Starter

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With Herculean-like effort, the Obama Administration continues to insist that the New START treaty between the United States and Russia will not limit U.S. ballistic missile defense or the strategic options available to the President. However, numerous limitations and other problematic issues have continued to be exposed throughout the treaty. A recent Heritage Foundation panel discussion titled “A Good or Bad START” identified additional limitations and shortcomings, which will weaken U.S. national security.¹

Broad Interpretation Likely. Ambassador David Smith, Senior Fellow at the Potomac Institute for Policy Studies, and former leader of the U.S.–Soviet Defense and Space Talks, pointed out that there exists a little known body called the Compliance Review Group, whose members are the real “high priests” of the treaty. They will determine what actions the United States can or cannot take in order to ensure compliance. This body will interpret the language of the treaty as it did with the Anti-Ballistic Missile (ABM) and Intermediate-Range Nuclear Forces (INF) treaties. Smith pointed out that in the past this body interpreted these treaties overly broadly in order to accommodate the concerns of the Soviet Union/Russia. This broad interpretation caused U.S. policymakers to impose major self-restraints in order to avoid compliance breach with the treaty.

This is no small point considering the disagreement between the U.S. and Russia over the extent to which the U.S. is allowed to build its missile defenses under the treaty. Given the Russian unilateral threat to withdraw from New START should the

U.S. build its defenses, the U.S. Senate, [responsible for quality control oversight over the treaty], can be expected to push back on any plans deemed “provocative” to Russia.

In addition, the treaty will stand up the Bilateral Consultative Commission (BCC). The BCC is responsible for negotiating and resolving concerns between treaty parties. The extent and scope of the BCC’s powers are yet unknown. Of major concern is that the BCC can change definitions (e.g., what constitutes missile defense, intermediate-range ballistic missiles, etc.) contained in the treaty—without congressional approval or oversight. Quibbling over treaty language now may prove to be irrelevant as the BCC arrives at its own conclusions after endless renegotiations.

Under previous treaties, over-interpretation and the subsequent self-imposition of restraints led to the retardation and negation of U.S. missile defense and weapon systems. This resulted in less efficient and more expensive systems as well as the lack of development of space-based missile defenses, which are the most effective option.

The Devil Is In the Details. The Honorable Paula DeSutter, former Assistant Secretary for Verification and Compliance at the U.S. Department of

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State, pointed out more glaring holes in New START's verification regime. Citing testimonies from Administration officials praising the new verification achievements, DeSutter cautioned that the devil is in the details. For example, so-called Unique Identifiers (UIs) are said to allow the U.S. to track the movements of Russian intercontinental-range ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and heavy bombers. But according to the treaty's Annex on Inspection, "Each party shall determine for itself the size of the unique identifier." DeSutter explained that this provision has numerous problems and, ultimately, amounts to "verification by paint, or in a good case, nail polish."

Equally troubling is the major reliance on National Technical Means (NTM). NTM provides real-time intelligence on nuclear forces and facilities and is a method of validating treaty-related data received from Russia. Unfortunately, the U.S. NTM infrastructure is broken. Making matters worse—and leaving expert observers incredulous—New START allows activities on ICBM bases to be concealed! As noted by DeSutter, these provisions contribute nothing to effective verification.

Limitation on Test-Target Missiles. Baker Spring, The Heritage Foundation's veteran strategic weapons analyst, discussed another restriction that has not yet been addressed by the Administration.² This time, the issue in question is a limitation on test-target missiles and their associated launchers, which are used to test U.S. ballistic missile defense systems. This specific restriction comes in addition to the general restriction imposed by language in New START's preamble and a specific restriction in Article V that prohibits the conversion of ICBM and SLBM launchers into missile defense launchers. Testing is an essential element of the research and development needed to produce the best missile defenses. Consequently, such limitations are unacceptable.

Crown Jewel of the Reset Policy. Jamie Fly, executive director of the Foreign Policy Initiative,

pointed out that the Administration considers the New START treaty its crown jewel in its "reset" policy with Russia. However, the near-exclusive focus on arms control has subsumed other key issues and perpetuated the myth that Obama's "reset" policy has been successful. New START has been hailed as a sign that Obama and Russian President Dmitry Medvedev have a close relationship, complete with 80- to 90-minute phone calls. Yet, this relationship is disingenuous because the two presidents are not able to have a frank discussion about the real issues.

Over the past year, for instance, the political and human rights situation in Russia has become progressively worse. Russia has also clearly used this "reset" to make gains in the post-Soviet space. In fact, Moscow remains in violation of the 2008 August ceasefire agreement and has retrenched in South Ossetia and Abkhazia. Fly also pointed out that the Obama Administration is stuck in the Cold War mindset, focusing on arms control with Russia when it should be concerned first and foremost with the emerging multipolar nuclear landscape.

U.S. Interests Must Be Protected. Prior to signing NEW START, the Administration asserted that there would be no reference to missile defense other than in the preamble of the treaty, and certainly no limitations. This has proven to be false. The treaty imposes significant limitations on U.S. ballistic missile defenses, and additional limitations continue to be discovered.

As the U.S. strategic nuclear arsenal is reduced through New START, critics and proponents of nuclear zero both agree that national security demands that verification become more, not less, reliable. The Administration asserts that this treaty has a robust verification regime. To paraphrase Ronald Reagan, this is just not so. And while there is no perfect verification, it is now clear that New START's verification regime is not even close to that of the original START treaty.

1. The Heritage Foundation, "A Good or Bad START?" June 30, 2010, at <http://www.heritage.org/Events/2010/06/A-Good-or-Bad-START>.
2. Baker Spring, "Another Limit Imposed by the New START Treaty," Heritage Foundation WebMemo No. 2939, June 18, 2010, at http://thf_media.s3.amazonaws.com/2010/pdf/wm2939.pdf.

As Ms. DeSutter eloquently put it, average Americans are blessedly not arms control experts who are familiar with all the jargon, concepts, and intricacies of strategic arms control. They will not read the treaty and its annexes article by article. But they have common sense and expect their elected representatives to do due diligence and exercise their constitutional responsibility to oversee the treaty. The U.S. Senate must live up to its high standards and exercise its “quality control” function for treaties in order to ensure that U.S. interests are protected in the New START treaty.

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