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**Problems related to implementation of the Treaty between the United States
of America and the Russian Federation on Measures for the Further
Reduction and Limitation of Strategic Offensive Arms of 2010**

For many years the New Start Treaty signed in 2010 remains an effective international arms control tool instrumental to maintaining strategic balance and international security. The Treaty's importance as well as its implementation progress were highly appraised by both Russia and the U.S. However recent years were marked by the rise of the problems that undermine its viability. In the worst case scenario these problems might potentially disrupt prospects for its extension after 2021.

Certain issues related to the Treaty implementation have a fundamental importance to each Side. These issues shape the current situation around the New START. They also have notable effect on the overall atmosphere of political relationship between our countries and on further prospects of Russian-U.S. strategic dialogue, the need for full-scale resumption of which is becoming more and more apparent.

Thereby we believe it would be helpful to inform the U.S. Congress about the Russian stands on outstanding issues on the basis of assessments previously communicated to the U.S. Side within the framework of the Bilateral Consultative commission (BCC) under the Treaty.

The list of key issues related to the Treaty implementation includes the following:

- removal by the U.S. side from accountability under the Treaty of B-52H heavy bombers (HBs) and Trident II SLBM launchers declared as converted in accordance with procedures that do not attain the goals of conversion envisaged by the Treaty and that, for this reason, have not been agreed upon by the Russian side;
- conversion by the U.S. side of the aforementioned HBs and SLBM launchers;
- recording of conversion procedures within the BCC under the New START Treaty;
- accountability of items named by the U.S. as "training silos";
- new Russian armaments in the context of the New START Treaty;
- accountability of launchers of prototype ICBMs;

- exhibition of the RS-24 ICBM in a launch canister for a silo launchers;

In 2018, the United States also brought up an issue of modernization of Russian Tu-22M3 aircraft, specifically if it would potentially gain features of a heavy bomber under of the New START Treaty.

Russian position on all abovementioned issues is based on the provisions of the Treaty. Parties must implement them in full and without any unilateral interpretations.

I

For the Russian side, the central issue is the unilateral removal of a substantial part of strategic offensive arms (SOA) items from accountability by the U.S. side which declared them as "converted". As this matter remains unsettled, we cannot confirm full implementation by the United States of its obligations under Article II of the Treaty. Accordingly, we shall continue to point out this situation in the course of bilateral contacts on all levels, as well as direct the attention of the international community to this absolutely abnormal state of affairs.

The issue of accountability for us is first and foremost an issue of national security of Russia. Our assessments tell us that actions of the United States pertaining to removal of a substantial part of its SOAs from the scope of the Treaty aim at acquiring significant strategic advantage. They bring about the risk of upsetting the existing strategic balance between our countries.

According to Article II of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, Russia and the United States were to meet the following aggregate limits on strategic arms by February 5, 2018:

- 700 deployed ballistic missiles (ICBMs), deployed submarine-launched ballistic missiles (SLBMs), and deployed heavy bombers equipped for nuclear armaments;
- 1,550 nuclear warheads on deployed ICBMs, deployed SLBMs, and deployed heavy bombers equipped for nuclear armaments;
- 800 deployed and non-deployed ICBM launchers, SLBM launchers, and heavy bombers equipped for nuclear armaments.

The Russian side has fully complied with its commitment to reduce its strategic offensive weapons and acknowledges the United States' statement regarding meeting its aggregate limits on strategic arms. At the same time, it has to be noted that the United States has reached the set limits not only by actually reducing the arms but also by converting a certain number of Trident II SLBM launchers and B-52H heavy bombers, in the way that the Russian side cannot confirm that these

strategic arms have been rendered incapable of employing SLBMs or nuclear armaments for heavy bombers as specified in Part Three Section I paragraph 3 of the Protocol to the New Strategic Arms Reduction Treaty, as well as by arbitrary renaming silo training launches into "training silos," a category not specified by the Treaty.

We believe that the Party carrying out the conversion of its SOAs should not only demonstrate to the other Party external distinguishing features of the converted items but also convince it that these converted items possess functional differences compared to SOAs that have not been converted. According to paragraph 18 (46) of Part One of the Protocol to the Treaty, the term "distinguishable" means different on the basis of the totality of external and functional differences that are observable by national technical means of verification, or, when such observations may be inconclusive in the opinion of the inspecting Party, that are visible during inspection activities.

II

The issue of conversion of B-52H heavy bombers and Trident II SLBM launchers which results were not confirmed arose in 2015.

Three years ago the U.S. side declared its intention to convert B-52H heavy bombers by rendering them incapable of employing nuclear armaments by removing the nuclear code enabling switch and interconnecting box, mounting a code enabling switch inhibitor and interconnecting box inhibitor plate, removing applicable cable connectors, capping applicable wire bundles.

In accordance with paragraph 3 of Section I of Part Three of the Protocol to the Treaty a heavy bomber must be converted by rendering it incapable of employing nuclear armaments so that the other Party can confirm the results of the conversion, whereupon such a converted strategic offensive arm shall cease to be subject to the aggregate numbers provided for by Article II of the Treaty and may be used for purposes not inconsistent with the Treaty.

In accordance with the provisions of paragraph 5 of Section I of Part Three of the Protocol to the Treaty, on September 10, 2015, the U.S. side conducted an exhibition of the first converted B-52H heavy bomber for the purpose of demonstrating its distinguishing features and the results of its conversion. During the exhibition in accordance with declared procedures the U.S. side demonstrated the results of the conversion of a B-52H heavy bomber rendering it incapable of employing nuclear armaments.

However, in the course of the exhibition the Russian inspectors were unable to verify that the conversion procedures declared and applied by the United States satisfy the Treaty requirement on rendering a heavy bomber incapable of employing nuclear armaments.

The Russian side believes that the results of the U.S. exhibition of a converted B-52H heavy bomber indicate that the procedures developed by the U.S. side do not allow for the attainment of the goals set out in paragraphs 3 of Section I of Part Three of the Protocol to the Treaty. Therefore all B-52H heavy bombers which are converted following the abovementioned procedures can not be excluded from the aggregate numbers of strategic offensive arms provided for in Article II of the Treaty. All notifications with regard to such bombers should be provided in accordance with the provisions of Part Four of the Protocol to the Treaty on heavy bombers equipped for nuclear armaments.

Also in 2015 the U.S. side declared its intention to convert Trident II SLBMs launchers (four launchers at each Ohio-class submarine) in a manner precluding their use as SLBM launchers by applying the procedures laid out in subparagraph 6(a) of Section IV of Part Three of the Protocol to the Treaty.

In accordance with paragraph 3 of Section I of Part Three of the Protocol to the Treaty, an SLBM launcher shall be converted by rendering it incapable of employing SLBMs so that the other Party can confirm the results of the conversion, whereupon such a converted strategic offensive arm shall cease to be subject to the aggregate numbers provided for in Article II of the Treaty and may be used for purposes not inconsistent with the Treaty.

In accordance with the provisions of paragraph 5 of Section I of Part Three of the Protocol to the Treaty, as well as with the Ninth Agreed Statement, on September 15, 2015, the U.S. side conducted an exhibition of the four converted launchers of Trident II SLBMs on the submarine West Virginia for the purpose of demonstrating the distinguishing features of a converted SLBM launcher and of an SLBM launcher that had not been converted.

In the course of the exhibition the Russian inspectors were unable to verify that the conversion procedures declared and applied by the United States satisfy the Treaty requirement on rendering SLBM launchers incapable of employing SLBMs.

The Russian side believes that the results of the U.S. exhibition of converted SLBM launchers indicate that the procedures developed by the U.S. side do not allow for the attainment of the goals set out in paragraphs 2 and 3 of Section I of Part Three of the Protocol to the Treaty. Therefore SLBM launchers which are converted following the procedures demonstrated during the exhibition the U.S. side conducted on September 15, 2015, can not be excluded from the aggregate numbers of strategic offensive arms provided for in Article II of the Treaty.

We proposed to focus efforts on resolving the issue related to the unilateral removal from accountability of Trident II SLBM launchers and B-52H heavy bombers more than two years before the New START Treaty control date.

III

The New START Treaty provides for a mechanism of agreeing on conversion procedures within the BCC under the Treaty, namely "recording". If explanations of the Party that carried out conversion of SOAs convince the other

Party to the Treaty that the declared conversion procedures indeed render this SOA item incapable of employing SLBMs and nuclear armaments of heavy bombers, such procedures shall be recorded within the BCC and may be used thereafter during inspection activities.

Since there is no mutually acceptable solution on conversion procedures implemented by the U.S. question on its recording is still open.

The U.S. side insists, however, that by carrying out a demonstration in the BCC of the conversion procedures it used and by sending to the Russian side a written description of these procedures it has thus "recorded" the procedures – regardless of whether this issue has been agreed with the Russian side.

This issue have been discussing for several BCC sessions. The stance of the Russian Side is solely based upon the provisions of the Treaty.

The Treaty grants each Party the right to choose at its discretion the conversion procedures provided for in the Protocol to the New START Treaty, as well as to independently develop its own procedures. However, the Treaty contains no provisions granting the Party that has developed conversion procedures the right to unilaterally use the procedures developed under subparagraph 6(c) of Section IV or subparagraph 4(c) of Section V of Part Three of the Protocol to the New START Treaty and to remove converted SOA items from accountability without confirmation of the results of conversion by the other Party. Automatic extension of the right to develop one's own procedures (which is within the legal scope of the Treaty) to the right to use such procedures is wrong from the legal point of view. The decision-making process with regard to procedures' development is different from the one concerning their use. And it clearly derives from the Treaty.

We do not consider recording of conversion procedures within the BCC just a formality. Clearly, the provision on the need to bilaterally record conversion procedures developed by the converting Party is aimed at ruling out any abuse of the right to unilaterally use procedures that contradict the New START Treaty provisions and do not achieve conversion goals. As for such a core issue of the New START Treaty as reaching central limits in accordance with certain conversion procedures in such aspects as confirming conversion results notification procedure is not acceptable.

We do not consider U.S. procedures as recorded in BCC in accordance with the requirements of the Treaty. Thus, removal from accountability of those SOA items that are declared by the U.S. Side as converted remains unlawful.

In the course of an expert dialogue with the United States, first and foremost, within the Bilateral Consultative Commission under the New START Treaty the Russian side made a whole number of proposals on a way out of this situation. In response, the U.S. either repeated its position declared earlier (e.g. second exhibition on August 3, 2017, of conversion procedures for Trident II SLBM launchers declared as accomplished under subparagraphs 6(a) and 6(c) of Section IV of Part Three of the Protocol to the New START Treaty, whereas the procedures themselves remained unchanged) or – as a maximum acceptable

compromise – proposed, for its part, two steps to be taken (paper as of December 28, 2017, “Additional measures to Respond to Russian Federation Concerns regarding U.S. Conversion Procedures under New Start Treaty”):

1. Transmit a cabinet-level written political commitment that the United States does not intend to reverse the conversion of any of the converted Trident II SLBM launchers or B-52H heavy bombers for the duration of the New START Treaty, as long as Russia remains in compliance with the Treaty with a proviso that for converted SLBM launchers only, except in case of extreme circumstances, such as technical problems or accident, or the loss of a submarine causing a significant reduction in the overall number of U.S. launchers under the Treaty.
2. Provide a display of the white steel closure used in Trident II SLBM launcher conversions on the pier adjacent to a submarine during a single Type One inspection of a U.S. submarine base to be selected by the United States in 2018. The U.S. side proposed implement such measures based upon a mutual understanding that they would resolve all outstanding Russian side concerns with U.S. conversion procedures for Trident II SLBM launchers and B-52H heavy bombers, including any concerns relating to the recording of these procedures within the BCC.

We consider the U.S. proposals to be a step in the right direction. We believe it is necessary to continue pursuing solutions which would make it possible for the Russian side to confirm the results of the conversions carried out by the U.S. and to grant our consent to record the procedures applied within the Bilateral Consultative Commission. Thereafter the relevant U.S. assets could be lawfully excluded from the accountability under the Treaty.

In our view the “Additional Measures” proposed by the U.S. require certain adjustments so they could meet the indicated criteria. Thus, with regard to the Trident II SLBM launchers the Russian side would like to receive from the U.S. specific proposals on how the Russian inspectors can make sure that the launchers declared by the U.S. as converted do not contain SLBMs and that they are incapable of launching ballistic missiles.

A single display of the white steel closure during a Type One inspection of a U.S. submarine bases proposed by the U.S. does not resolve this problem. It does not either make it possible for the Russian side to establish that all the other white closures that cover the SLBM Trident II launchers are of the same design and that the SLBM launchers equipped with white closures remained unopened between the inspections. We conveyed on numerous occasions to the United States of America our concerns with regard to the method of fastening closures, however the U.S. proposals still do not provide an answer that would be satisfactory to us.

Particular concern is caused by the inability to verify inside the launchers, declared by the United States as converted, the absence of critical components required to launch an SLBM which are referred to in subparagraph 6(b) of Section IV of Part Three of the Protocol to the Treaty. The Russian side noted, that a demonstration by the United States of the absence of such components would be a sufficient

reason to recognize such SLBM launchers as converted and to remove them from accountability under the Treaty. In this regard the Russian side proposed to discuss the idea of remote examination of the interior space of the SLBM launchers, declared by the United States as converted, and areas thereof where the critical components required to launch an SLBM and that were removed during the conversion process as the United States has repeatedly stated are located. We were ready to our U.S. colleagues practical ideas regarding possible ways of conducting such an examination.

The Russian side has noted the absence in "Additional Measures", proposed by the United States, of any references to practical steps, implementation of which would allow to confirm the results of the conversion of American B-52H heavy bombers. It is necessary to settle this problem in an appropriate way. Given the existing technical limitations, which do not allow to reliably determine the functions of the electronic blocks and wirings removed from the heavy bombers B-52H, the Russian side proposed confirm the "non-nuclear" status of the heavy bombers which the United States declared as converted by taking a decision to deploy them separately from nuclear-capable heavy bombers on airbases with no infrastructure and facilities for storage, maintenance and preparation to employment of nuclear weapons. Such a decision could also envisage an exclusion of the practice of temporary deployment of the converted heavy bombers on the airbases, used for deployment of nuclear-capable heavy bombers as well as of their participation in exercises and drills related to the use of nuclear weapons.

The Russian side believes that the "cabinet-level written political commitments" proposed by the United States could become a useful element of the comprehensive settlement of the problem, resulting from the unilateral U.S. removal of the strategic offensive arms, declared by the United States as converted, from accountability under the Treaty. We are still interested in elaborating with American colleagues on possible content of these "written commitments" taking into account the above mentioned considerations of the Russian side related to possible parameters of an eventual settlement.

IV

One of important aspects of the New START Treaty implementation is **accountability of items named by the U.S. as "training silos"**. The crux of our concerns is as follows.

According to the provisions of Part Two of the Protocol to the Treaty when providing data regarding ICBM silo launchers, data on silo training launchers located at declared facilities should be provided as well. Besides, in accordance with the provisions of Part Four of the Annex on inspection activities to the Protocol to the Treaty, ICBM silo training launchers should be indicated in the site diagrams of relevant inspection sites irrespective of their location.

In the information provided by the American Side on the amount and location of such non-deployed ICBM silo launchers that are subject to accountability under the Treaty data on this category of silo launchers is lacking.

As far as we understand the American Side's position goes that training launchers at three American ICBM bases and one launcher at the Vandenberg AFB Test Range are not silo training launchers under the START Treaty. In our opinion this approach is inconsistent with the essence of the Treaty.

These launchers are full-scale silo launchers and they are specified for training purposes, therefore, they comply with the term 66 (88) "silo training launchers" in Part One of the Protocol to the New START Treaty.

It is impossible to verify in practice the fact, referred to by the U.S. Side, that such silo launchers are incapable of launching ICBMs since they are not connected to a launch control facility.

The U.S. Side builds on the fact that the notion of ICBM did not appear in the definition of the term in the old START Treaty while in the New Treaty it did. We proceed from the fact that although the notion of ICBM did not appear in the term in the old START Treaty, it was implied since the notion of launcher itself should always go with a word defining what is to be launched from this launcher.

In this regard, only terms "SLBM launchers" and "ICBM launchers" appear in the terms and definitions of the New START Treaty. Under the START Treaty the only SOA items that can be "launched" in compliance with this Treaty are ICBMs and SLBMs. SLBMs cannot be launched from silo launchers. Therefore, a "silo launcher" can only mean an ICBM silo launcher. So there is no difference between the term "training silo launcher" in the old START Treaty and that of the New START Treaty.

Moreover, we would like to draw the attention of the U.S. Side to the fact that there is no term "training silo" in the START Treaty.

The Russian side believes that the United States should include their silo training launchers in the database as well as in site diagrams of the inspection sites where they are located. The withdrawal of any items, including such silo training launchers of ICBMs, from accountability can only be carried out in full compliance with the provisions of Part Three of the Protocol to the Treaty, rather than by renaming these items and then declaring that they are not meant for the purposes of the Treaty.

Since the mentioned items belong to the category of data to be declared under the provisions of Part Two of the Protocol to the Treaty, until February 5, 2018 we have been noted this situation as a precondition in exceeding the aggregate number set in subparagraph 1(c) of Article II of the Treaty. From February 5, 2018 to the present we consider it as a part of this exceeding.

The issue of new kinds of Russian armaments that causes concerns of the U.S. to a far lesser extent relates to the Treaty than the issue of accountability of "converted" B-52H heavy bombers and Trident II SLBM launchers.

First of all, we find it inappropriate to characterize new weapons being developed by Russia that do not use ballistic trajectories of flight moving to a target as "potential new kinds of Russian strategic offensive arms". The arms presented by the President of the Russian Federation on March 1, 2018, have nothing to do with the strategic offensive arms categories covered by the Treaty.

Our understanding is that the Treaty does not contain any criteria for determining new kinds of SOAs. As it was agreed upon during the negotiations, its provisions are only applicable to such kinds of SOAs as ICBMs, SLBMs and HBs. For the purposes of the Treaty, the negotiators identified and recorded in the text the characteristics whereby the Parties categorize the relevant arms as the aforementioned kinds of SOAs, as well as procedures whereby the arms begin to fall within the scope of the Treaty.

We believe that in the context of international agreements, including, of course, the New START Treaty, such criteria can only be applied if they are expressly agreed upon by the Parties.

The Russian approach to the issue of criteria for defining new kinds of strategic offensive arms for the purposes of this Treaty is being worked at. The Russian Side is open for dialogue on this topic although it does not consider it as a priority taking into account pressing issues of the Treaty implementation discussed currently in the Bilateral Consultative Commission

The Russian Side confirms its readiness to carry out its contracted obligations related to the categories of strategic offensive arms covered by the Treaty until it expires, provided the U.S. complies with all the Treaty requirements. The Russian Side also draws the attention of the American Side to the fact that including into the scope of the New START Treaty weapons not covered by the Treaty at present moment would require adopting amendments following procedures stipulated in paragraph 1 of Article XV of the Treaty.

VI

The U.S. side has been placing an issue of accountability of launchers of prototype ICBMs on the BCC agenda on a regular basis. The United States would like to limit the possible number of such launchers and include them into accountability under the New START Treaty as non-deployed ICBM launchers.

We believe that this problem is to a large extent artificial. As our work in the BCC shows, U.S.' main concern is caused by launchers of the RS-26 prototype ICBM.

Over the lifetime of the RS-26 prototype ICBM, the Russian Side has declared no more than two launchers of the RS-26 prototype ICBM. At the moment, there is

only one such launcher located at the Kapustin Yar Test Range, and the U.S. Side has been informed about it.

The Russian Side has been implementing all New START Treaty provisions relating to the prototype ICBMs and their launchers.

We believe that, in accordance with the Treaty, prototype ICBMs and their launchers are not accountable under the New START Treaty until a decision is made to deploy an ICBM, for which such launchers are developed.

From the moment a new Russian prototype ICBM came into existence, the Russian Side has been showing maximum transparency in its regard, and our flexibility on this issue has been exhausted.

In terms of our future work, we intend to continue providing the U.S. Side with all the notifications relating to prototype ICBMs stipulated by the Treaty. If a decision is made to deploy an RS-26 ICBM, we will provide a relevant notification and carry out an exhibition, as stipulated by the Treaty.

If the Russian Side has some new prototype ICBMs, the Russian Federation will apply similar approaches to them as in accordance with the New START Treaty provisions.

As of today, the Russian Side does not have any other prototype ICBM and, accordingly, its associated launcher.

VII

For a number of years, the U.S. side has been making demands for an exhibition of the RS-24 ICBM in a launch canister for silo launchers or a similar event.

We have repeatedly made it clear that the Russian Federation has an RS-24 ICBM which can remain in a launch canister for a mobile launcher or in a launch canister for a silo launcher for the whole period of its service. And the exterior of an ICBM launch canister only depends on peculiarities of use of an ICBM depending on the mode of its basing, and in no way does it affect the characteristics of the missile proper.

The Russian side has already conducted an exhibition of the RS-24 ICBM, as provided for by the New START Treaty.

The Treaty contains no binding provisions, according to which a Party to the Treaty must carry out an additional exhibition of a launch canister of an ICBM of an existing type if its exterior changes.

For assistance in carrying out of inspection procedures pertaining to the RS-24 ICBM in a launch canister for silo launchers, the Russian Side took the necessary measures: in accordance with requirements of Section VII of Part Two of the Protocol to the Treaty technical data pertaining to the launch canister for ICBM silo launchers was presented; photographs of the RS-24 ICBM in a launch canister for silo launchers were also presented. The information provided by the

Russian Side allows the U.S. Side to carry out its inspection activities in full.

Thus, as far as the RS-24 ICBM in a launch canister for silo launchers is concerned, the Russian side has implemented all the provisions stipulated by the Treaty, and the U.S. side's requests to conduct an additional exhibition of a launch canister for silo launchers are groundless and go beyond the Treaty.

VIII

In September 2018, the U.S. side expressed a concern whether Russian Tu-22M3 aircraft (Backfire) as a result of its modernization will acquire features of a heavy bomber in the context of the New START Treaty.

We have provided clarifications to the U.S. side in this regard.

The Russian side indeed plans to carry out modernization of Tu-22M3 bomber to the modification Tu-22M3M. This modernization will prolong the service life of the aircraft, as well as improve its systems of maneuverability, navigation and use of air weapon systems.

At the same time, the range of the bomber will be below 8000 km, and it will not be equipped for nuclear ALCMs with range exceeding 600 km.

Proceeding from the aforementioned facts, the technical characteristics of the Tu-22M3M aircraft in accordance with paragraph 23 (80) of Part One of the Protocol to the New START Treaty do not allow to classify it as a "heavy bomber" and it will not fall under the limitations of the New START Treaty.

The Russian side is committed to implementation of its international obligations, including within the framework of the New START Treaty. If Russia acquires new types of strategic offensive arms, the United States will be informed in accordance with the provisions of the Treaty.