

# Conference on Disarmament

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## **Note Verbale dated 6 June 2023 from the Delegation of the United States of America to the Conference on Disarmament transmitting U.S. Ambassador Bruce Turner's June 6, 2023 remarks to the Conference on Disarmament and published fact sheets related to the U.S. Countermeasures in Response to Russia's violations of the New START Treaty and Russia's Noncompliance with and Invalid Suspension of the New START Treaty**

The Delegation of the United States of America to the Conference on Disarmament presents its compliments to the Secretary-General of the Conference on Disarmament and has the honor to refer to United States Ambassador Bruce Turner's June 6, 2023 remarks to the Conference on Disarmament and published fact sheets related to the U.S. Countermeasures in Response to Russia's Violations of the New START Treaty and Russia's Noncompliance with and Invalid Suspension of the New START Treaty. The U.S. delegation kindly requests that these documents be circulated to the Member States and recorded as an official document of the 2023 Conference on Disarmament.

The Delegation of the United States of America to the Conference on Disarmament avails itself of this opportunity to renew to the Secretary-General of the Conference on Disarmament the assurances of its highest consideration.



## Annex

### **Ambassador Bruce Turner's Remarks to the Conference on Disarmament on Transparency in Armaments, June 6, 2023**

Thank you, Madame Chair, for giving me the floor, and I want to extend my thanks as well to all of the panellists whose presentations I found very interesting, very complete, and very nuanced.

Before I turn to my remarks, I would just like to take a moment to offer our condolences to our Indian colleagues for the horrific train tragedy that took place over the weekend. Our thoughts are with you.

Madame Chair,

We are speaking today on the topic of nuclear transparency, something that is a high priority for the United States. As U.S. National Security Advisor Jake Sullivan stated just last week, “committing to transparency on nuclear policy, doctrine, and budgeting” is one of the key discussions we hope to continue multilaterally among the P5, along with other issues such as crisis communication and launch notifications. To further quote NSA Sullivan, “we are under no illusions that reaching risk reduction and arms control measures in that setting will be easy, but we do believe it is possible.” In the meantime, the United States will continue to support and cooperate on efforts to pursue responsible transparency, which can be an important contribution to reducing nuclear risks.

Speaking first on doctrine, and also in response to the question raised by our Russian colleague, the U.S. Nuclear Posture Review (NPR) and National Security Strategy (NSS) demonstrate transparency by carefully laying out that the United States would only consider the use of nuclear weapons “in extreme circumstances, which I interpret more as hedging than as ambiguity, to defend the vital interests – this is a word my Russian colleague left out – of the United States or its allies and partners.” Our doctrine is stated in the publicly available NPR to avoid misunderstanding and to make it clear that “as long as nuclear weapons exist, the fundamental role of U.S. nuclear weapons is to deter nuclear attack on the United States, our allies, and partners.”

The U.S. understands the vested interest that all states have in reducing nuclear danger and the role transparency plays in this; as such, the United States urges all nuclear weapons states, specifically the PRC and Russia, to rise and meet responsible levels of transparency. I would also like to ask one very simple question of all the other delegations in this room: in the current geopolitical environment, looking to the upcoming NPT Review Conference, and also as a matter of principle, would they prefer more or less transparency from the PRC, Russia, and the other NWS? I think we all know the answer.

Madame Chair,

Let me enumerate U.S. transparency efforts in recent years. As of End-of-Fiscal-Year 2020, the total U.S. stockpile of active and inactive nuclear warheads was 3,750 – its lowest level since the 1950s, and an 88 percent reduction from its maximum in 1967. Additionally, another approximately 2,000 warheads are retired and awaiting dismantlement. This information was provided at both the 76th Session of the UN First Committee and the 2022 NPT Review Conference.

On May 15, we voluntarily released the aggregate data for our nuclear forces covered by the New START Treaty. As of March 1, 2023, the U.S. had 662 deployed ICBMs, SLBMs, and heavy bombers accountable under the New START Treaty; 800 total deployed and non-deployed launchers of ICBMs and SLBMs and heavy bombers; and 1,419 warheads on deployed ICBMs, SLBMs, and nuclear armaments counted for heavy bombers. In the wake of Russia's irresponsible, and legally invalid, suspension of the New START Treaty, we shared these numbers voluntarily in the interest of transparency and the serious U.S. commitment to responsible nuclear conduct. Russia should do the same, and we call on Russia to return to full compliance with the New START Treaty including all the stabilizing

transparency and verification measures contained within it. The United States cannot implement this treaty on a unilateral basis.

U.S. measures do not stop at doctrine or arsenals either; fissile material is another area where we continue to display high levels of transparency. In 1994, the United States first reported its plutonium inventory of 99.5 metric tons (MT), which was reduced to 95.4 MT as of 2009. Similarly, in 1996 the United States reported an inventory of 740.7 MT of highly-enriched uranium (HEU), which was reduced to 585.6 MT as of 2013. Between 1994 and 2005, the U.S. also declared 374.3 MT of HEU excess to National Security needs and announced it would be removed from use as fissile material in warheads. From these declarations, 186 MT is designated for down blend, therefore permanently removing this material from potential further use in nuclear warheads, of which 165.4 MT had been completed at the End-of-Fiscal-Year 2021. We have further been very clear in our statements that we maintain a moratorium on the production of fissile material for use in nuclear weapons or nuclear explosive devices, and we call on those who have not done so to follow our example. All of this is reported publicly in our national report to the 2022 NPT Review Conference.

There are also examples of bilateral success stories in the field of fissile material transparency, such as the completed U.S.-Russia HEU Purchase Agreement, which converted 500 MT of Russian HEU to LEU for peaceful purposes uses in United States reactors, and the ongoing U.S.-Russia Plutonium Production Reactor Agreement (PPRA), which verifies the irreversible dismantlement of 27 shutdown reactors and continued monitoring of the three remaining reactors between the two countries.

We believe U.S. transparency in these areas is important, but we would like to see similar transparency from others. Despite Russia's recent irresponsible actions and China's reluctance to explain to this body what the scale and scope of its nuclear build-up entails, past examples clearly illustrate that nuclear powers can work together on a wide range of topics when all parties are willing to promote stability. We believe not only that they can work together, but that they should. For our part, the United States stands ready, but we need serious partners to sit down across the table from us if we are to make significant progress.

Madame Chair,

Transparency is always important, but even more so during times like these because it reduces misunderstanding and the risk of unintentional escalation, conveys that we are following through on our commitments such as to NPT Article VI, and helps dispel suspicion that can arise from nuclear ambiguity.

I thank you.

## **Russian Noncompliance with and Invalid Suspension of the New START Treaty, June 1, 2023**

### **Fact Sheet**

#### **Office of the U.S. Department of State Spokesperson**

Russia's noncompliance with the New START Treaty, and its claimed suspension of the treaty, are irresponsible and unlawful. Mutual compliance with the New START Treaty strengthens the security of the United States, our allies and partners, Russia, and the world. Russia's claimed suspension of the New START Treaty is legally invalid. As a result, Russia remains bound by its obligations under the treaty. The United States remains ready to work constructively with Russia to fully implement the treaty. Below are the facts about the current state of the treaty:

#### **Fact: Russia can easily remedy its noncompliance with the New START Treaty**

- Russia's noncompliance is clear:
  - Russia is refusing to allow inspections. The treaty requires each Party to accept 18 inspections per year. Inspections strengthen nuclear stability by giving both sides confidence that the treaty's limits on nuclear weapons are being respected.
  - Russia refuses to meet in the treaty's implementation body, the Bilateral Consultative Commission (BCC), despite repeated U.S. requests. The treaty requires both sides meet in the BCC. This also is an important element of nuclear stability. It provides a channel for experts to engage in constructive discussion and resolve technical questions of treaty implementation in a mutually beneficial way.
- Russia has stopped providing its treaty-mandated notifications. The treaty requires each side to provide data and notifications, including on the status and movement of its accountable nuclear forces. Mutual compliance with these obligations is an important element of nuclear stability. It provides significant transparency and predictability regarding strategic nuclear forces.
- Russia's noncompliance threatens the viability of the treaty. While the United States has assessed that Russia did not engage in significant activity above the treaty limits in 2022, Russia's failure to allow inspections and provide notifications degrades the U.S. ability to assess Russian nuclear deployments.
- Russia can easily remedy its noncompliance by resuming activities it conducted for years under the treaty, in particular by hosting inspections, meeting in the BCC, and providing notifications and data.

#### **Fact: The United States has taken lawful countermeasures in response to Russia's ongoing violations of the New START Treaty, which can be promptly reversed if Russia returns to compliance.**

- Countermeasures that the United States has taken in response to Russia's New START Treaty violations are proportionate and reversible, and are intended to encourage Russia to return to compliance with its New START Treaty obligations.
- U.S. countermeasures include withholding New START Treaty data and notifications following Russia's repeated refusals to provide its treaty-mandated data and

notifications, and refraining from facilitating Russian inspections on U.S. territory while Russia continues refusing to allow U.S. inspections on Russian territory.

- These countermeasures are fully consistent with international law, which permits such actions in order to induce a breaching state to return to compliance with its international obligations.

**Fact: The United States desires and remains ready to promptly resume New START Treaty inspection activities and full implementation of the treaty**

- Following the easing of COVID-related restrictions, the United States clearly conveyed to Russia that we were prepared to host Russian inspectors, and ensured that Russia had everything it needed to conduct inspections on U.S. territory.
- Russian inspectors had the necessary visas, Russian treaty-designated airplanes had viable air routes to transport inspectors to the United States, inspectors with valid visas could also use commercial air travel to reach U.S. territory, and there are no sanctions that would prevent Russia from fully exercising its inspection rights.
- The United States is ready to reverse the countermeasures and fully implement the treaty if Russia returns to compliance.

**Fact: The United States remains ready to meet and discuss U.S. and Russian compliance concerns and all other issues related to implementation of the treaty.**

- The United States was ready to work constructively with Russia at the BCC session that was scheduled for November 2022, which Russia abruptly canceled. Contrary to Russian claims, all topics Russia identified for discussion were on the agenda.
- We remain ready for constructive engagement today. Such engagement is an important element of nuclear stability.

**Fact: U.S. conversion procedures are fully compliant with the New START Treaty**

- Russia has claimed that U.S. conversion procedures for its submarine-launched ballistic missile (SLBM) launchers and B-52H heavy bombers are not consistent with U.S. obligations under the New START Treaty.
- These claims are false.
  - The U.S. conversion procedures for SLBM launchers and heavy bombers render the converted items incapable of launching SLBMs and employing nuclear armaments, respectively.
  - The United States has declared and demonstrated the procedures and exhibited the converted items to Russia, just as the treaty requires.
- Russia has the treaty right to inspect converted items to confirm the results of the conversions as the United States exhibited them to Russia. It is up to Russia to do so.
- As Russia has acknowledged publicly, the United States has nonetheless worked to address Russian concerns with SLBM launcher conversions. After careful and constructive work, both sides reached a mutual understanding on additional voluntary measures to address those concerns. Russia can take advantage of these measures when it chooses to resume implementation of the treaty.
- Russia's accusations of U.S. noncompliance are baseless attempts to distract from Russia's own actions, and do not provide Russia a valid legal basis to suspend the treaty.

**Fact: Russia's war against Ukraine does not provide a valid basis for Russian noncompliance with the New START Treaty**

- The strong U.S. and international response to Russia's unprovoked invasion of Ukraine does not absolve Russia of responsibility to fulfill its legal obligations under New START.
- Russia's noncompliance and purported suspension of the New START Treaty will not stop the United States from continuing to fully support Ukraine. That is irrelevant to the utility of the treaty and Russia's ability to continue participation in it.
- New START Treaty inspection activities do not threaten Russian security. The treaty provides both sides with the means to ensure the safety and security of inspected facilities.
- Nuclear stability is especially important in times of crisis, and the United States will continue working to maintain it.

For further information, please contact AVC Press at [AVC-Press-DL@state.gov](mailto:AVC-Press-DL@state.gov) or visit the Bureau of Arms Control, Verification and Compliance.

# U.S. Countermeasures in Response to Russia's Violations of the New START Treaty, June 1, 2023

## Fact Sheet

### Bureau of Arms Control, Verification and Compliance

The United States is committed to full and mutual implementation of the New START Treaty. Consistent with that commitment, the United States has adopted lawful countermeasures in response to the Russian Federation's ongoing violations of the New START Treaty. The Russian Federation's purported suspension of the New START Treaty is legally invalid. As a result, Russia remains bound by its New START Treaty obligations, and is violating the treaty by failing to fulfill many of those obligations.

U.S. countermeasures are fully consistent with international law. They are proportionate, reversible, and meet all other legal requirements. International law permits such measures in order to induce a state to return to compliance with its international obligations.

The United States notified Russia of the countermeasures in advance, and conveyed the United States' desire and readiness to reverse the countermeasures and fully implement the treaty if Russia returns to compliance. The United States remains ready to work constructively with Russia on resuming implementation of the New START Treaty.

### What are the U.S. countermeasures?

The United States has taken four lawful countermeasures in response to the Russian Federation's ongoing violations of the New START Treaty. The United States continues to abide by the treaty's central limits, and to fulfill all of its New START obligations that have not been included within these countermeasures.

#### AS OF MARCH 30, 2023

- **BIANNUAL DATA EXCHANGE:** After confirming that Russia would not fulfill its obligation to provide its biannual data update on March 30, 2023, the United States did not provide its March 30 biannual data update to Russia. The New START Treaty requires Russia and the United States to exchange comprehensive databases in March and September of each year. These databases include extensive data on New START Treaty-accountable facilities and nuclear forces, including numbers of deployed warheads and delivery vehicles. In the interest of strategic stability and to promote transparency, on May 15, 2023, the United States proceeded with public release of U.S. aggregate data corresponding to the New START Treaty central limits as of March 1, 2023. The publicly released aggregate data comprise a small portion of the data the United States withheld from Russia in March pursuant to the data-update countermeasure.

#### AS OF JUNE 1, 2023

- **NOTIFICATIONS:** Beginning June 1, 2023, the United States is withholding from Russia notifications required under the treaty, including updates on the status or location of treaty-accountable items such as missiles and launchers. Russia ceased fulfilling its notification obligation upon its purported suspension of the treaty on February 28, 2023. The fundamental purpose of the majority of notifications is to improve each side's ability to verify the other's compliance with the treaty, especially in combination with on-site inspections. The United States continues to provide Russia with notifications of intercontinental ballistic missile (ICBM) and submarine-launched ballistic missile (SLBM) launches in accordance with the 1988 Ballistic Missile Launch Notifications Agreement, and to provide notifications of exercises in accordance with the 1989 Agreement on Reciprocal Notification of Major Strategic Exercises.

- **INSPECTION ACTIVITIES:** The United States is refraining from facilitating New START Treaty inspection activities on U.S. territory, specifically by revoking existing visas issued to Russian New START Treaty inspectors and aircrew members, denying pending applications for such visas, and by revoking the standing diplomatic clearance numbers issued for Russian New START Treaty inspection airplanes. The United States had been prepared to facilitate Russian New START Treaty inspection activities on U.S. territory since June 2022, and repeatedly conveyed that readiness to Russia; however, Russia chose not to exercise its right to conduct inspection activities and has also denied the United States its right under the treaty to conduct inspection activities since August 2022, when it refused to accept a U.S. inspection. Russia has not notified the United States of any intent to send a Russian inspection team to the United States since February 25, 2020.
  - **TELEMETRY:** The United States will not be providing telemetric information on launches of U.S. ICBMs and SLBMs. The New START Treaty requires that both parties reach agreement within the framework of the treaty's implementation body, the Bilateral Consultative Commission (BCC), on the number of launches of ICBMs and SLBMs for which telemetric information will be exchanged each year. Russia has refused to meet in the BCC to reach such an agreement, and the United States will not provide telemetric information unilaterally. The treaty does not require the United States to take such unilateral action in any event, since it calls for an exchange of telemetric information on an agreed number of launches.
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