

# IMPLICATIONS OF THE NEW START SUSPENSION

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On 21 February 2023, Russian President Vladimir Putin, at the end of his Presidential Address to the Federal Assembly, announced Russia's suspension of its participation in the new Strategic Arms Reduction Treaty (START).<sup>1</sup> He immediately clarified that the break did not mean withdrawal from the Treaty. The announcement provoked a global debate about the fate of this Treaty and the status of arms control in general. The word 'suspension' puzzled many when discussions on the announcement's consequences started.

It must be understood that Russia was not abandoning the Treaty before its expiry date (in 2026) or the date for the next extension. For withdrawal, the Treaty has a provision in Article **XIV.3 which states:**

*Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardised its supreme interests. It shall give notice of its decision to the other Party. Such notice shall contain a statement of the extraordinary events the notifying Party regards as having jeopardised its supreme interests. This Treaty shall terminate three months from the date of receipt by the other Party of the aforementioned notice, unless the notice specifies a later date.*<sup>2</sup>

Although there is no mention of the term 'suspension' in the Treaty, the announcement of the suspension of the New START has a legal connotation in international law. Article 72, titled 'Consequences of the suspension of the operation of a treaty', of the Vienna Convention on the Law of Treaties, reads as follows:

Did Putin mention which elements of the Treaty Russia intends to suspend? He did not specify the suspension of any particular provision, though the long speech detailed the circumstances which forced Russia to take action on the suspension. Seemingly, the entire Treaty has been put on hold. However, Putin has not made any provocative statements, which could hamper the re-operationalisation of the Treaty. Article 72.2 of the Vienna Convention appears to be guiding Russian thinking.

The suspension of the Treaty does not entail any material changes on the ground. Putin underscored in his Presidential Address that he had signed a decree to put "new ground-based strategic missile systems on combat duty".<sup>4</sup> This might have sent a signal that Putin was serious about escalating nuclear weapons deployment in the near future. Some Western analysts expressed apprehensions that Russia might take out non-deployed weapons from storage and deploy them.

However, Putin justified his actions by claiming an asymmetry of strategic weapons forces between Russia and the North Atlantic Treaty Organization (NATO). He highlighted that the US is not the only nuclear weapon country in NATO, but that France and the United Kingdom are also nuclear weapon countries. While the New START was a bilateral treaty, Russia faced a threat from the entire NATO having more than one nuclear state.

Thus, the moot question is whether Russia will deploy weapons from the store? It does not

appear so. Article 72.2 of the Vienna Convention may restrain Russia from deploying more strategic nuclear weapons than permitted in the New START. The Treaty puts a ceiling of 1,550 deployable warheads on the delivery vehicles. Moreover, both sides have a large number of tactical nuclear weapons. Quite significantly, many have been forecasting the use of tactical nuclear weapons against Ukraine for a long period. Fortunately, as of today, the prophets of doom have been proved wrong.

There was a general belief among arms control watchers that the suspension of inspections would remain so either till Russia lifts the suspension or till the Treaty expires in 2026. Practically, the inspections under New START were paused since the COVID-19 pandemic period by mutual consent. Moscow and Washington have failed to resume inspections to this date.

Instead, the US accused Russia of non-compliance with the Treaty vis-à-vis provisions of the inspection and convening of the Bilateral Consultative Commission, a mechanism to resolve Treaty-specific issues.<sup>5</sup> With the suspension of the Treaty, 18 agreed annual inspections under the provision of New START would not occur soon. Thus, the Russian announcement might be a pressure tactic on Moscow's part to persuade the US vis-à-vis implementation of the Treaty in its entirety, though Russia has not explicitly put it as a pre-condition for ending the suspension.

The Treaty provisions mandate exchange of data regarding deployed intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and heavy bombers, along with warheads on them. It also seeks data on deployed and non-deployed launchers of ICBMs, SLBMs, and heavy bombers. Both countries complied with the provision till 2021.<sup>6</sup>

So far, the two sides have exchanged thousands of notices about the number of warheads. But halt in the implementation of the Treaty might affect the mutual exchange of data. Moscow has declared that it would observe quantitative limits of the warheads as per the Treaty during the pause period.<sup>7</sup> However, it is debatable how the mechanical exchange of data, bereft of inspection, in an uncertain environment, will be credible and satisfy both parties.

The suspension of the New START treaty has nothing to do with rights and obligations of the parties to conduct nuclear tests. The Treaty has no provision for banning and suspending nuclear tests. For the resumption of nuclear tests, Russia and the US may have to come out of the Comprehensive Test Ban Treaty (CTBT) and other related treaties. In the statement, Putin clarified that Russia was prepared to test after the US conducted a nuclear test. The US has not indicated any intentions to start testing. So, the world might not witness nuclear tests in the coming weeks or months.

The suspension of the Treaty has established at least two realities. One, while the follow-up treaty to the New START was expected to include new types of strategic weapons, the suspension of the Treaty has set the clock back. If the parties cannot implement the existing Treaty, it is difficult for the world to expect a broader treaty from the US and Russia which has more than 90 per cent of the nuclear stockpile.

Two, the Treaty cannot be divorced from the geopolitical realities of the day. The Ukraine conflict has eroded trust between the Treaty parties, which has negatively coloured the current crisis. The New START is widely considered the last surviving arms control pact. Putin's announcement, for sure, has complicated diplomatic efforts to revive arms control negotiations when China's increasing nuclear warheads are contributing to the arms race every passing day.

The Russian decision can be described as symbolic and strategic in nature. It wants to pressurise the West by sending an ambiguous message strategically. In the entire episode,

Russia has tried not to appear aggressive and has attempted to put all the blame on the US. Considering the pessimist environment, the suspension of the Treaty may not seem shocking or startling. Still, it is certainly unfortunate for arms control efforts, which had never prepared even rudimentary grounds for future disarmament talks.

*Views expressed are of the author and do not necessarily reflect the views of the Manohar Parrikar IDSA or of the Government of India.*

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