

“By playing make-believe arms control with Moscow and negotiating a vaguely drafted and potentially contentious nuclear weapons agreement, the Bush administration has sacrificed the security of structure and predictability for the putative virtues of flexibility and unilateralism.”

America and Russia: Make-Believe Arms Control

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On May 24, 2002, Presidents George W. Bush and Vladimir Putin signed the Strategic Offensive Reductions Treaty (SORT) at a summit in Moscow. The latest in a series of nuclear arms control agreements between the United States and Russia (or its predecessor, the Soviet Union), SORT differs considerably in purpose and detail from the five agreements that preceded it.

SORT—or the Moscow Treaty, as the Bush administration prefers to call it—is a very brief document. Its only substantive provision calls for the two countries to reduce the aggregate number of strategic nuclear warheads (the definition of which has not been agreed to by the parties) to between 1,700 and 2,200 on each side by December 31, 2012.¹ Four more articles reaffirm the continued validity of the only other existing strategic arms reduction treaty (START I); establish a Bilateral Implementation Commission (BIC) to consult twice a year and “discuss issues related to the treaty”; allow either party “in exercising its national sovereignty” to withdraw from the agreement on three months’ written notice; and set forth the conditions for ratification, entry into force, and registration of the treaty with the United Nations.

SOME PLUSES . . .

The Moscow Treaty has been strongly criticized by the arms control community, some national

security analysts, and more liberal members of Congress. It has been equally strongly lauded by the Bush administration, unilateralist pundits, and more conservative lawmakers.

On the positive side, the Bush administration, despite its dislike of arms control and reluctance to place formal constraints on American capabilities, agreed to commit formally to lower numbers of strategic nuclear warheads. The preference—and the initial negotiating position—of the administration was for reciprocal unilateral commitments and not a written, legally binding agreement.

Clearly, the Bush administration recognized that it could not—and indeed, for budgetary as well as political reasons, did not wish to—buck the post-cold war trend toward fewer actively deployed nuclear weapons. Moreover, a formal arms reduction agreement helps mitigate the bad press—domestic and international—the administration has been receiving for its rejection of, and withdrawal from, a host of other international treaties (including the Kyoto climate accord, the Comprehensive Test Ban Treaty, the International Criminal Court, the compliance protocol to the Biological Weapons Convention, and the Anti-Ballistic Missile Treaty).

Arguably, another “plus” for the Moscow Treaty is its simplicity and the flexibility it affords force planners on both sides. After decades of increasingly complex and arcane treaty documents—it took diplomats twice as long to draft START I (nine years) as it took Dostoevsky to write *The Brothers Karamazov*—SORT takes up roughly half a printed page, omitting virtually all detail and referring to the existing START I agreement for the usual treaty “fine print.”

Again, instead of dictating force structures (for example, what kind or how many of each delivery system) or weapon loadings (how many warheads on an individual delivery vehicle), SORT allows the

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¹Strategic warheads are those nuclear warheads deployed on long-range, land-based intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and heavy bombers (B-52s and B-2s in the case of the United States; Bears, Bisons, and Blackjacks for Russia).

two sides to distribute warheads as they wish among the delivery systems they choose to retain. It also allows the United States and Russia to repudiate the treaty with ease (no reason is required beyond the “exercise of national sovereignty”) and alacrity (90 days rather than the six months customary in previous arms control treaties). In its simplicity and flexibility, SORT satisfies the desire of those in and out of the administration who would submit the United States to arms control constraints only if the nation retains, as the administration has noted, the “capability to adjust forces as necessary to fit a changing strategic environment.”

... BUT MORE MINUSES

While simplicity and flexibility are appealing selling points when seeking public and congressional approval, they are not necessarily the best approach to drafting a nuclear arms control agreement. In the past, because of the record of mistrust, misunderstanding, and misbehavior, the United States generally sought to be as specific and comprehensive as possible in the language and design of major arms control agreements. But the Bush administration, arguing that the cold war is over and claiming that the United States and Russia are “embarking upon the path of new relations for a new century,” rejected that detailed approach in favor of a generalized commitment. Therein lies the principal problem with SORT.

The underlying utility of arms control agreements, apart from the obvious purpose of constraining the size of highly destructive arsenals, is in structuring a stable, predictable strategic relationship between the parties to the agreement; assuring that reductions taken under any agreement are irreversible; and making more transparent the nuclear infrastructures of the parties. SORT fails to further these goals.

The treaty contains no schedule of reductions. The only obligation in the document is not to have more than 2,200 strategic nuclear warheads by mid-

night, December 30, 2012. The United States and Russia are thus left not only with the choice of clustering their reductions at the end of the decade, but also with no current understanding as to what constitutes a “strategic nuclear warhead” and therefore what exactly is subject to reduction.

The United States has for some time been saying that the treaty limits apply only to “operationally deployed” weapons. It will not count warheads associated with delivery systems undergoing repairs or in overhaul, nor would it include any empty spaces left on multiple-warhead missiles after the warheads have been offloaded. The Russians believe that SORT should count warheads as in START I. That treaty assigned a fixed number of warheads to each type of missile or bomber, did not exempt delivery systems under repair, and limited the number of warheads that could be offloaded from a multiple-warhead missile and not included in the warhead count.

Thus the question of what constitutes a deployed strategic warhead has become a subject for discussion, either in the newly established Bilateral Implementation Commission, as the Russians would like, or, as the United States prefers, by the Consultative Group for Strategic Security, to be chaired by the foreign and defense ministers of the two countries. (The Consultative Group was established by the Joint Declaration on the New Strategic Relationship, which was signed in conjunction with the Moscow Treaty.) Whatever venue is used, if, as is most likely, the United States interpretation prevails, then two issues will emerge.

First, if the number of warheads to be exempted because their delivery systems are under repair (approximately 400) is added to the 1,700-to-2,200 warhead limit in the treaty, then the actual SORT reduction levels are higher than those agreed to by Presidents Bill Clinton and Boris Yeltsin in the 1997 START III Framework (see the table on page 327). Moreover, these higher numbers will not be attained until five years later than the date adopted in the START III Framework. SORT thus actually allows the United States and Russia a longer period of time to reduce their nuclear weapons arsenals to a level higher than that agreed to by the two nations more than five years ago.

The second, more profound issue concerns the manner in which the administration intends to reach the 1,700–2,200 strategic warhead level. Earlier this year, in testimony concerning the Nuclear Posture Review (NPR), the administration made clear that the United States will attain its first reduction threshold—3,800 warheads by the end of fiscal year 2007—primarily by offloading warheads from its existing force of ICBMs, SLBMs, and heavy bombers.²

²According to the NPR, a study commissioned by the Bush administration during its first year in office, the force reductions to 3,800 under SORT will be accomplished by some combination of the following actions: retiring the 50 Peacekeeper (MX) ICBMs (a reduction of 500 warheads), downloading Minuteman III ICBMs from 3 warheads to 1 (a reduction of 700 warheads), removing 4 older Trident submarines from strategic service and converting them to conventional cruise missile carriers (a reduction of 576 warheads), exempting 2 Trident submarines in overhaul (a reduction of 384 warheads), downloading the SLBMs on the remaining 12 Trident submarines from 8 warheads to 5 or 6 (a reduction of 600 to 800 warheads), downloading weapons from B-52 and B-2 bombers (which in some cases can carry up to 20 weapons), and eliminating the capability to return the B-1 bomber from a conventional to a nuclear role.

Strategic Nuclear Arms Control Agreements

	SALT I	SALT II	START I	START II	START III	SORT
Deployed Warhead Limit	Limited Missiles, Not Warheads	The Number of Warheads Deployed on Each Missile/Bomber	4,900 Missile and 1,100+ Bomber Warheads	3,000–3,500	2,000–2,500	1,700–2,222
Deployed Delivery Vehicle Limit	U.S.: 1,710 ICBMs and SLBMs; USSR: 2,347 ICBMs and SLBMs	2,250	1,600	Not Applicable	Not Applicable	Not Applicable
Status	Expired	Never Entered into Force	In Force	Never Entered into Force	Final Agreement Never Negotiated	Signed, Awaits Ratification
Date Signed	May 26, 1972	June 18, 1979	July 31, 1999	January 3, 1993	Not Applicable	May 24, 2002
Date Entered into Force	October 3, 1972	Not Applicable	December 5, 1994	Not Applicable	Not Applicable	?
Implementation Deadline	Not Applicable	December 31, 1981	December 5, 2001	December 31, 2007	December 31, 2007	December 31, 2012
Expiration Date	October 3, 1977	December 31, 1985	December 5, 2009	December 5, 2009	Not Applicable	December 31, 2012

Source: Arms Control Association.

By implementing the bulk of its reductions through offloading warheads but without destroying the associated delivery vehicles, the United States will retain a significant capability to “breakout”—that is, as Under Secretary for Defense Douglas Feith put it in February 2002, to reload and reconstitute its strategic nuclear forces within “weeks or months.” In all, the proposed United States approach to reductions would leave at least 1,000 empty spaces available for “upload” in the ICBM force; approximately the same number of warheads could be added to the submarine force, and a substantial number of additional spaces could become available in the heavy bomber force. Reductions below the 3,800-warhead level would take place between 2008 and 2012 during the administration of another president and in a manner yet to be determined.

A reconstituted United States strategic force might look something like this: in addition to the existing 12 Trident submarines and the 20 B-2 heavy bombers, 500 Minuteman III ICBMs would be uploaded from 1 to 3 warheads; 400 sea-launched cruise missiles in 4 converted Trident submarines would be upgraded from conventional to nuclear-capable systems; 400 warheads would be available in 2 Trident submarines exempted because they were in overhaul; 76 B-52 bombers would be uploaded from an average of 6 to an average of 12 air-launched cruise missiles each; and 91 B-1 heavy bombers, assigned to the conventional forces under START I, would be reconfigured for nuclear missions with an average of 12 weapons each (they were designed to carry up to 24 nuclear short-range attack missiles).

Overall, this would be a relatively rapid increase of more than 3,000 warheads, about half in the missile force and half in the heavy bomber force.

Although the Bush administration considers the offloading approach to reductions to be an ideal demonstration of flexibility in an arms control agreement, the capability for such rapid force reconstitution has become a matter of concern to critics of the treaty in both Russia and the United States. (START I, however, also permits the offloading of warheads, but there is a restriction on the overall number of empty spaces that may be created—1,250—and a limit of four on the number of warheads that can be removed from any single missile.)

NO GOOD ANSWERS

The flip side of the reconstitution issue is that SORT, and the United States offloading approach to reductions, does not call for the destruction of the nuclear delivery systems (ICBM launch silos and SLBM missile tubes) associated with the removed warheads (the United States has explicitly stated, for example, that it intends to preserve the 50 launch silos of the MX ICBMs “for future options”). In previous arms control agreements—SALT, START I, and the Intermediate-Range Nuclear Forces Treaty—this requirement was the basis for assuring that reductions taken were essentially irreversible. While some would argue that no reduction is irreversible with enough time and money, the destruction of delivery vehicles would make it much more difficult for reserve nuclear warheads to be redeployed rapidly and in large numbers.

SORT also carries no requirement for the destruction of any nuclear warheads removed from the operational forces. While this obligation has not been customary in arms control agreements to date, the Clinton–Yeltsin 1997 START III Framework did recognize the problem being created by offloading and called for negotiations to address the “destruction of strategic nuclear warheads . . . to promote the irreversibility of deep reductions including prevention of a rapid increase in the number of warheads.”

In presenting the NPR to Congress earlier this year, the Bush administration made clear its intent to use strategic nuclear warheads offloaded from existing delivery systems to establish a reserve force. According to the NPR, this active stockpile would give the United States a “responsive capability to adjust the number of operationally deployed nuclear weapons should the international security environment change and warrant such action.” The administration claims the size of the reserve force has not yet been determined, but an educated guess would put it at more than 2,000 nuclear warheads by fiscal year 2007.

The overall strategic active stockpile would then be more than 5,800 warheads.

There will also be a strategic inactive stockpile of nuclear weapons that could be transitioned to the active stockpile if necessary.³ The future size of that reserve has not yet been determined but it is currently estimated to be almost 3,000 weapons. No official has attempted to propose any possible scenario for needing these thousands of extra warheads beyond the very general statement that the strategic environment might change.

Again, what the United States gained in flexibility with SORT it may have lost in security by not addressing the threat from nondeployed nuclear weapons in the Russian stockpile. One of the great ironies of the post–cold war period is that, because of questionable security arrangements at storage facilities, nondeployed Russian nuclear weapons now pose a greater threat than deployed ones.

By mandating neither the destruction of launch vehicles nor limits on the size of a “responsive” or

reserve stockpile, SORT will permit, if not encourage, the Russians to increase the size of their already-significant nondeployed arsenal, the least secure and potentially most dangerous portion of their strategic nuclear forces.

AND THAT'S NOT ALL

The skeletal SORT treaty has created two additional problems. The first concerns verification. The second involves arms control after the treaty enters into force.

In announcing the Moscow Treaty, the White House noted that the existing START I verification regime “will provide the foundation for transparency and predictability regarding implementation of the new bilateral treaty.” The continued validity of START I was explicitly reaffirmed by Article 2 of SORT. There are nonetheless several issues here.

START I is scheduled to expire in 2009, conveniently, but not intentionally, during the administration of another president. Some arrangement will thus have to be made either to extend START to make

it coterminous with SORT or, at a minimum, to extend its relevant verification provisions.

Because the United States is seeking to create a

new measure of accountability, an “operationally deployed weapon,” SORT will require new verification procedures. Under START, delivery systems are attributed a number of warheads (for example, each Russian SS-18 missile is considered to carry 10 warheads). Verification procedures are designed to confirm that a particular delivery vehicle has no more warheads than its attributed number, which is generally also its maximum loading.

Under SORT, with the United States applying limits only to “operationally deployed” systems, verification procedures will have to confirm that a delivery vehicle, such as an ICBM or SLBM, has fewer warheads than it may be capable of carrying. In the case of heavy bombers, which are not routinely deployed with nuclear weapons onboard, the United States has said that “operationally deployed” refers to weapons “at or near the bomber base.” This would seem to indicate that nuclear weapons storage facilities on both sides would have to be subject to inspection to confirm the total number of weapons available to be loaded onto the heavy bomber force.

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³The active stockpile consists of weapons that are fully ready to be deployed and used. The inactive stockpile consists of those weapons that are not fitted with limited-life components such as tritium, batteries, neutron generators, and so forth.

The White House has pointed out that the Joint Declaration on the New Strategic Relationship calls for the United States and Russia to “continue discussions to explore additional ways to enhance transparency and predictability.” As with the questions concerning deployed nuclear warheads, the White House wants these discussions to be conducted within the framework of the Consultative Group for Strategic Security. The Russians seem to prefer the newly created BIC. Whichever venue is selected, the negotiations could easily be lengthy and arduous, and the lack of agreed definitions and procedures for dismantlement are likely to lead to misunderstandings, differing interpretations, and compliance issues.

Finally, the Bush administration has been stunningly mute on the future of arms control. While SORT has a provision for its eventual extension by mutual agreement, a careful reading of the Joint Declaration on the New Strategic Relationship reveals no commitment to arms control beyond that in SORT.

Indeed, the mandate of the newly created Consultative Group on Strategic Security is to “strengthen mutual confidence, expand transparency, share information and plans, and discuss strategic issues of mutual interest.” The discussion of further strategic offensive reductions is apparently—and probably intentionally—not part of its work plan.

The Bush administration clearly believes that it has completed its arms control agenda: it has conducted a Nuclear Posture Review that sizes the forces through 2007 and leaves the heavy lifting to a successor; reached an agreement on strategic offensive force reductions that will not be fully implemented until 2012; and unilaterally unleashed missile defenses from the constraints of the Anti-Ballistic Missile Treaty. But it is mistaken. By playing make-believe arms control with Moscow and negotiating a vaguely drafted and potentially contentious nuclear weapons agreement, the Bush administration has sacrificed the security of structure and predictability for the putative virtues of flexibility and unilateralism. ■