

THE DANGEROUS DEVELOPMENT OF THE SECURITY SITUATION AND THE COMPLICATION OF THE EXTENSION OF THE LAST US-RUSSIA NEW START ARMS CONTROL TREATY

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SUMMARY

The dangerous development of the world security situation can be identified in, among other things, the withdrawal of the United States and the Russian Federation from the Intermediate-Range Nuclear Forces Treaty (INF) in 2019, the US exit from the multilateral Open Skies Treaty (OST) this year and the White House officials' considering of the option of conducting an underground nuclear test explosion. The last US-Russia arms control treaty, namely the New START, which limits the number of strategic offensive nuclear weapons, will expire on February 5th, 2021 after being valid for ten years. However, it may receive a five-year extension in accordance with its own provisions. So far a definite interest in the extension was declared by the Russian side, in contrast with the vague US position and its condition

of Chinese participation in the next arms control talks for the possible extension of the New START. However, the People's Republic of China refuses to participate in the trilateral format of mentioned talks. The June and July meetings of the US and Russian arms control delegations in Vienna and, to a certain extent, the publication of the first Russian official policy document on nuclear deterrence may be considered glimmers of hope in the currently worsening security situation. The potential result of the nonextension of the New START is that there could be a total collapse of the US-Russia arms control system, and approximately 90% of all nuclear weapons possessed by both states would be without any limitations, which could open the way towards a nuclear arms race with serious negative consequences.

REFLECTION

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THE US'S WITHDRAWAL FROM THE OPEN SKIES TREATY AND THE CONSIDERATION OF THE OPTION OF CONDUCTING A NUCLEAR TEST EXPLOSION

During the period of the coronavirus pandemic there were two important and at the same time cautionary pieces of information about events contributing to the further worsening of the security situation in the world. The first one was the Trump administration's decision, declared in May, to end the US membership in the multilateral Open Skies Treaty (OST) by November. The OST entered into force in 2002 with the goal of strengthening the common trust with air verifications of the military activities of the 34 participating states. The United States has justified its decision by pointing to Russia's obstructive behaviour when it refuses to enable overflights over certain parts of the country. Other member states, including the Czech Republic, intend to continue in these kinds of verification activities.

On May 22, 2020 *The Washington Post* informed that in the middle of the month senior White House officials have discussed the option of conducting underground nuclear test explosions. According to some arms control experts the discussion was allegedly motivated by the alleged, though unproved, Russian and Chinese tests of lower yield nuclear explosives, and according to arms control circles, the discussion was also intended to serve as a negotiating ploy to pressure Russian and Chinese leaders to take part in arms control talks with the US. In June 2020 the Senate Armed Services Committee advanced an amendment of the 2021 National Defense Authorization Act (NDAA) offered by the Republican senator Tom Cotton, that would make at least 10 million USD available for carrying out projects related to reducing the time required to execute a nuclear test in case of the President Trump's approval. In July its final approval was blocked by the House Democrats' own amendment prohibiting funding of the tests. Even before then, several Republican senators had approved a petition asking Trump's administration for the removal of the US's signature of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), which was made by the then president Bill Clinton in 1996. The CTBT prohibits all kinds of nuclear explosive tests but so far has not entered into force due to the absence of the signatures and/or ratifications of eight states (the US, the PRC, India, Pakistan, Israel, the DPRK, Egypt and Iran). Thus the Partial Test-Ban Treaty (PTBT) of 1963, which prohibits nuclear tests in the atmosphere, outer space and underwater with the exception of underground tests, has been the only valid treaty dealing with nuclear explosive tests.

Since 1945 the nuclear-weapon states have carried out about 2,000 nuclear tests with devastating consequences for the health conditions of the people living in areas afflicted by the nuclear fallout and for the nature and the living environment there. The United States carried out the last nuclear explosive test in 1992 and during the last several years, similarly to other nuclear-weapon states with the exception of the DPRK, it has declared a unilateral moratorium on nuclear testing every year.

A BRIEF CHARACTERISATION OF THE NEW START TREATY

The official title of the New START Treaty is the *Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms*. The Treaty was signed by the then presidents of the US and the Russian Federation (RF) Barack Obama and Dmitry Medvedev in Prague on April 8, 2010. The ten-year validity of the Treaty will expire on February 5, 2021, though there is the possibility of its extension for a further five years.

According to the Treaty both participating countries were obliged to fulfill the following limits within a seven-year period: 1,550 units of warheads for deployed Intercontinental Ballistic Missiles (ICBMs), Submarine Launched Ballistic Missiles (SLBMs) and heavy bombers; 700 units of deployed ICBMs, SLBMs and heavy bombers; and 800 units of deployed and non-deployed ICBM launchers, deployed and non-deployed SLBM launchers, and deployed and non-deployed heavy bombers. The Treaty also established the Bilateral Consultative Commission to resolve any ambiguities in this regard. Both countries fulfilled their limits within the agreed time period, that is, by February 5, 2018.

The monitoring and verification regime of arms control treaties plays an important role as regards the transparency and predictability, mainly in the sphere of the US and Russian strategic weapons. As regards the New START Treaty it contains detailed definitions of limited elements, and provisions dealing with the use of national technical means for the purpose of ensuring verification of compliance with the Treaty. It further includes a database identifying numbers, types and locations of elements that are subject to the Treaty's limitations, and provisions stipulating that the states will provide notifications about the limited elements. However, the implementation of on-site inspections, which are a significant part of the verification system, has been stalled as of this March due to the coronavirus pandemic.

THE US-RUSSIAN STRATEGIC SECURITY DIALOGUE IN VIENNA

The US-Russian talks on security strategic issues were held in the framework of the New START's provisions in Vienna on June 22, 2020. The US originally intended to hold this dialogue in a trilateral format with the participation of the PRC, with the reason being the growing Chinese potential security threat. However, China resolutely refused to participate, especially due to the considerable disproportion in numbers of possessed nuclear weapons on the part of the participating states. According to the Stockholm International Peace Research Institute (SIPRI) in January 2020 the US possessed 5,800 units

of nuclear weapons, and the RF possessed 6,375 units of nuclear weapons, which is about 90% of all nuclear weapons in the world, the total number of which is about 13,400 units. The PRC has approximately 320 units of nuclear weapons.

The Russian side rejected the US pressure on the highest Chinese representatives to change their negative posture with the argument that it should depend on China's own voluntary decision. But in case of the PRC's participation the RF would welcome the participation of France and the United Kingdom as well, which would amount to a de facto security dialogue of the five permanent members of the UN Security Council, or the so-called declared nuclear states as they are designated by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). However, the newly appointed US arms control negotiator Marshall Billingslea refused talks in such a format with the argument that France with its 290 units of nuclear weapons and the United Kingdom, which possesses 215 units of these weapons, have not represented any security threat.

The US delegation at the Vienna meeting again took a vague posture as regards the New START's extension. However, both sides agreed that the New START Treaty has been outdated with regard to the development and operational deployment of new weapons systems, especially hypersonic ones. In connection with this, there was a common agreement to establish three working groups to deal especially with nuclear warheads, nonstrategic nuclear weapons, transparency and verification, military doctrines and space systems. The second round of the US-Russia talks in the framework of the mentioned working groups was held again in Vienna from July 27 until July 30, 2020.

DIFFERENCES OF THE US AND RF LEGAL SYSTEMS AS REGARDS THE EXTENSION OF THE NEW START'S VALIDITY

Until today the US President Donald Trump has not expressed a clear, definite position towards the New START's extension in spite of President Putin's confirmation on December 12, 2019 of Russia's willingness to take such a step without any preconditions, which was followed and formalized by a diplomatic note delivered to the US Department of State on December 20, 2019. The US even rejected the Russian proposal of February 2020 to conduct a bilateral meeting of legal experts of the Foreign Ministries of both countries to discuss the Treaty's extension issues. In response to the US's delaying of its final political decision the Russian side draws attention from time to time to the fact of possible problems with such delays, especially due to the differences in the US and RF legislative procedures. The potential time schedule could be influenced also by the US presidential election this November, the RF's period of state holidays from the 1st of January till the 10th of January 2021 and the US presidential inauguration on January 20, 2021.

While the US legal system enables President Trump to extend the Treaty relatively simply through a presidential decree that does not need to be ratified by both congressional chambers, the Russian legislature has a more complicated ratification process. According to the article “Five Steps Towards a New START Extension, Specifics of the Russian Extension Procedure”, written by Anton Khlopkov and Anastasia Shavrova, and published in Russia in Global Affairs on June 4, 2020, the main complication is that the extension document has to be ratified by both chambers of the Russian Federal Assembly. According to the Federal Law No 1 the process can take even several weeks or months (e.g. in the case of the New START’s ratification the ratification period of the Treaty lasted eight months from the date of the bill’s submission to the lower chamber, which is the State Duma).

The article’s authors, when formulating five basic steps as part of the extension procedure, mention in the first place that it should begin with President Trump’s official announcement of the US’s willingness to extend the Treaty. As mentioned above, the Russian side already officially formalised President Putin’s interest in extending the Treaty by sending a note of the Russian Foreign Ministry to the US Department of State. The next step should be a joint consideration of the format of the Treaty’s extension, e.g. whether it should be done by an extension agreement, a protocol or an exchange of diplomatic notes. The formalising of the joint decision to extend the Treaty could happen by having both Presidents, or Ministers of Foreign Affairs, sign the agreed document, e.g. the protocol on the Treaty’s extension, or it could be done by an exchange of diplomatic notes. According to the Russian legal system the relevant document should be discussed in the Government and then in both parliamentary chambers, from which it should return to the President. Finally, both countries should exchange diplomatic notes on the completion of the national procedures required for the extension of the Treaty and agree on the place of the exchange of the relevant extension documents or their signature. The authors of the article suppose that the whole extension procedure, with the US president’s consent to the Treaty’s extension as the beginning, and taking into account the Russian legislative procedure, could take at least 45 days.

THE DOCUMENT ON RUSSIAN NUCLEAR DETERRENCE POLICY

In general the conception of the nuclear deterrence may be considered the main reason for the possession of nuclear weapons by nine nuclear-weapon states (the US, the RF, the PRC, France, the United Kingdom, India, Pakistan, Israel and the DPRK). It is based on the threat of a devastating retaliatory use of nuclear weapons, which could dissuade a potential adversary from aggressive activities. Its effectiveness can be derived from the state’s ability to fulfil the mentioned deterrence threat, its credibility and the delivery of comprehensible information about the possible retaliation to the challenger.

In contrast to the recent practice in which elements of the Russian nuclear deterrence remained classified and were included in military doctrines (2000, 2010, 2014), on June 2, 2020, in a surprising move, the RF, for the first time ever, published a document dealing exclusively with nuclear deterrence. The decree, signed by President Putin, is titled “Basic Principles of State Policy on Nuclear Deterrence” and it is composed of four sections: “General principles”, “The essence of deterrence”, “Conditions under which Russia would resort to nuclear weapon use” and “Roles of government institutions and agencies”. Its content deals mainly with nuclear deterrence in spite of the fact that the decree mentions two categories of deterrence, that is, nuclear and nonnuclear deterrence. According to the evaluations of various arms control experts (Nikolai Sokov, Olga Oliker, Sarah Bidgood, Dmitri Trenin, Michael Kofman and others) the document doesn’t mention any particularly new elements of the Russian nuclear deterrence strategy. In some places it has a vague character or it is missing a detailed explanation – for example, in relation to the declared highest level of the nuclear threshold. However, the majority of the experts consider it beneficial that the document contains specifications that de facto refute the Western claim about the existence of an alleged Russian conception of “achieving de-escalation via escalation”. The substance of the conception is that through a limited use of lower yield nuclear weapons Russia would gain an advantage in a regional conventional conflict provoked by it. The Trump administration’s Nuclear Posture Review of 2018 uses the mentioned conception as the reason for the production and operational deployment of W76-2 lower yield nuclear warheads for submarine ballistic missiles. According to Nikolai Sokov, a senior fellow of the *James Martin Center for Nonproliferation Studies of the Middlebury Institute of International Studies at Monterey*, the document on the Russian nuclear deterrence policy states that the Russian deterrence is a defensive one, which means the nuclear weapons will be used only in case of Russia being attacked. The document at the same time stipulates that there will be a Russian nuclear response not only in case of a global conflict but also when Russia’s conventional forces in a regional conflict are insufficient to deflect the other side’s attack or are overwhelmed by the other side’s forces.

CONCLUSIONS AND FURTHER SUPPOSED DEVELOPMENT

The extension of the New START Treaty for another five years has been supported by, among others, various current and former American high military representatives and even by the NATO General Secretary Jens Stoltenberg. This step could maintain the transparency and the predictability as regards strategic nuclear weapons of the two nuclear superpowers. It could also create a sufficient amount of time for further arms control talks between both superpowers about a new treaty with the possible participation of other nuclear-weapon states. These consultations could be devoted to, among other things, nonstrategic nuclear weapons, including new weapon systems, and also to discussions on further controversial security problems.

The US withdrawal from the Open Skies Treaty (OST) can be characterised as part of the long-term trend of Republican administrations ending the US's memberships in arms control treaties. Such moves are justified by the argument that the treaties could potentially negatively influence the United States' position in the global contention of powers in favour of its potential challengers and that the treaties weaken the US's security and possibilities to make flexible decisions (e.g. the US withdrawals from the ABM Treaty in 2012, from the so-called Iranian nuclear deal in 2018 and from the INF Treaty in 2019). The US security officials' considerations of the possibility of a renewal of the nuclear explosive tests are highly risky and dangerous. Such step could incite the interest of other countries in gaining or modernising nuclear weapons, which could lead to a spread of the nuclear arms race.

There is no doubt that the results of the US presidential and congressional elections in November will substantially influence further development in the global security sphere, mainly in the arms control relations between the US, the RF and the PRC. In case of Donald Trump winning the presidential election, the Republican administration and particularly its neoconservative supporters with close relations to the military-industrial complex will probably continue in their excessive militarisation and their power policy towards the US's main power rivals (the PRC and the RF). It is supposed that their military threats will be exaggerated with the aim to keep the congressional support for the US's multiple primacy in terms of the amounts of military expenditures of the US and its rivals, and maintain the superiority of the US in nuclear and conventional weapons over the long term.

There is a hope that the potential victory of the Democratic candidate Joe Biden may lead towards a gradual return and restoration of the US-Russian arms control system, including the effort to gradually involve other nuclear-weapon states in the process as well. Such a development could be positively reflected at the session of the 10th Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in January 2021, which was postponed a year after the outbreak of the coronavirus pandemic. Other expected developments include the renewal of the US membership in the so-called Iranian nuclear deal (JCPOA) and an improvement of the US's relations with its allies and partner countries.

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