

## USE OF FORCE, ARMS CONTROL, AND NON-PROLIFERATION

*The United States Accuses Russia of Not Complying with New START Treaty and Russia Suspends Its Participation*

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The New Strategic Arms Reduction Treaty (New START) committed the United States and Russia to “reduce and limit [their intercontinental ballistic missiles (ICBM)] and ICBM launchers, [submarine-launched ballistic missiles (SLBM)] and SLBM launchers, heavy bombers, ICBM warheads, SLBM warheads, and heavy bomber nuclear armaments” and established verification measures to ensure compliance with these commitments.<sup>1</sup> In a January 2023 report to Congress, the U.S. Department of State “conclude[d] that Russia is not in compliance with its obligation[s]” under the treaty.<sup>2</sup> Weeks later, President Vladimir V. Putin announced that Russia was suspending its participation in the treaty.<sup>3</sup> New START is the last nuclear arms control agreement in force between the two countries.<sup>4</sup> It will expire on February 5, 2026.<sup>5</sup> Negotiations for a replacement treaty, called for by President Joseph R. Biden, Jr. and President Putin<sup>6</sup> and to which both countries were

<sup>1</sup> Treaty Between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, Art. II(1), Apr. 8, 2010, S. Treaty Doc. No. 111-5 (2010) [hereinafter New START]; Protocol to the Treaty Between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, pt. 5, Apr. 8, 2010, S. Treaty Doc. No. 111-5 (2010) [hereinafter Protocol]. On March 1, 2023, the United States had: 662 of its 700 New START-permitted deployed ICBMs, deployed SLBMs, and deployed heavy bombers equipped for nuclear armaments; 1419 of its 1550 permitted nuclear warheads on deployed ICBMs, deployed SLBMs, and deployed heavy bombers equipped for nuclear armaments; and 800 of its 800 permitted deployed and non-deployed ICBM launchers, deployed and non-deployed SLBM launchers and deployed and non-deployed heavy bombers. See U.S. Dep’t of State Bureau of Arms Control, Verification and Compliance Press Release, New START Treaty Aggregate Numbers of Strategic Offensive Arms (May 12, 2023), at <https://www.state.gov/new-start-treaty-aggregate-numbers-of-strategic-offensive-arms-5> [<https://perma.cc/47K3-ZXZM>] [hereinafter May 2023 New START Treaty Aggregate Numbers]. As of September 1, 2022, the date of the most recent Russian declaration, Russia had: 540 deployed ICBMs, SLBMs, and heavy bombers; 1549 warheads on those deployed systems; and 759 deployed and non-deployed launchers and heavy bombers. See U.S. Dep’t of State Bureau of Arms Control, Verification and Compliance Press Release, New START Treaty Aggregate Numbers of Strategic Offensive Arms (Sept. 1, 2022), at <https://www.state.gov/new-start-treaty-aggregate-numbers-of-strategic-offensive-arms-4> [<https://perma.cc/92VD-ST4K>].

<sup>2</sup> Report to Congress on Implementation of the New START Treaty 6 (Jan. 2023), at <https://www.state.gov/wp-content/uploads/2023/01/2022-New-START-Implementation-Report.pdf> [<https://perma.cc/B9UZ-YJNR>] [hereinafter Report to Congress].

<sup>3</sup> President of Russia Press Release, Presidential Address to Federal Assembly (Feb. 21, 2023), at <http://en.kremlin.ru/events/president/transcripts/70565> [<https://perma.cc/K7EW-CE7Z>] [hereinafter Putin Address].

<sup>4</sup> The United States withdrew from the Anti-Ballistic Missile Treaty in 2002. See Dana Milbank, *U.S. Withdraws from Missile Treaty*, WASH. POST, June 14, 2002, at A28. The United States withdrew from the Intermediate-Range Nuclear Forces Treaty in 2019. See Jean Galbraith, *Contemporary Practice of the United States*, 113 AJIL 600, 631 (2019). All other nuclear arms control treaties between the United States and Russia have expired or never entered into force.

<sup>5</sup> In 2021, with New START about to expire pursuant to its ten-year sunset clause, the United States and Russia agreed to extend the treaty for five years, the maximum allowed. See New START, *supra* note 1, Art. XIV(2); Kristen E. Eichensehr, *Contemporary Practice of the United States*, 115 AJIL 309, 323 (2021).

<sup>6</sup> See White House Press Release, President Biden Statement Ahead of the 10th Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (Aug. 1, 2022), at <https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/01/president-biden-statement-ahead-of-the-10th-review-conference-of-the-treaty-on-the-non-proliferation-of-nuclear-weapons> [<https://perma.cc/TW9S-2X2Q>]; *Kremlin Tells U.S. Time Running Out for New Nuclear Arms Deal*, REUTERS (Aug. 2, 2022), at <https://www.reuters.com/world/kremlin-tells-us-time-running-out-new-nuclear-arms-deal-2022-08-02>.

prepared to commit at the NPT Review Conference in August 2022,<sup>7</sup> have not begun. Negotiations seem unlikely because of the disputes concerning New START that led to the non-compliance finding, the broader breakdown in U.S.-Russian relations, and China's development of its own nuclear arsenal.

In 2010, the United States and Russia agreed to New START, replacing START I,<sup>8</sup> which expired in 2009.<sup>9</sup> New START committed both countries to reductions of nuclear warheads and delivery systems beyond what had been required in prior agreements.<sup>10</sup> The treaty's extensive verification measures included: eighteen on-site inspections per year by each party;<sup>11</sup> the permitted use of national technical means (NTM) of verification (intelligence satellites) and a prohibition on the interference with or concealment from those NTMs;<sup>12</sup> biannual data exchanges declaring deployed strategic delivery vehicles, launchers, warheads, and bases;<sup>13</sup> the exchange of telemetric information;<sup>14</sup> rolling notifications concerning the movement of strategic offensive arms;<sup>15</sup> required declarations of new variants of missiles, launchers, and facilities;<sup>16</sup> pre-launch notifications of covered ballistic missiles;<sup>17</sup> and unique identifiers for each ICBM, SLBM, and heavy bomber.<sup>18</sup> The treaty also established a Bilateral Consultative Commission (BCC), a compliance and implementation body to meet at least twice a year.<sup>19</sup> As of February 1, 2023, there had been "328 on-site inspections, 25,449 notifications exchanged, 19 meetings of the [BCC], and 42 biannual data exchanges on strategic offensive arms subject to the treaty."<sup>20</sup>

In March 2020, the United States and Russia, by mutual agreement, halted inspections under New START due to the COVID-19 pandemic.<sup>21</sup> The United States decided not to renew this "mutual pause" in June 2022, and on August 8, 2022, it notified Russia of its intent to conduct an on-site inspection.<sup>22</sup> The next day, Russia "temporarily exempt[ed]" from inspection all of its facilities.<sup>23</sup> Russia stated that its decision was

<sup>7</sup> See 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Draft Final Document, para. 17, UN Doc. NPT/CONF.2020/CRP.1/Rev.2 (2022) ("The Russian Federation and the United States commit to the full implementation of the New START Treaty and to pursue negotiations in good faith on a successor framework to New START before its expiration in 2026, in order to achieve deeper, irreversible and verifiable reductions in their nuclear arsenals."). This document was not adopted by the Review Conference because Russia blocked consensus for unrelated reasons. See Tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons Final Document (Part I), para. 30, UN Doc. NPT/CONF.2020/66 (Part I) (2022); *Russia Blocks Nuclear Treaty Agreement Over Ukraine Reference*, BBC (Aug. 27, 2022), at <https://www.bbc.com/news/world-us-canada-62699066>.

<sup>8</sup> Treaty Between the United States of America and the Union of Socialist Soviet Republics on Further Reduction and Limitation of Strategic Offensive Arms, U.S.-U.S.S.R., July 31, 1991, S. Treaty Doc. No. 102-20.

<sup>9</sup> See John R. Crook, *Contemporary Practice of the United States*, 104 AJIL 489, 514 (2010).

<sup>10</sup> See note 1 *supra*.

<sup>11</sup> See New START, *supra* note 1, Art. XI; Protocol, *supra* note 1, pt. 5.

<sup>12</sup> See New START, *supra* note 1, Art. X.

<sup>13</sup> See Protocol, *supra* note 1, pt. 2, pt. 4, Sec. II.

<sup>14</sup> See New START, *supra* note 1, Art. IX.

<sup>15</sup> See Protocol, *supra* note 1, pt. 4, Sec. II.

<sup>16</sup> See *id.*

<sup>17</sup> See New START, *supra* note 1, Art. VIII; Protocol, *supra* note 1, pt. 4, Sec. IV.

<sup>18</sup> Protocol, *supra* note 1, pt. 2, Sec. I, para. 5.

<sup>19</sup> See New START, *supra* note 1, Art. XII; Protocol, *supra* note 1, pt. 6.

<sup>20</sup> U.S. Dep't of State Bureau of Arms Control, Verification and Compliance Press Release, New START Treaty, at <https://www.state.gov/new-start> [<https://perma.cc/K8BB-JDWL>].

<sup>21</sup> See Report to Congress, *supra* note 2, at 8.

<sup>22</sup> See *id.*

<sup>23</sup> See *id.*

permitted<sup>24</sup> since U.S. travel and visa restrictions prevented Russian inspectors from flying to the United States and thus “de facto depriv[ed] the Russian Federation of the right to conduct inspections on American territory.”<sup>25</sup> Russia emphasized, however, that it was “fully committed to the observance of the provisions of the Treaty.”<sup>26</sup> In September 2022, Russia threatened to use tactical nuclear weapons to defend its territory, which it defined as including the annexed regions of Ukraine.<sup>27</sup> That November, Russia unilaterally postponed that month’s scheduled BCC session four days before it was to begin because of “the extremely negative situation in Russian-American relations, which was created by Washington.”<sup>28</sup> Russia subsequently refused to reschedule the BCC meetings despite U.S. requests.<sup>29</sup>

In January 2023, the United States accused Russia of breaching two of its obligations under New START. First, Russia had failed to allow the United States to conduct inspections.<sup>30</sup> Russia’s assertion that its actions were in accord with the treaty’s “temporary exemption” provision was “invalid” because that clause “was intended to apply when specific conditions at a specific facility or facilities” made an inspection difficult and “Russia has not cited any specific conditions at any specific facilities.”<sup>31</sup> Second, Russia had “failed to comply with the obligation to convene a session of the [BCC] within the timeline set out by the Treaty.”<sup>32</sup> The State Department noted that “there is no provision in the New START Treaty to excuse a failure to convene a BCC session within 45 days of its proposed start date” for the reasons given by Russia.<sup>33</sup> On February 1, the State Department spokesperson said that “All Russia needs to do is to allow inspection activities on its territory, just as it did for years under the New START Treaty, and meet in a session of the Bilateral Consultative Commission. There is nothing preventing Russian inspectors from traveling the United States and conducting inspections.”<sup>34</sup> Russia rejected the U.S. claims of non-compliance, alleged U.S. violations of the treaty, accused the United States of “launch[ing] a total hybrid war against Russia,” and “reaffirm[ed] its unwavering commitment to New START as an important instrument for maintaining international security and stability.”<sup>35</sup>

<sup>24</sup> Russia cited the Protocol, *supra* note 1, pt. 5, Sec. I, para. 5.

<sup>25</sup> Russian Foreign Ministry Press Release, Foreign Ministry Statement on the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (Aug. 8, 2022), at [https://mid.ru/en/foreign\\_policy/news/1825525](https://mid.ru/en/foreign_policy/news/1825525) [<https://perma.cc/PMQ8-EK5Z>] [hereinafter Russian Foreign Ministry Statement]; see also Michael R. Gordon, *Russia Says It Won't Allow U.S. Inspection for Now of Its Nuclear Weapons*, WALL ST. J. (Aug. 8, 2022), at <https://www.wsj.com/articles/russia-says-it-wont-allow-u-s-inspection-for-now-of-its-nuclear-weapons-11660001294> (quoting the Russian Foreign Ministry).

<sup>26</sup> Russian Foreign Ministry Statement, *supra* note 25.

<sup>27</sup> See David E. Sanger, Anton Troianovski & Julian E. Barnes, *In Washington, Putin's Nuclear Threats Stir Growing Alarm*, N.Y. TIMES (Oct. 1, 2022), at <https://www.nytimes.com/2022/10/01/world/europe/washington-putin-nuclear-threats.html>.

<sup>28</sup> Russian Foreign Ministry Press Release, Briefing by Foreign Ministry Spokeswoman Maria Zakharova (Nov. 30, 2022), at [https://mid.ru/en/foreign\\_policy/news/1841096/#104](https://mid.ru/en/foreign_policy/news/1841096/#104) [<https://perma.cc/BXG4-476Z>]; Report to Congress, *supra* note 2, at 10.

<sup>29</sup> See Report to Congress, *supra* note 2, at 10.

<sup>30</sup> See *id.* at 5.

<sup>31</sup> *Id.* at 10–11.

<sup>32</sup> *Id.* at 5; Protocol, pt. 6, Sec. III, para. 2.

<sup>33</sup> Report to Congress, *supra* note 2, at 15.

<sup>34</sup> U.S. Dep’t of State, Department Press Briefing (Feb. 1, 2023), at <https://www.state.gov/briefings/department-press-briefing-february-1-2023> [<https://perma.cc/S6KE-JH2C>].

<sup>35</sup> Russian Foreign Ministry Press Release, Foreign Ministry Statement Regarding the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START) (Feb. 8, 2023), at [https://www.mid.ru/en/foreign\\_policy/news/1852877](https://www.mid.ru/en/foreign_policy/news/1852877) [<https://perma.cc/Z29K-JEV2>].

On February 21, President Putin announced “that Russia is suspending its membership in the New START Treaty.”<sup>36</sup> He emphasized that “we are not withdrawing from the Treaty, but rather suspending our participation.”<sup>37</sup> A Russian Foreign Ministry statement explained that “that the United States is in material breach of the New START Treaty.”<sup>38</sup> The statement said that

the United States is now openly seeking to inflict a “strategic defeat” on Russia, while tensions encouraged by Washington go far beyond the Ukraine crisis with the United States and the US-led West trying to harm our country at every possible level, in every sphere and region of the world. There is every reason to conclude that the United States policy aims to undermine Russia’s national security, which directly contradicts the fundamental principles and understandings set forth in the New START’s preamble and forming its foundation. It would not have been signed without stating these principles. This de facto amounts to a fundamental change of circumstances compared to those prevailing at the time of signing the New START Treaty.<sup>39</sup>

The Foreign Ministry also accused the United States of “substantially violating the fundamental provisions of the Treaty on the quantitative restrictions of the parties’ relevant armaments.”<sup>40</sup> It repeated its claims that “Washington’s anti-Russia restrictions have impaired the efficiency of the verification procedures stipulated in the Treaty.”<sup>41</sup> Nevertheless, the Foreign Ministry asserted that Russia “will continue to strictly comply with the quantitative restrictions stipulated in the Treaty for strategic offensive arms within the life cycle of the Treaty. Russia will also continue to exchange notifications of ICBM and SLBM launches.”<sup>42</sup>

The response was swift. Within a day, President Biden called the suspension a “big mistake.”<sup>43</sup> U.S. Secretary of State Antony Blinken remarked that Russia’s decision to suspend its participation was “deeply unfortunate and irresponsible” but “we remain ready to talk about strategic arms limitations at any time with Russia irrespective of anything else going on in the world or in our relationship.”<sup>44</sup> NATO Secretary General Jens Stoltenberg lamented that “the whole arms control architecture has been dismantled,” adding that he “strongly encourage[d] Russia to reconsider its decision and respect existing agreements.”<sup>45</sup>

<sup>36</sup> See Putin Address, *supra* note 3.

<sup>37</sup> *Id.*

<sup>38</sup> Russian Foreign Ministry Press Release, Foreign Ministry Statement in Connection with the Russian Federation Suspending the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START) (Feb. 21, 2023), at [https://www.mid.ru/en/foreign\\_policy/news/1855184](https://www.mid.ru/en/foreign_policy/news/1855184) [<https://perma.cc/XF9F-284Y>].

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> “Big Mistake”: Biden Condemns Putin’s Withdrawal from Nuclear Treaty, *GUARDIAN* (Feb. 22, 2023), at <https://www.theguardian.com/us-news/2023/feb/22/biden-putin-russia-nuclear-arms-control-new-start-treaty>.

<sup>44</sup> U.S. Dep’t of State Press Release, Secretary Antony J. Blinken Remarks to the Press (Feb. 21, 2023), at <https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-7> [<https://perma.cc/V6VM-9V8L>]; see also U.S. Dep’t of State Bureau of Arms Control, Verification and Compliance Press Release, Assistant Secretary Mallory Stewart’s Remarks at the Brookings Institution (Feb. 27, 2023), at <https://www.state.gov/mallory-stewart-remarks-at-brookings-institution> [<https://perma.cc/D2DY-QNEP>].

<sup>45</sup> North Atlantic Treaty Organization Press Release, Joint Press Point with NATO Secretary General Jens Stoltenberg, the Minister of Foreign Affairs of Ukraine, Dmytro Kuleba and the High Representative of the

The State Department asserted that “Russia’s claimed suspension of the New START Treaty [was] legally invalid . . . [and] [a]s a result, Russia remains bound by its obligations under the treaty.”<sup>46</sup> The Department disclaimed that there was any cause for not adhering to the treaty as “the United States has made it crystal clear to Russia that [it is] prepared to host Russian inspectors”<sup>47</sup> and the United States has provided all visas and transportation to Russian inspectors.<sup>48</sup> Because Russia’s suspension of the treaty was unjustified, its failure to abide by the treaty’s obligations since the declared suspension, such as not providing required notifications, was an additional breach.<sup>49</sup> In March, the United States announced that it would not exchange certain treaty data with Russia in response to Russia’s refusal to do so, though it would continue to provide notifications, even while Russia was not.<sup>50</sup> “Under international law,” a National Security Council spokesperson said, “the United States has the right to respond to Russia’s breaches of the New START Treaty by taking proportionate and reversible countermeasures in order to induce Russia to return to compliance with its obligations.”<sup>51</sup> “That means,” the spokesperson continued, “that because Russia’s claimed suspension of the New START Treaty is legally invalid, the U.S. is legally permitted to withhold our biannual data update in response to Russia’s breaches.”<sup>52</sup> “We’re entitled under international law to take certain actions as a countermeasure without actually suspending the treaty ourselves,” a senior Biden administration official said.<sup>53</sup> “We’re taking these actions because it’s our goal to encourage Russia to return to compliance with the treaty.”<sup>54</sup> In May, the United States, “[i]n the interest of transparency and the U.S. commitment to responsible nuclear conduct, . . . voluntarily release[d] [the biannual] aggregate data for its nuclear forces” that it had been withholding as a “lawful countermeasure” even though Russia had “not fulfill[ed] its obligation to provide updated data in March 2023 and is not implementing other key provisions of the treaty.”<sup>55</sup> At the same time, the United States “call[ed] on the Russian Federation to return to full compliance with the New START Treaty and all the stabilizing

EU for Foreign Affairs and Security Policy, Josep Borrell (Feb. 21, 2023), at [https://www.nato.int/cps/en/natohq/opinions\\_211480.htm](https://www.nato.int/cps/en/natohq/opinions_211480.htm) [<https://perma.cc/KL9B-7CAQ>].

<sup>46</sup> U.S. Dep’t of State Press Release, *Russian Noncompliance with and Invalid Suspension of the New START Treaty* (Mar. 15, 2023), at <https://www.state.gov/russian-noncompliance-with-and-invalid-suspension-of-the-new-start-treaty> [<https://perma.cc/XDF6-Y4LD>]. This document rebuts each of Russia’s claims of U.S. non-compliance, underpinning the United States’ position that there had been no U.S. breach of New START, materially or otherwise. The document was subsequently revised and updated on June 1, 2023, and appears at the same url as the March 15, 2023, version [<https://perma.cc/V4QM-5SSN>].

<sup>47</sup> *Id.*

<sup>48</sup> *See id.*

<sup>49</sup> *See id.*

<sup>50</sup> *See* Michael R. Gordon, *U.S. Stops Sharing Data on Nuclear Forces with Russia*, WALL ST. J. (Mar. 28, 2023), at <https://www.wsj.com/articles/u-s-wont-share-data-on-nuclear-forces-with-russia-46700a50>.

<sup>51</sup> Steve Holland & Arshad Mohammed, *US to Stop Exchanging Nuclear Data With Russia After Moscow’s Treaty Suspension*, REUTERS (Mar. 28, 2023), at <https://www.reuters.com/world/us/us-will-not-give-moscow-nuclear-data-after-russian-treaty-suspension-white-house-2023-03-28>.

<sup>52</sup> *Id.*

<sup>53</sup> Gordon, *supra* note 50.

<sup>54</sup> *Id.*; *see also* U.S. Dep’t of State Press Release, *Department Press Briefing* (Mar. 28, 2023), at <https://www.state.gov/briefings/department-press-briefing-march-28-2023> [<https://perma.cc/2XMH-5R52>] (describing the U.S. refusal to provide data to Russia as “lawful countermeasures intended to encourage Russia to return to compliance with the treaty”).

<sup>55</sup> May 2023 New START Treaty Aggregate Numbers, *supra* note 1.

transparency and verification measures contained within it.”<sup>56</sup> In June, National Security Advisor Jake Sullivan announced that the United States had just adopted new “lawful, proportionate, and reversible countermeasures . . . including suspending our day-to-day notifications to Russia that are required under the Treaty.”<sup>57</sup> He continued: “These steps will help guarantee that Russia does not receive benefits from a treaty they refuse to abide by, and that the principle of reciprocity—a key tenet of strategic arms control—is upheld.”<sup>58</sup>

As the nuclear arms control framework between the United States and Russia unravels, China, Iran, and North Korea continue to develop their nuclear capabilities.<sup>59</sup> China’s efforts are of particular concern to the United States. According to the Department of Defense’s *Nuclear Posture Review*, released in October 2022, China “has embarked on an ambitious expansion, modernization, and diversification of its nuclear forces . . . [and] the trajectory of these efforts points to a large, diverse nuclear arsenal with a high degree of survivability, reliability, and effectiveness.”<sup>60</sup> “By the 2030s the United States will, for the first time in its history, face two major nuclear powers as strategic competitors and potential adversaries,” the Defense Department concluded.<sup>61</sup> It warned that “[t]his will create new stresses on stability and new challenges for deterrence, assurance, arms control, and risk reduction.”<sup>62</sup> In June 2023, Sullivan said that “we have stated our willingness [of the United States] to engage in bilateral arms control discussions with Russia and with China without preconditions,” though he noted that “the type of limits the United States can agree to [with Russia] will of course be impacted by the size and scale of China’s nuclear buildup.”<sup>63</sup> Both China and Russia reportedly rejected Sullivan’s offer.<sup>64</sup>

<sup>56</sup> *Id.*; see also U.S. Dep’t of State Press Release, Release of Aggregate Numbers of Strategic Offensive Weapons (May 15, 2023), at <https://www.state.gov/release-of-aggregate-numbers-of-strategic-offensive-weapons> [<https://perma.cc/N4HK-W2KN>].

<sup>57</sup> Remarks by National Security Advisor Jake Sullivan for the Arms Control Association (ACA) Annual Forum (June 2, 2023), at <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/06/02/remarks-by-national-security-advisor-jake-sullivan-for-the-arms-control-association-aca-annual-forum> [<https://perma.cc/WPG5-44ZD>] [hereinafter Sullivan Remarks]. The full range of U.S. countermeasures, as of June 1, 2023, is described here: U.S. Dep’t of State Bureau of Arms Control, Verification and Compliance Press Release, U.S. Countermeasures in Response to Russia’s Violations of the New START Treaty (June 1, 2023), at <https://www.state.gov/u-s-countermeasures-in-response-to-russias-violations-of-the-new-start-treaty> [<https://perma.cc/RSY6-WGYE>].

<sup>58</sup> *Id.*

<sup>59</sup> See David E. Sanger, William J. Broad & Chris Buckley, *3 Nuclear Superpowers, Rather Than 2, Usher in a New Strategic Era*, N.Y. TIMES (Apr. 19, 2023), at <https://www.nytimes.com/2023/04/19/us/politics/china-nuclear-weapons-russia-arms-treaties.html>; Laurence Norman & Michael R. Gordon, *Iran Could Produce Nuclear Weapon in Several Months if It Decides to Do So, Mark Milley Says*, WALL ST. J. (Mar. 23, 2023), at <https://www.wsj.com/articles/iran-could-produce-nuclear-weapon-in-several-months-if-it-decides-to-do-so-mark-milley-says-eed38f07>; David E. Sanger & Choe Sang-Hun, *Inside Biden’s Renewed Promise to Protect South Korea From Nuclear Weapons*, N.Y. TIMES (Apr. 26, 2023), at <https://www.nytimes.com/2023/04/26/us/politics/biden-korea-nuclear-weapons.html>.

<sup>60</sup> U.S. Dep’t of Defense, *2022 Nuclear Posture Review*, in 2022 NATIONAL DEFENSE STRATEGY OF THE UNITED STATES OF AMERICA, INCLUDING THE 2022 NUCLEAR POSTURE REVIEW AND THE 2022 MISSILE DEFENSE REVIEW 4 (Oct. 2022), at <https://media.defense.gov/2022/Oct/27/2003103845/-1/-1/1/2022-NATIONAL-DEFENSE-STRATEGY-NPR-MDR.PDF> [<https://perma.cc/Z6HM-T8ND>]. In January 2023, the commander of the U.S. Strategic Command notified Congress that “[t]he number of land-based fixed and mobile ICBM launchers in China exceeds the number of ICBM launchers in the United States.” Michael R. Gordon, *China Has More ICBM Launchers Than U.S., American Military Reports*, WALL ST. J. (Feb. 7, 2023), at <https://www.wsj.com/articles/china-has-more-icbm-launchers-than-u-s-american-military-reports-11675779463>.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> Sullivan Remarks, *supra* note 57.

<sup>64</sup> Jay Solomon, *China Rejects Nuclear Talks with the U.S. as It Looks to Strengthen Its Own Arsenal*, SEMAFOR (June 9, 2023), at <https://www.semafor.com/article/06/08/2023/china-rejects-nuclear-talks-us>.