



New START and the Obama Administration: Hurdles Still Ahead

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September 23, 2010

Summary

With the US Senate Committee on Foreign Relations agreeing on September 16 by a majority vote of 14-4 to send the New Strategic Arms Reduction Treaty (New START) to the full Senate for approval and ratification, the prospects of realising the potential of the Obama administration's signal foreign policy achievement seem to have improved considerably. Imponderables do however remain before its final ratification. There are currently 59 Democratic Senators in the 100-member Senate and the treaty requires a minimum of 67 votes (two-thirds support) in order to be ratified. The outcome of the November Senate elections will be crucial as 37 Senate seats will go to the polls. If the treaty does indeed get ratified, it will be the first nuclear arms reduction measure to be approved by a Democratic administration.

The Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, also termed as the New Strategic Arms Reduction Treaty (New START), was signed by President Barack Obama and his Russian counterpart Dimitri Medvedev on April 8, 2010 in the Czech capital Prague. The signing of the New START represented a concrete foreign policy achievement for the US administration which has invested a lot of political capital on its non-proliferation and disarmament agenda.

Non-Proliferation and Disarmament Activism as Drivers

President Obama has been the prime initiator of his administration's non-proliferation and disarmament activism. In his April 5, 2009 speech in Prague, Obama eloquently argued for the need to strive for a world without nuclear weapons and outlined America's commitment as well as "moral responsibility" to that goal, having been the "only nuclear power to have used a nuclear weapon."¹ Mr. Obama also became the first US President to chair a special Summit meeting of the 15-member United Nations Security Council (UNSC) on September 24, 2009 when UNSC Resolution 1887 was passed. The resolution, among other things, called for a nuclear weapons free world, urged for progress on nuclear arms reductions, demanded full compliance on UNSC resolutions by Iran and North Korea, as well as encouraged efforts to ensure peaceful uses of nuclear energy.² Earlier on September 23, in an address to the UN General Assembly, Mr. Obama stated that non-proliferation and disarmament was the most essential of 'four pillars' to ensure future well-being. The other three pillars included "the promotion of peace and security; the preservation of our planet; and a global economy that advances opportunity for all people."³

Various drivers have been touted as responsible for the administration's 'new-found love' on these issues. These include the desire to carve out a political legacy distinct from the previous Bush administration's unilateral proclivities, as well as the imperative need to respond to the geo-political implications of Iran's and North Korea's nuclear programmes. Obama stated that "it's naïve for us to think that we can grow our nuclear stockpiles, the Russians continue to grow their nuclear stockpiles, and ... to be able to pressure countries like Iran and North Korea not to pursue nuclear weapons themselves."⁴ It is pertinent to

¹ Text of the April 5, 2009 Prague speech available at http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/

² Text of UNSC Resolution 1887 available at <http://www.un.org/News/Press/docs/2009/sc9746.doc.htm>

³ See "Remarks by the President to the United Nations General Assembly," September 23, 2009, at http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-to-the-United-Nations-General-Assembly/

⁴ See William E. Broad and David E. Singer, "Obama's youth shaped his nuclear free vision," *New York Times*, July 4, 2009, at http://www.nytimes.com/2009/07/05/world/05nuclear.html?_r=1&pagewanted=all

note that Mr. Obama's April 2009 Prague speech coincided with another act of brinkmanship by Pyongyang – a three-stage Taepodong-2 missile test, which, however, according to most accounts, was a failure.⁵ When the Qom enrichment facility was revealed by Tehran in September 2009, Obama termed it “a serious challenge to the global non-proliferation regime.”⁶ Administration officials, reacting to the September 6, 2010 report of the IAEA Director General to the Board of Governors – the 30th such report since 2003, which sought clarifications from Tehran regarding certain “activities related to the development of a nuclear payload for a missile,” – stated that it was ‘troubling’ that Iran was still trying to develop a nuclear weapons capability. Iran of course dismisses these allegations.

Mr. Obama's formative views and personal convictions on the issue of nuclear disarmament are also pertinent. Reports have pointed to the anti-nuclear views held by Mr. Obama during his student days at Columbia University and during his time as a United States Senator. Writing in his university magazine in 1983, Obama in an article “Breaking the War Mentality” urged for efforts to establish a nuclear weapons free world and criticised what he called the “relentless, often silent spread of militarism” in the US. In 2003 while serving in the Senate, Obama was quoted as stating that “any attempt by the US government to develop or produce new nuclear weapons only undermines US non-proliferation efforts around the world.”⁷ The threat of nuclear terrorism was also uppermost in his mind in Prague in April 2009. Obama noted the rise in the “risk of nuclear attack,” even though “the threat of global nuclear war has gone down.” Chalking out his plan to go about achieving his objectives, Mr. Obama stated that, to begin with, his administration would negotiate a successor treaty to the 1991 Strategic Arms Reduction Treaty (START) as a way to reduce the American nuclear arsenal. He had also stated that this treaty will be “legally binding and sufficiently bold.”⁸

New START: Pertinent Provisions

Under the terms of the treaty, both sides agreed to reduce or limit the number of deployed ICBMs, SLBMs, and heavy bombers to 700; nuclear warheads on deployed ICBMs, SLBMs, and heavy bombers to 1,500; and the number of deployed and non-deployed ICBM launchers, SLBM launchers, and heavy bombers to 800. These figures are to be achieved

⁵ William J. Broad, “North Korean missile launch a failure, experts say,” *New York Times*, April 5, 2009, at <http://www.nytimes.com/2009/04/06/world/asia/06korea.html>

⁶ Caren Bohan and Hussein Jaseb, “Obama accuses Iran of evasion before Geneva talks,” *Reuters*, September 28, 2009, at <http://www.reuters.com/article/idUSN2550821720090926>

⁷ William E. Broad and David E. Singer, “Obama's youth shaped his nuclear free vision,” *New York Times*, July 4, 2009, at http://www.nytimes.com/2009/07/05/world/05nuclear.html?_r=1&pagewanted=all

⁸ April 5, 2009 Prague speech.

seven years after the treaty enters into force. This was an improvement over the levels decided upon by the two sides in the 2002 Strategic Offensive Reductions Treaty (SORT), also known as the Moscow Treaty, which envisaged reduction in operationally deployed warheads to between 1700 and 2200. The 2002 Moscow Treaty superseded the START II process which was hostage to politics surrounding ratification as well as issues relating to the Anti-Ballistic Missile (ABM) Treaty. Among other provisions, the New START enjoins both parties not to base strategic offensive arms “outside the national territory of each party” and “not to transfer strategic offensive arms subject to the Treaty to a third party”; allows for modernisation and replacement of strategic offensive arms; specifies verification of each other’s facilities and activities to be carried out by national technical means as well as on-site inspections; includes the pledge of not interfering with the national technical means of the other Party; allows for the right to conduct inspections at ICBM, submarine, and air bases (Type One inspections) as well as at formerly declared facilities. The Treaty seeks to establish a Bilateral Consultative Commission (BCC) to implement the process and resolve ambiguities if any. The Treaty would remain in force for 10 years after it enters into force, and allows for an extension for another five years if mutually agreed. The Treaty also allows for amendments and changes to the protocol “without affecting the substantive rights and obligations” contained therein.⁹

New START and the Senate Committee

Since the New START was signed, the Obama administration has been on missionary mode to obtain Senate ratification for the treaty. The US Senate Committee on Foreign Relations began its deliberations on the Treaty on May 18, 2010. Nearly 200 pages of article-by-article analysis were provided to the Senate by the US State Department. Over 20 Senate hearings were held wherein serving as well as former officials, academics and policy analysts clarified both sides of the debate. Among those who testified included the Commander of US Strategic Command as well as Directors of national laboratories under the National Nuclear Security Administration (NNSA) involved with the upkeep and maintenance of the American nuclear arsenal like Los Alamos, Lawrence Livermore and Sandia Laboratories. These officials pointed out to such efforts like the Stockpile Stewardship Programme (SSP), life extension programmes (LEP), technologies like proton accelerators, super-computing, advanced simulation, among others, which have ensured continued confidence in America’s nuclear arsenal.¹⁰

The Obama administration however faced opposition from the Republican Senators of the Committee (which includes 11 Democrats and 8 Republicans, with Senator John Kerry

⁹ The text of the New START and related materials available at <http://www.state.gov/t/vci/trty/126118.htm>

¹⁰ Text of their testimonies available at <http://foreign.senate.gov/hearings/hearing/?id=c5216239-5056-a032-5254-15c29969d7ad>

being the Chairman and veteran non-proliferation hand Richard Lugar being the Republican Ranking member) worried about US national security interests as well as domestic political considerations. The latter, according to reports, included the desire to avoid bestowing a major foreign policy achievement on the Obama administration ahead of the November mid-term elections, especially at a time when the Republicans are on an upswing politically.¹¹

Among national security concerns expressed by the Republican Senators included the need to maintain the reliability and robustness of the American nuclear arsenal, the commitment of the Obama administration to modernise American nuclear forces and related establishments, continued Russian opposition to US missile defence plans and the treaty's possible constraining effects on the issue, especially so in the light of emerging threats from states like North Korea and Iran. Senators like Jim DeMint of South Carolina charged that it was "absurd and dangerous" for the US to "seek parity" with Russia in the light of America's 'unique' role. Other Republican Senators also took exception to the lower numbers of inspections allowed per year - 18 as against 28 in START 1. Some even pointed out that Russia had a fewer number of launchers than those prescribed by the Treaty (800 deployed and non-deployed) and that it was the US which was making most of the cuts.¹²

The administration on its part pointed out to such measures as the \$80 billion committed over the next 10 years to improve the country's nuclear arsenal, a decision announced by Mr. Obama on May 13, 2010, a few days before the Senate Committee began to consider the New START treaty on May 18.¹³ Among the administration's other efforts to improve the efficiency of US nuclear forces included the funds allotted in the 2010 budget to boost the production capacity of tritium gas, for instance, which reports noted can be used to increase the explosive power of nuclear weapons.¹⁴

Defence Secretary Robert Gates in an article in *The Wall Street Journal* on May 13, 2010 brought forth the purported advantages of the Treaty including - significantly limiting US and Russian strategic nuclear arsenals; establishment of an extensive verification regime; continued preservation of the US nuclear arsenal as a vital pillar of America's as

¹¹ See, for instance, Andrew de Nesnera, "Senate Committee delays action on New START Treaty," *VOA News*, August 5, 2010, at <http://www.voanews.com/english/news/usa/Senate-Committee-Delays-Action-on-New-START-Treaty-100053139.html>

¹² Peter Baker, "White House presses Senate to approve Russia arms pact," *New York Times*, May 18, 2010, at <http://www.nytimes.com/2010/05/19/world/europe/19treaty.html?ref=todayspaper>

¹³ Peter Baker, "Obama expands modernisation of nuclear arsenal," *New York Times*, May 13, 2010, at <http://www.nytimes.com/2010/05/14/us/politics/14treaty.html?ref=todayspaper>

¹⁴ Daniel Horner, "Obama Budget Seeks Rise in Tritium Capacity," *Arms Control Today*, June 2009, at http://www.armscontrol.org/act/2009_6/Tritium

well as its allies' security posture on account of credible modernization plans; no constraints on the US developing and deploying defences against ballistic missiles; no restrictions on America's ability to develop and deploy conventional prompt global strike capabilities. Gates added that the New START had the unanimous support of America's military leadership and that it was a Treaty which preserved America's critical defence capabilities and maintained strategic stability.¹⁵ Another key aspect that was stressed by administration officials as well as proponents urging the Senate to ratify the treaty was the fact that it will once again enable on-site verification of Russia's nuclear complex (and vice-versa), an ability that had been lost since December 2009 with the expiry of START 1.¹⁶ President Obama's letter to the Senate on May 13, 2010 also notes that the New START regime "includes on-site inspections, notifications, a comprehensive and continuing exchange of data regarding strategic offensive arms, and provisions for the use of national technical means of verification."¹⁷

First Hurdle Crossed: Senate Committee Votes Positively

Eventually on September 16, the US Senate Committee on Foreign Relations agreed by 14-4 to send the Treaty with amendments as proposed by Senator Lugar to the full Senate for approval and ratification. Senator Lugar's version – as opposed to the version proposed by Senator John Kerry – purportedly includes provisions like, for instance, making it incumbent for the US President to certify that exchange of telemetric data on ICBM missile tests with conventional warheads (Prompt Global Strike) will not jeopardise US national security interests or the effectiveness of such a system. The version also includes provisions relating to the working of the BCC, so that the oversight mechanism it provides for will not possibly affect US missile defence plans, among other aspects.¹⁸ There was however a minor 'hiccup' before the Senate Committee passed the treaty when Senator Jim Risch of Idaho brought to the attention of Chairman Senator Kerry 'new intelligence' about Russian cheating on previous arms control measures. Kerry, however, stated that the new information in no way altered the judgment of the administration or the intelligence

¹⁵ Robert M. Gates, "The Case for the New START Treaty," *The Wall Street Journal*, May 13, 2010, at <http://online.wsj.com/search/term.html?KEYWORDS=ROBERT+M.+GATES&bylinesearch=true>

¹⁶ See, for instance, "278 Days Without On-Site Inspections: Time for New START," *Arms Control Today*, Volume 1, Number 20, September 9, 2010, at <http://www.armscontrol.org/issuebriefs/timefornewstart>

¹⁷ See Barack Obama, "To the Senate of the United States," May 13, 2010, at <http://www.whitehouse.gov/sites/default/files/2010%20New%20START%20msg%20rel.pdf>

¹⁸ Sen. Lugar's version available at <http://www.scribd.com/doc/37374799/Lugar-Draft-ROR>. See also Josh Rogin, "Lugar becomes centre of gravity in New START," September 13, 2010, at http://thecable.foreignpolicy.com/posts/2010/09/13/lugar_becomes_center_of_gravity_on_new_start

community regarding the provisions of the New START.¹⁹ In the aftermath of the Senate Committee's decision, President Obama, Secretary Clinton and Secretary Gates have urged the full Senate to promptly ratify the treaty as it will "advance some of our most critical national security objectives."²⁰

The Road Ahead and Imponderables

If the treaty does get the support of 67 Senators (two-thirds) and above whenever it is placed for ratification (most probably after the November elections), it will be the first time that a nuclear arms reduction measure would have been approved by a Democratic administration. As Ambassador Richard Burt pointed out in an interaction at Georgetown University on September 13, during the term of the Clinton administration, the Chemical Weapons Convention and the Conventional Forces in Europe Treaty were ratified but these were strategic arms and not nuclear arms reduction measures.²¹ Challenges however remain given that there are only 59 Democratic Senators currently in the Senate. This number could potentially come down further if the Democrats perform badly in the November elections when 37 of the 100 Senate seats will go to the polls.

If the full Senate does indeed ratify the New START – still a 'big if', and if Russia also goes through with its process of ratifying the treaty, it is a step which has to be welcomed. Other concomitant and more onerous steps however remain. These include further reductions in deployable warheads as well as of warheads which are in storage; the contentious issue of tactical nuclear weapons which total more than 2,500 on both sides; possible expansion of the US-Russia bilateral process - when the New START expires 10 years after it enters into force or at a later stage, to include countries like United Kingdom, France, China, India, and Pakistan in a multi-lateral process of nuclear arms reductions, among others. The preamble of the New START in fact affirms the possibility of expanding the current bilateral process to a multi-lateral process. The mechanisms to go about these issues will however be contentious. For instance, the increasingly limited distinction between tactical and strategic nuclear weapons due to the flexibility offered by various delivery systems makes it that much more difficult to negotiate a treaty on such weapons – particularly when the majority of them are held by Russia.

On the other hand, the consequences of non-ratification of the New START would be strongly negative indeed for an administration which has invested so much political capital

¹⁹ Mary Beth Sheridan, "Senate panel passes New START," *Washington Post*, September 17, 2010, at <http://www.washingtonpost.com/wp-dyn/content/article/2010/09/16/AR2010091606694.html>

²⁰ Hillary Clinton's statement available at <http://www.state.gov/secretary/rm/2010/09/147271.htm>

²¹ See Rose Gottemoeller, Richard Burt, Bruce Hoffman and David Hoffman, "A Discussion on the New START Treaty," Georgetown University, September 13, 2010, at <http://www.state.gov/t/vci/rls/147120.htm>

on the issue. Its standing domestically as well on the international front would be hurt and countries like Iran and North Korea will be emboldened further.

Arms Control versus Disarmament: The Debate Continues

The larger question that needs to be asked is whether such arms control measures will lead to achieving the still elusive goal of comprehensive nuclear disarmament. Nuclear weapon states as defined by the nuclear non-proliferation treaty (NPT) had pledged under Article VI of the 1968 NPT to undertake 'good faith' negotiations to pursue nuclear disarmament.²² Their commitment to that pledge has largely been suspect and found wanting. Forty-two years have gone by since the NPT was negotiated and still the total number of warheads remains at over 20,000. While arms control proponents vouch that these measures, even though piecemeal, are essential to maintain peace and avoid war, sceptics of the efficacy of arms control measures abound. The April 2010 IDSA Task Force Report on Nuclear Disarmament for instance calls for a nuclear convention to outlaw nuclear weapons, as has been done in the case of chemical and biological weapons.²³ Organisations like the International Convention against Nuclear Weapons (ICANW) also support this viewpoint, as do many other countries which have supported such a measure at the UN and other forums. For instance, over 120 UN member states voted in favour of a resolution at the UN General Assembly in December 2007 urging negotiations to establish a Nuclear Weapons Convention (NWC). To get the nuclear genie back into the proverbial bottle continues to be a challenging and difficult task indeed.

²² Text of the NPT available at www.un.org/en/conf/npt/2005/npttreaty.html

²³ IDSA Task Force Report, available at http://www.idsa.in/system/files/book_NuclearDisarmament.pdf