

## **THE FUTURE OF START**

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**EDWARD IFFT**

Thanks very much to the Arms Control Association for organizing this important event. I would like to devote my time to what may be the next big thing in arms control—the future of the START Treaty. I feel strongly that people need to pay attention to the fact that one of the most important multilateral international security agreements of the past 30-40 years is set to expire in 2009. The U.S. and the Russian Federation have begun to discuss what to do about this, and yet it has gotten almost no attention, even among the high priests of nuclear issues inside the Beltway. It is ironic that a huge controversy, and spirited debate, grew up around the fate of the ABM Treaty a few years ago. Of course, that debate had fundamental importance and involved deeply held views on all sides, but basically it dealt with what are largely theoretical considerations and with non-nuclear weapons that may not amount to much for many years to come. Today BMD is back on the front page, probably only briefly, and people are trying to find Azerbaijan on the map. In contrast, the START regime deals with thousands of real nuclear weapons that exist today

I need to make the usual disclaimer that I am speaking personally and not for the USG or Georgetown University. There is a second disclaimer that may be less obvious. I need to certify that I am not nostalgic for the Cold War, nor, although many years of my life were devoted to negotiating and implementing it, am I obsessed with START. On the contrary, I fully recognize that the START Treaty has already met many of its goals—its ambitious reductions in the world's most dangerous weapons were successfully completed in 2001. It has increased mutual trust and understanding in both the political and military spheres, and opened the door to valuable programs to eliminate, or make more secure, weapons systems—programs not actually required by the Treaty itself. I fully recognize that the Treaty, as it stands, reflects suspicions on both sides that no longer exist and imposes on both sides certain sometimes burdensome requirements that may no longer really be necessary. As an aside, I believed that was true even as we were negotiating the Treaty, but no one could slow down the verification juggernaut that seemed somewhat out of control at times.

Nevertheless, the START regime has enduring virtues and benefits that the U.S. and the Russian Federation would jettison at their peril. I should add that I am not slighting Ukraine, Belarus and Kazakhstan, who are, of course, also parties to the START Treaty and should be consulted, but the general assumption is that whatever replaces START will be bilateral, just as is the Moscow Treaty (SORT). The START regime has several major features that people should consider carefully, regardless of the levels of strategic offensive weapons that might be agreed in the future, or the form that a follow-on agreement might take:

- It created a high level of transparency and confidence in nuclear weapons deployments, technical characteristics and activities. An elaborate system of notifications provides an accurate picture of the numbers and locations of each side's strategic nuclear forces. This leads to a Memorandum of Understanding over 100 pages long that is updated in full every six months.
- The sides are forbidden from interfering with each other's National Technical Means (NTM), operating in a manner consistent with generally recognized principles of international law. They are also forbidden from using concealment measures that impede verification by NTM. Furthermore, NTM are buttressed by a system of cooperative measures which make it easier for satellites to monitor the numbers and locations of strategic forces.
- A ban on most forms of telemetry encryption during flight tests of ICBMs and SLBMs provides additional confidence that such tests are not being used for illegal purposes.
- A system of on-site inspections provides assurance that treaty-limited items are in their proper places and the allowed numbers of missiles, heavy bombers and warheads are not exceeded. There are currently 2-3 of these inspections per month.
- Agreed procedures for the conversion or elimination of systems provide assurance that such reductions are genuine and cannot be easily reversed.
- A special system of notifications and numerical and geographical constraints controls the numbers and locations of mobile ICBMs--formidable weapons only possessed by the Russians, who have about 250 deployed.
- The sides are prohibited from basing strategic offensive arms outside their national territories, or from transferring such arms to third countries, with an exception for the existing U.S. pattern of cooperation with the UK.

It should be obvious that these sorts of regulations should continue to control the world's most dangerous weapons. It does not follow, however, that they need to retain all the complexity or expense of their current form, and we hear that neither side has simply renewing the Treaty in its present form as its preferred option. For example, both sides could probably live quite happily with fewer notifications and fewer inspections. Some of the more burdensome requirements for eliminating systems could probably be relaxed, especially in view of the fact that the U.S. has been involved in many of these elimination programs in the Russian Federation. It might be possible to relax the rules regarding changing the number of warheads on ICBMs and SLBMs, and to allow the replacement of nuclear warheads by conventional warheads, as envisioned in the U.S. Prompt Global Strike Program. These are all technical details, which we do not have time to get into here.

There is also the first-order question of whether the levels of the Moscow Treaty should be lowered further now and, indeed the rather fundamental question of whether we are constraining launchers, missiles, warheads or all three. In my judgment, we should pay attention to all three, but, if one must choose, warheads are the most important. Further, are we only dealing with deployed systems, or do we need to do something about the large numbers of non-deployed warheads which are piling up as reductions in deployed systems proceed? Negotiating these matters might not be simple or quick, but neither are lots of other negotiations we engage in and which I would think are far less important to the future of humanity. The basic point is that it would be a monumental blunder to allow the START regime to disappear, and both sides appear to recognize this. However, we need a serious and well-considered set of obligations and rules that involve more than handshakes and hand-waving.

Allow me to make a few points of a broader political nature. We are now trying to solve very difficult problems related to the nuclear activities of Iran and North Korea. The solutions, if they are to be successful, will certainly involve some strict verification, including intrusive on-site inspections. How can we expect our friends and allies to support such measures, and indeed get these two countries to accept them, if we ourselves are simultaneously shedding the verification regime which governs nuclear weapons in the U.S. and the Russian Federation?

Again looking at the big picture, we all know that the NPT is under great stress. Anyone who follows the five-year Review Conferences, including the Preparatory Conference held in Geneva earlier this year, knows that the U.S. is under constant criticism for its alleged failure to do more in regard to Article VI. Whether or not such criticism is justified, it is certainly damaging to our cause and would only get worse if the wrong decisions are made about the START Treaty.

The Russian Federation is hinting that it may withdraw from the INF Treaty and President Putin has already “suspended” compliance with the CFE Treaty and called for an emergency meeting on the subject this week in Vienna. Countries are properly alarmed about this. However, how can we be upset about the possible loss of a Treaty that regulates tanks, armored combat vehicles, etc. and yet not be concerned about the loss of a historic document that regulates nuclear weapons?

Even if START disappears entirely, of course there is still the Moscow Treaty, which lowers the level of strategic nuclear warheads. However, the Moscow Treaty was never intended to replace START. As you know, the Moscow Treaty contains no verification at all, or even any agreed definitions or counting rules. Indeed, it was sold partly on the basis that the START verification regime would be there to at least partially verify its provisions.

My assumption is that both sides will want to replace START with something that retains at least some of the benefits I have just outlined. The situation is rather awkward because START is set to expire in December, 2009, while a peculiar feature of the Moscow Treaty is that it has practical effect for just one day in December, 2012. This

creates a 3-year gap, along with the question of what happens after 2012. The most likely solution would seem to be to create something that replaces START and, at the same time, provides some implementation and verification support for the Moscow Treaty and beyond. An obvious issue is whether this something should be legally binding or not. If we take our clues from the negotiation of the Moscow Treaty in 2002, we could assume the Bush administration will frequently use the words “transparency” and “confidence-building,” but try to achieve these worthwhile goals through informal arrangements that are not legally binding. The Russians, on the other hand, will argue for a more formal, legally binding agreement. These assumptions have basically been confirmed in the past few weeks.

In theory, I could envision a regime based entirely on, say, parallel unilateral statements, that could be successful, if the content were sensible. However, it is difficult to see any compelling reasons why we would not want something this important, which will transcend presidencies on both sides, to be legally binding, especially if that approach is strongly preferred by our negotiating partner. I can think of two reasons why some might argue for an informal gentlemen’s agreement, but neither is compelling. The first reason would be to avoid a bruising ratification battle. However, this would not seem to be a big problem for any sensible agreement, given that the Senate gave its consent to ratification of the Moscow Treaty 95-0, and that the Russian Duma is far less hostile, to put it mildly, to the Russian President than it was a few years ago. A second argument would be that the future is uncertain and so we should not tie our hands, in case we change our minds in a few years. My response to that would be to consider what our reaction would be if North Korea said that the outcome of the six-party talks should be informal and non-binding, since it might wish to change its mind in the future.

There are, of course, many creative ways to solve these problems. If a treaty is not desirable for some reason, an Executive Agreement might be the answer. If people are worried about possible long-term developments, an agreement could have a short duration, with long-term solutions left to new administrations on the two sides. Another option, if decisions seem too difficult now, would be to allow the Treaty to expire, but voluntarily continue to observe it for a certain period of time. Still another possibility would be to keep the Treaty legally in force, but voluntarily reduce some activities, where rights as opposed to obligations are concerned. For example, if they are entitled to do something X times a year, the sides could voluntarily agree to do it Y times a year, where Y is less than X. There are precedents for all these possibilities. Thus, we do not need to agonize now over trying to find a single best answer for many years into the future.

A final first-order issue is whether further reductions should be verifiable and irreversible. It is clear that the rest of the world wants this to be the case—recall the “13 Steps” unanimously agreed at the 2000 NPT Review Conference. However, although these two words are usually used together, they really are two different concepts. It is possible, if desired in specific cases, to have one without the other. Perhaps not all actions need to be irreversible, nor do all obligations need to be effectively verifiable, but one should think carefully about such cases. Consider the 50 Peacekeeper ICBMs. The U.S. reduced these systems. They will not count under the Moscow Treaty, but they are

still on the books for the START Treaty. This is because the 50 silos are still there sitting empty in Wyoming and more than 50 Peacekeeper missiles still exist in storage in Utah. Thus these reductions, though real, are not irreversible. However, one could easily devise a system to verify that the silos are really empty and that there is no capability to reload them rapidly.

In the early 1990s, when the Soviet Union broke up, it seemed to me that we faced two possible paths regarding the future of our relations in this area, given the dramatic improvement in U.S.-Russian relations and the much greater openness and trust that accompanied it. One path was to say “good”—now we can achieve much more in arms control--deeper reductions, more intrusive verification, solutions to the problems posed by non-deployed nuclear warheads and their dangerous fissile material, and so on. The second path was to say “good”—now we don’t need all this arms control and its intrusive verification. The Clinton administration was following the first path, while the Bush administration has chosen the second.

Now we face another fork in the road. Yogi Berra’s advice--if you come to a fork in the road, take it--is of no help. If we were starting over today, we certainly would not invent something as complex as the START Treaty, but it exists and we know it works. We can learn the lessons from living with it for 15 years and preserve its best features in a way that improves U.S.-Russian relations, supports our nonproliferation and counter-terrorism objectives and makes further progress toward a better, safer world with diminishing reliance on nuclear weapons.