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THE MOSCOW TREATY

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND
THE RUSSIAN FEDERATION ON STRATEGIC OFFENSIVE REDUC-
TIONS, SIGNED AT MOSCOW ON MAY 24, 2002



JUNE 20, 2002.—Treaty was read the first time, and together with the
accompanying papers, referred to the Committee on Foreign Relations
and ordered to be printed for the use of the Senate

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WASHINGTON : 2002

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *June 20, 2002.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002 (the “Moscow Treaty”).

The Moscow Treaty represents an important element of the new strategic relationship between the United States and Russia. It will take our two nations along a stable, predictable path to substantial reductions in our deployed strategic nuclear warhead arsenals by December 31, 2012. When these reductions are completed, each country will be at the lowest level of deployed strategic nuclear warheads in decades. This will benefit the peoples of both the United States and Russia and contribute to a more secure world.

The Moscow Treaty codifies my determination to break through the long impasse in further nuclear weapons reductions caused by the inability to finalize agreements through traditional arms control efforts. In the decade following the collapse of the Soviet Union, both countries’ strategic nuclear arsenals remained far larger than needed, even as the United States and Russia moved toward a more cooperative relationship. On May 1, 2001, I called for a new framework for our strategic relationship with Russia, including further cuts in nuclear weapons to reflect the reality that the Cold War is over. On November 13, 2001, I announced the United States plan for such cuts—to reduce our operationally deployed strategic nuclear warheads to a level of between 1700 and 2200 over the next decade. I announced these planned reductions following a careful study within the Department of Defense. That study, the Nuclear Posture Review, concluded that these force levels were sufficient to maintain the security of the United States. In reaching this decision, I recognized that it would be preferable for the United States to make such reductions on a reciprocal basis with Russia, but that the United States would be prepared to proceed unilaterally.

My Russian counterpart, President Putin, responded immediately and made clear that he shared these goals. President Putin and I agreed that our nations’ respective reductions should be recorded in a legally binding document that would outlast both of our presidencies and provide predictability over the longer term. The result is a Treaty that was agreed without protracted negotiations. This Treaty fully meets the goals I set out for these reductions.

It is important for there to be sufficient openness so that the United States and Russia can each be confident that the other is fulfilling its reductions commitment. The Parties will use the com-

prehensive verification regime of the Treaty on the Reduction and Limitation of Strategic Offensive Arms (the "START Treaty") to provide the foundation for confidence, transparency, and predictability in further strategic offensive reductions. In our Joint Declaration on the New Strategic Relationship between the United States and Russia, President Putin and I also decided to establish a Consultative Group for Strategic Security to be chaired by Foreign and Defense Ministers. This body will be the principal mechanism through which the United States and Russia strengthen mutual confidence, expand transparency, share information and plans, and discuss strategic issues of mutual interest.

The Moscow Treaty is emblematic of our new, cooperative relationship with Russia, but it is neither the primary basis for this relationship nor its main component. The United States and Russia are partners in dealing with the threat of terrorism and resolving regional conflicts. There is growing economic interaction between the business communities of our two countries and ever-increasing people-to-people and cultural contacts and exchanges. The U.S. military has put Cold War practices behind it, and now plans, sizes, and sustains its forces in recognition that Russia is not an enemy, Russia is a friend. Military-to-military and intelligence exchanges are well established and growing.

The Moscow Treaty reflects this new relationship with Russia. Under it, each Party retains the flexibility to determine for itself the composition and structure of its strategic offensive arms, and how reductions are made. This flexibility allows each Party to determine how best to respond to future security challenges.

There is no longer the need to narrowly regulate every step we each take, as did Cold War treaties founded on mutual suspicion and an adversarial relationship.

In sum, the Moscow Treaty is clearly in the best interests of the United States and represents an important contribution to U.S. national security and strategic stability. I therefore urge the Senate to give prompt and favorable consideration to the Treaty, and to advise and consent to its ratification.

GEORGE W. BUSH.

LETTER OF SUBMITTAL

THE SECRETARY OF STATE,
Washington.

The PRESIDENT,
The White House.

MR. PRESIDENT: I have the honor to submit to you the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions (the Moscow Treaty), signed at Moscow on May 24, 2002.

INTRODUCTION

The Moscow Treaty marks a new era in the relationship between the United States and Russia. This short, legally binding document codifies in a flexible manner both countries' commitment to make deep strategic offensive reductions. It facilitates the transition from strategic rivalry to a genuine strategic partnership based on the principles of mutual security, trust, openness, cooperation and predictability. The Moscow Treaty is one important element of a new strategic framework, which involves a broad array of cooperative efforts in political, economic and security areas.

BACKGROUND

The Moscow Treaty codifies the deep reductions that you announced during the November 2001 Washington/Crawford Summit and President Putin announced at that time and a month later. It reflects the shared desire to conclude a legally binding document that would outlast both of your presidencies and to provide openness and predictability over the longer term in this important area of the U.S.-Russian relationship. The transition to a relationship based on mutual trust and cooperation enabled us to conclude an agreement in months, not years. At the same time, the Treaty affords flexibility to each Party to meet unforeseen future contingencies, while avoiding unnecessary restrictions on either Party's forces or activities.

REDUCTION REQUIREMENTS

The United States and Russia both intend to carry out strategic offensive reductions to the lowest possible levels consistent with their national security requirements and alliance obligations, and reflecting the new nature of their strategic relations. The Treaty requires the United States and Russia to reduce and limit their strategic nuclear warheads to 1700–2200 each by December 31, 2012, a reduction of nearly two-thirds below current levels. The United States intends to implement the Treaty by reducing its

operationally deployed strategic nuclear warheads to 1700–2200 through removal of warheads from missiles in their launchers and from heavy bomber bases, and by removing some missiles, launchers, and bombers from operational service.

For purposes of this Treaty, the United States considers operationally deployed strategic nuclear warheads to be reentry vehicles on intercontinental ballistic missiles (ICBMs) in their launchers, reentry vehicles on submarine-launched ballistic missiles (SLBMs) in their launchers onboard submarines, and nuclear armaments loaded on heavy bombers or stored in weapons storage areas of heavy bomber bases. In addition, a small number of spare strategic nuclear warheads (including spare ICBM warheads) are located at heavy bomber bases. The United States does not consider these spares to be operationally deployed strategic nuclear warheads. In the context of this Treaty, it is clear that only “nuclear” reentry vehicles, as well as nuclear armaments, are subject to the 1700–2200 limit.

RELATIONSHIP TO START

The Strategic Arms Reduction Treaty (START) continues in force unchanged by this Treaty. In accordance with its own terms, START will remain in force until December 5, 2009, unless it is superseded by a subsequent agreement or extended.

START’s comprehensive verification regime will provide the foundation for confidence, transparency and predictability in further strategic offensive reductions. As noted in the May 24 Joint Declaration on the New Strategic Relationship, other supplementary measures, including transparency measures, may be agreed in the future.

BILATERAL IMPLEMENTATION COMMISSION

The Treaty establishes a Bilateral Implementation Commission (BIC), a diplomatic consultative forum that will meet at least twice a year to discuss issues related to implementation of the Treaty. The BIC will be separate and distinct from the Consultative Group for Strategic Security, established by the Joint Declaration of May 24, which will be chaired by Foreign and Defense Ministers with the participation of other senior officials.

ENTRY INTO FORCE; DURATION; RIGHT OF WITHDRAWAL

The Treaty will enter into force on the date of the exchange of instruments of ratification. It is to remain in force until December 31, 2012, and may be extended by agreement of the Parties or superseded earlier by a subsequent agreement.

The Treaty also provides that each Party, in exercising its national sovereignty, may withdraw from the Treaty upon three months’ written notice to the other Party.

STATUS OF START II TREATY

The START II Treaty, which was signed in 1993, and to which the Senate gave its advice and consent in 1996, never entered into force because Russia placed unacceptable conditions on its own ratification of START II. Russia’s explicit linkage of START II to

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preservation of the ABM Treaty and entry into force of several agreements, signed in 1997, which related to ABM Treaty succession and ABM/TMD demarcation, made it impossible for START II to enter into force. With signature of the Moscow Treaty, the United States and Russia have now taken a decisive step beyond START II.

CONCLUSION

Accompanying this report is an article-by-article analysis of the Treaty. By deeply reducing operationally deployed strategic nuclear warheads while preserving each Party's flexibility to meet unforeseen future contingencies, the Moscow Treaty will enhance the national security of the United States. I strongly recommend its transmission to the Senate for advice and consent to ratification at the earliest possible date.

Respectfully submitted,

COLIN L. POWELL.

Enclosures: As stated.

TREATY
BETWEEN THE UNITED STATES OF AMERICA AND
THE RUSSIAN FEDERATION
ON STRATEGIC OFFENSIVE REDUCTIONS

The United States of America and the Russian Federation,
hereinafter referred to as the Parties,

Embarking upon the path of new relations for a new century
and committed to the goal of strengthening their relationship
through cooperation and friendship,

Believing that new global challenges and threats require
the building of a qualitatively new foundation for strategic
relations between the Parties,

Desiring to establish a genuine partnership based on the
principles of mutual security, cooperation, trust, openness, and
predictability,

Committed to implementing significant reductions in
strategic offensive arms,

Proceeding from the Joint Statements by the President of
the United States of America and the President of the Russian
Federation on Strategic Issues of July 22, 2001 in Genoa and on
a New Relationship between the United States and Russia of
November 13, 2001 in Washington,

Mindful of their obligations under the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms of July 31, 1991, hereinafter referred to as the START Treaty,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968, and

Convinced that this Treaty will help to establish more favorable conditions for actively promoting security and cooperation, and enhancing international stability,

Have agreed as follows:

Article I

Each Party shall reduce and limit strategic nuclear warheads, as stated by the President of the United States of America on November 13, 2001 and as stated by the President of the Russian Federation on November 13, 2001 and December 13, 2001 respectively, so that by December 31, 2012 the aggregate number of such warheads does not exceed 1700-2200 for each Party. Each Party shall determine for itself the composition and structure of its strategic offensive arms, based on the established aggregate limit for the number of such warheads.

Article II

The Parties agree that the START Treaty remains in force in accordance with its terms.

Article III

For purposes of implementing this Treaty, the Parties shall hold meetings at least twice a year of a Bilateral Implementation Commission.

Article IV

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. This Treaty shall enter into force on the date of the exchange of instruments of ratification.

2. This Treaty shall remain in force until December 31, 2012 and may be extended by agreement of the Parties or superseded earlier by a subsequent agreement.

3. Each Party, in exercising its national sovereignty, may withdraw from this Treaty upon three months written notice to the other Party.

Article V

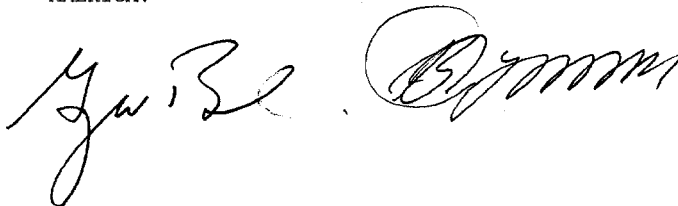
This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at Moscow on May 24, 2002, in two copies, each in the English and Russian languages, both texts being equally authentic.

FOR THE UNITED STATES OF

FOR THE RUSSIAN FEDERATION:

AMERICA:

The image shows two handwritten signatures. The signature on the left is in cursive and appears to be 'G. W. Bush'. The signature on the right is also in cursive and appears to be 'Vladimir Putin'. The signatures are written in black ink on a white background.

ARTICLE-BY-ARTICLE ANALYSIS OF
THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND
THE RUSSIAN FEDERATION ON STRATEGIC OFFENSIVE REDUCTIONS

The Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002 (the Moscow Treaty) consists of a Preamble and five Articles.

TITLE AND PREAMBLE

The title of the Moscow Treaty is "Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions." This title was deliberately chosen to reflect the fact that this Treaty focuses on reductions in strategic nuclear warheads, rather than on "strategic offensive arms," which traditionally have been considered to be delivery vehicles and launchers. For linguistic reasons, the title of the Russian language version of the Treaty is "... on Reductions in Strategic Offensive Potential." The English language text of the Treaty was agreed first, but the phrase "strategic offensive reductions" could not be literally translated into Russian. The substantive meanings of the titles are the same.

The Preamble to the Moscow Treaty sets forth the intentions of the Parties in broad terms. The first preambular paragraph designates the United States and Russia as "the Parties" to obviate the use of their full names throughout the Treaty. The second, third and fourth preambular paragraphs set forth the Parties' shared commitment to conducting their relations in the new century on a fundamentally different and more cooperative basis than had characterized their relations in the past. The reference to "mutual security" in the fourth paragraph refers to the non-threatening nature of the Parties' new strategic relationship; it does not imply a specific relationship between the Parties' forces. The fifth paragraph reaffirms the Parties' general, longstanding commitment to implementing significant reductions in strategic offensive arms. This paragraph introduces references to specific prior commitments and obligations by the Parties in the sixth, seventh and eighth paragraphs that immediately follow, including those in the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms of July 31, 1991 (the START Treaty) and the Treaty on Non-Proliferation of Nuclear Weapons of July 1, 1968 (the

NPT). The sixth paragraph recognizes Joint Statements made by Presidents Bush and Putin in Genoa on July 22, 2001 and in Washington, DC on November 13, 2001 that detail the new basis for relations between the United States and Russia. This preambular language does not imply any restrictions or obligations relating to defensive programs. The seventh and eighth paragraphs make reference to two existing agreements of the Parties with regard to nuclear weapons, the START Treaty and Article VI of the NPT. The final paragraph sets forth the Parties' conviction that this Treaty will establish more favorable conditions for actively promoting security and cooperation and enhancing international security.

ARTICLE I

Article I contains the central obligation of the Moscow Treaty. The first sentence of this paragraph obligates the Parties to reduce and limit their strategic nuclear warheads, as stated by the President of the United States of America on November 13, 2001 and as stated by the President of the Russian Federation on November 13 and December 13, 2001 respectively, so that by December 31, 2012 the aggregate number of such warheads does not exceed 1700-2200 for each Party. The Moscow Treaty's limits relate solely to the number of each Party's strategic nuclear warheads. The Moscow Treaty does not limit the number of U.S. or Russian inter-continental ballistic missiles (ICBMs) or submarine-launched ballistic missiles (SLBMs) or their associated launchers, or heavy bombers. Article I, by referencing the statements of both Presidents, makes clear that the Parties need not implement their reductions in an identical manner.

The United States will implement Article I as stated by President Bush on November 13, 2001: "... the United States will reduce our operationally deployed strategic nuclear warheads to a level between 1,700 and 2,200 over the next decade, a level fully consistent with American security."¹ U.S. negotiators noted to their Russian counterparts that, in carrying out the reductions provided for in this Treaty, in using the term "operationally deployed strategic nuclear warheads" the United States means reentry vehicles on ICBMs in their launchers, reentry vehicles on SLBMs in their launchers onboard submarines, and nuclear armaments loaded on heavy bombers or stored in weapons storage areas of heavy bomber bases. The United States also made clear that a small number of spare strategic nuclear warheads

¹ Press Conference by President Bush and Russian President Vladimir Putin, The East Room, on November 13, 2001.

(including spare ICBM warheads) would be located at heavy bomber bases and that the United States would not consider these warheads to be operationally deployed strategic nuclear warheads. The United States intends to reduce its operationally deployed strategic nuclear warheads in a manner consistent with these statements. In the context of this Treaty, it is clear that only "nuclear" reentry vehicles, as well as nuclear armaments, are subject to the 1700-2200 limit.

The method by which U.S. warhead numbers will be determined under the Moscow Treaty differs from the START Treaty methodology. The START Treaty contains counting rules that attribute specific numbers of warheads to each type of ICBM, SLBM or heavy bomber regardless of the actual number of warheads on the missile or bomber. These numbers may be different from both the actual capacity of the specific system and the number actually carried by the system.

Under the U.S. approach, certain strategic nuclear warheads, such as those nominally associated with submarines in overhaul or submarines modified for other purposes, those downloaded from ICBMs and SLBMs, and those nominally associated with deactivated Peacekeeper ICBMs, will continue to be subject to the START Treaty unless such ICBMs or SLBMs and their associated launchers are eliminated or converted in accordance with START Treaty procedures. At the same time, however, under the Moscow Treaty, once such warheads are no longer in operationally-deployed status, they will be included as part of the United States' reductions. Thus, among other things, missiles from which some warheads have been removed will be considered for purposes of the START Treaty as carrying more warheads than they in fact carry. By contrast, under the Moscow Treaty, the United States will limit its strategic nuclear warheads based on the actual number of warheads on missiles in their launchers and at bomber bases (other than spare warheads).

President Putin, for his part, stated at the Russian Embassy in Washington, DC on November 13, 2001:

... Russia is stating its readiness to proceed with significant reductions of strategic offensive arms. That is why today we are proposing a radical program of further reductions of SOA -- at the least, by a factor of three -- to the minimum level necessary to maintain strategic equilibrium in the world.²

² Speech of Russian Federation President Vladimir Putin to Representatives of the American Public and U.S. Politicians, November 13, 2001, Russian Embassy

and in a statement on December 13, 2001:

... a particularly important task in these conditions is to legally formalize the agreements that have been reached on further drastic, irreversible, and verifiable reductions in strategic offensive arms, which we believe should be at the level of 1,500-2,200 nuclear warheads for each side.³

President Putin did not state explicitly how Russia intends to implement its reductions. During the negotiations the Russians suggested that they anticipated reducing warheads by eliminating or converting missiles, launchers and heavy bombers. As noted above, Russia, like the United States, may reduce its strategic nuclear warheads by any method it chooses. Russia did not state conclusively during the negotiations how it intends to carry out its reductions.

The Moscow Treaty does not provide for sublimits or interim reduction levels or require a Party to reach the final reduction level prior to December 31, 2012. Therefore, prior to December 31, 2012, each Party is free to maintain whatever level of strategic nuclear warheads it deems appropriate, consistent with its obligations under the START Treaty and its obligation to meet the specified limit by the specified date.

The second sentence of Article I states that each Party shall determine for itself the composition and structure of its strategic offensive arms, based on the established aggregate limit for the number of such warheads. As noted earlier, the Moscow Treaty does not limit the total number of strategic offensive arms, or contain either numerical sublimits or bans on categories of forces. Under the Moscow Treaty, each Party will thus have flexibility in structuring its forces to reach these new low levels for strategic nuclear warheads. The Treaty does not restrict a Party's decisions regarding how it will implement the required reductions.

ARTICLE II

In Article II, the Parties recognize that the START Treaty remains in force in accordance with its terms. The purpose of this Article is to make clear that the Moscow Treaty and the

in Washington. [Official U.S. translation]

³ Statement by Russian President Vladimir Putin on December 13, 2001, Regarding the Decision of the U.S. Administration to Withdraw from the 1972 ABM Treaty. [Official U.S. translation]

START Treaty are separate. The START Treaty's provisions do not extend to the Moscow Treaty, and the Moscow Treaty does not terminate, extend or in any other way affect the status of the START Treaty. The START Treaty will remain in force until December 5, 2009, unless it is superseded by a subsequent agreement or extended.

ARTICLE III

Article III establishes a Bilateral Implementation Commission (BIC), a diplomatic consultative forum which shall meet at least twice a year, to discuss issues related to implementation of the Moscow Treaty.

ARTICLE IV

Article IV consists of three paragraphs covering ratification, entry into force, duration and withdrawal.

Paragraph 1 of Article IV provides that the Moscow Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party and shall enter into force on the date of the exchange of instruments of ratification.

Paragraph 2 of Article IV provides that the Moscow Treaty shall remain in force until December 31, 2012 and may be extended by agreement of the Parties or superseded earlier by a subsequent agreement. Extension of the Treaty is not automatic but must be done by agreement of the Parties. Since such an extension is authorized by the Treaty, it would constitute an agreement pursuant to the Treaty and would accordingly not be subject to Senate advice and consent.

Paragraph 3 of Article IV provides that each Party, in exercising its national sovereignty, may withdraw from the Treaty upon three months' written notice to the other Party. Unlike some other arms control agreements, this withdrawal clause is not tied to a Party's determination that extraordinary circumstances jeopardizing its supreme national interests exist. Rather, the Moscow Treaty includes a more general formulation that allows greater flexibility for each Party to respond to unforeseen circumstances.

Unlike several earlier arms control agreements, including the START Treaty, there are no specific provisions for either amending the Moscow Treaty or for making "viability and

effectiveness" changes to the Treaty. Such provisions were not seen as necessary given the structure and content of this Treaty.

For international agreements submitted to the Senate that do not have specific amendment procedures, U.S. practice has been to submit amendments to the Senate for its advice and consent unless the Senate agrees that submission is not required.

ARTICLE V

Article V sets forth standard provisions for registration of the Treaty pursuant to Article 102 of the Charter of the United Nations.