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Russia's Duma Decision to Delay Consideration of New START: Now the Senate Can Take Its Time to Review the Treaty

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Last week, Konstantin Kosachev, the head of the Russian State Duma International Affairs Committee, proposed that members of the committee consider delaying New START, a strategic nuclear arms reductions treaty with the United States. Subsequently, the International Affairs Committee decided to delay its consideration of the legislation that would authorize the ratification of New START by the full Duma.¹

According to leading Russian analysts, the action, taken without a formal vote, does not amount to the annulment of the earlier treaty endorsement by the committee. However, the equivalent on the U.S. side would be a recommendation by the Senate Foreign Relations Committee to the full Senate that it suspend action. The Duma committee's recommendation necessarily raises a number of questions for the U.S. Senate that the Obama Administration must answer before it considers the treaty.

Unclear Commitments Under New START. In view of the committee's recommendation, it appears that Duma members have come to believe that some Members of the U.S. Congress have serious reservations about the Obama Administration's general approach to arms control—a development that, in turn, raises questions about the reliability of the Administration's earlier commitments to the Russian government under New START.

If this is the view of Duma members, it is generally accurate. There are Members of Congress who

have serious reservations about the Obama Administration's approach to arms control. What is left unclear is what commitments the Obama Administration negotiators made to the Russians that apparently Duma members feel will not be honored. It is imperative that the Senate get to the bottom of this conundrum and make U.S. and Russian commitments under the New START transparent.

“Meeting of the Minds” Unlikely. Kosachev has pointed to three understandings the Senate Foreign Relations Committee included in its resolution of ratification for New START that he believes to be of particular concern.² It is likely that the International Affairs Committee will attach a further statement of conditionality to the treaty, making ratification by the U.S. all but impossible as the requisite “meeting of the minds” between the two parties is unlikely to occur.

The understandings of concern in the resolution of ratification cover the issues of strategic non-nuclear weapons (referred to in the U.S. as Prompt Global Strike systems), rail-mobile intercontinental ballistic missiles (ICBMs), and missile defense.

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Limits U.S. Missile Defense and Conventional Options. Regarding the understanding on Prompt Global Strike systems, Kosachev stated, “First, it is specially emphasized that [it is the U.S. Senators’ understanding that] strategic-range non-nuclear weapon systems do not fall under the treaty, but it is virtually impossible to tell whether a missile that has already been launched is carrying a nuclear or non-nuclear warhead or not.” Clearly, he believes that all such systems are limited under New START.

According to Kosachev, the understanding on rail-mobile ICBMs presumes that “the Americans are trying to apply the New START Treaty to rail-mobile ICBMs in case they are built.” Apparently, it is his view that rail-mobile ICBMs are not captured by New START and are not subject to its limitations—which is the opposite of the U.S. position.³

Last, Kosachev stated, “And third, they [U.S. Senators] say at the same time that the New START Treaty will on no account limit the Pentagon’s efforts toward deploying missile defenses.” The concern expressed here is a reiteration of the unilateral statement issued by the Russian government at the time New START was signed expressing the view that limits on U.S. missile defense options are necessary to maintain the effectiveness and viability of the treaty.

Implicit Accommodation to Russia’s Demands?

By outward appearances, it seems that Obama Administration negotiators made commitments to accommodate Russian demands in these three areas. If so, it further appears that the U.S. negotiators told the Russians that while they were willing to accept the Russian demands, doing so explicitly

would complicate the prospects for obtaining U.S. Senate consent to ratification.

The logical solution to such problems is to draft ambiguous language in the treaty that would shield from the Senate the specific meaning of that language for purposes of implementation. Indeed, ambiguous language is found in the treaty in all three areas.⁴

Further, this would explain skepticism among Duma members about whether the Obama Administration would be able to honor its presumed private commitments in the aftermath of the U.S. congressional election on November 2 and why they felt compelled to recommend the suspension of the Duma’s consideration of the treaty bill.

Imperative to Share Negotiating Records. Is this sleight of hand what really took place during the negotiations? Presumably, the answer to this question is found in the negotiating record of the treaty. The Obama Administration, however, has refused to share this record with Senators.

Clearly, the U.S. Senate should not proceed to the consideration of the treaty under a circumstance where the Administration may be conspiring with the Russians to withhold from it a clear understanding of what the treaty, as practical matter, will require of the U.S. It is fortunate for the Senate that the Duma seems to have lost faith in the Obama Administration regarding this process.

U.S. Senate Is Not Under the Pressure to Consent to New START. Clearly, the Duma is not prepared to move New START toward ratification at this time. Thus, the Senate is not under any time constraint regarding consideration of New START, if

1. Interfax, “Duma Committee May Decide to Reconsider New START Treaty Ratification Next Week,” October 29, 2010, at <http://www.interfax.com/newsinf.asp?id=199076> (November 5, 2010); NTI: *Global Security Newswire*, “Russian Lawmakers Drop ‘New START’ Endorsement,” November 3, 2010, at http://gsn.nti.org/gsn/nw_20101103_9328.php (November 5, 2010).
2. U.S. Senate Foreign Relations Committee, “Executive Report 111-06: Treaty with Russia on Measures for Further Reduction and Limitation of Strategic Offensive Arms (the New START Treaty),” October 1, 2010, at <http://foreign.senate.gov/reports> (November 5, 2010).
3. U.S. Department of State, Bureau of Verification, Compliance, and Implementation, “Rail-Mobile Launchers of ICBMs and Their Missiles,” August 2, 2010, at <http://www.state.gov/t/avc/rls/145557.htm> (November 5, 2010).
4. Baker Spring, “Twelve Flaws of New START That Will Be Difficult to Fix,” Heritage Foundation *Backgrounder* No. 2466, September 16, 2010, at <http://www.heritage.org/Research/Reports/2010/09/Twelve-Flaws-of-New-START-That-Will-Be-Difficult-to-Fix> (November 5, 2010).

it ever was, and should defer consideration until it gets to the bottom of this matter. Certainly, the Senate should not rush and decide to ratify the treaty during the lame duck session when much more pressing matters are at hand.

Further, the new Senate, which will be seated in January, will have ample time for the Senate Foreign Relations Committee to get to the bottom of this murky matter. This is because the treaty will be returned to the committee upon the expiration of the current Congress.

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