

Russian Duma Bill of Ratification of START II Treaty

Adopted April 14, 2000

(unofficial translation, provided by the PIR Center, Moscow)

FEDERAL LAW

ON RATIFICATION OF THE TREATY BETWEEN THE
RUSSIAN FEDERATION AND THE UNITED STATES OF
AMERICA ON FURTHER REDUCTION AND LIMITATION
OF STRATEGIC OFFENSIVE ARMS

Article 1

To ratify the Treaty Between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms, done at Moscow on January 3, 1993, hereinafter referred to as the START II Treaty, including its integral parts:

Memorandum of Understanding on Warhead Attribution and Heavy Bombers Data Relating to the Treaty Between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms, done at Moscow on January 3, 1993;

Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms, done at Moscow on January 3, 1993;

Protocol on Exhibition and Inspections of Heavy Bombers Relating to the Treaty Between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms, done at Moscow on January 3, 1993;

Protocol Relating to the Treaty Between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms of January 3, 1993, done at New York on September 26, 1997.

Article 2

Extraordinary events giving the Russian Federation the right to withdraw from the Treaty in exercising its national sovereignty and in compliance with Article VI of the START II Treaty shall be:

- 1) breach of the START II Treaty on the part of the United States of America, which jeopardizes the national security of the Russian Federation;
- 2) the United States of America's withdrawal from the Treaty

Between the Union of Soviet Socialist Republics and the United States of America on the Limitation of Anti-Ballistic Missile Systems, done at Moscow on May 26, 1972, hereinafter referred to as the ABM Treaty, or the infringement of the aforesaid Treaty and respective agreements;

3) build-up of strategic offensive arms of the states that are not parties to the START II Treaty in a way that poses a threat to national security of the Russian Federation;

4) taking and implementation by the United States of America, or any other state whatsoever, or alliances, and North Atlantic Treaty Organization among them, of decisions in the field of military development, which threaten the national security of the Russian Federation, including deployment of nuclear weapons on the territory of the states having joined NATO after the date of the START II Treaty signature;

5) deployment by the United States of America or any other state whatsoever of armaments, preventing the normal functioning of the Russian system of early warning of missile attack;

6) extraordinary events of economic or technical origin, which make it impossible for the Russian Federation to fulfil its obligations under the START II Treaty or jeopardize the environmental security of the Russian Federation.

Article 3

1) In case of extraordinary events, provided for in Article 1 of this Federal Law, or in any other extraordinary situation whatsoever, jeopardizing the supreme interests of the Russian Federation, the President of the Russian Federation shall:

a) take political, diplomatic and other measures in order to eliminate the aforesaid threats or neutralize their consequences;

b) provide for immediate consultations with the Chambers of the Federal Assembly of the Russian Federation and, taking into account the results of these consultations, take decisions relating to the START II Treaty, including introduction of motions under the Federal Law "On International Treaties of the Russian Federation".

2) The Chambers of the Federal Assembly of the Russian Federation, if they consider events to be extraordinary and subject to immediate action under Article VI of the START II Treaty, shall address the President of the Russian Federation with a proposal to begin consultations, advise him or undertake any other steps, provided for in the Federal Law "On International Treaties of the Russian Federation".

Article 4

The President of the Russian Federation shall hold consultations with the Chambers of the Federal Assembly of the Russian Federation and, taking into account the results of these consultations, take decisions relating to the START II Treaty, including the introduction of motions under Section V of the Federal Law "On International Treaties of the Russian Federation", if no later than December 31, 2003 the Parties conclude a new Treaty Between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms, which shall:

- 1) envisage the preservation and further enhancement of strategic stability at the lowest possible levels of strategic offensive arms of the Russian Federation and the United States of America;
- 2) enable the Russian Federation to apply multifarious approaches to the development of its strategic nuclear forces, including their organization and structure, necessary to maintain national security of the Russian Federation with regard for existing economic situation;
- 3) exclude the possibility of rapid increase in the number of nuclear warheads attributed to all types of launchers;
- 4) provide for equal rights and opportunities for the Parties in the process of elimination and disposal of nuclear warheads;
- 5) secure the optimal economic use of the existing infrastructure of the strategic nuclear forces of the Russian Federation, essential cost reduction for the implementation of the programs of elimination and disposal of strategic offensive arms, and broadening of the Russian capabilities to use the reduced components of the aforesaid arms and their infrastructure in the interests of national economic development.
- 6) provide for accounting of all types and systems of strategic arms.

Article 5

The obligations under the START II Treaty are fulfilled on the basis of:

- 1) preservation of the might of Russian strategic nuclear forces, at a level which provides for the maintenance of national security of the Russian Federation;
- 2) appropriate financing of the strategic nuclear forces of the Russian Federation and of the works on safe elimination and disposal of strategic offensive arms;

- 3) the United States of America's compliance with the provisions of the Treaty Between the Union of Soviet Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Arms, done at Moscow on July 31, 1991, hereinafter referred to as the START I Treaty;
- 4) reduction of the strategic offensive arms of the Russian Federation, provided for in the START II Treaty, taking into account their period of operation;
- 5) maintenance of combat readiness of the Russian strategic nuclear forces, irrespective of any development of strategic situation, preservation of laboratory and experimental base and production capabilities;
- 6) providing for the safe use, storage, elimination and disposal of strategic offensive arms;
- 7) equal rights and opportunities for the Parties of the START II Treaty in carrying out inspections and other verification procedures; preservation and improvement of the Russian Federation's national technical means of verification in order to observe the United States of America's fulfillment of the START I and the START II Treaties, and the ABM Treaty.

Article 6

The Russian Federation fulfils its obligations, provided for in the START II Treaty, in compliance with this Federal Law and other legal documents of the Russian Federation regulating measures and procedures relating to the implementation of the START II Treaty.

Financing of the strategic nuclear forces of the Russian Federation as well as of the production, use, elimination and disposal of nuclear weapons is carried out in compliance with the federal legislation.

The President of the Russian Federation shall approve the Federal Program of Development of the Strategic Nuclear Forces of the Russian Federation and present it to the Chambers of the Federal Assembly no later than two months after entry into force of this Federal Law.

No later than three months after entry into force of this Federal Law, the Government of the Russian Federation shall work out and present to the President of the Russian Federation the Special Federal Program for Elimination and Disposal of Weapons and Materiel of Strategic Nuclear Forces, subject to his approval and providing for use of reduced components and infrastructure in the interests of national economic development.

Article 7

In the process of implementing the START II Treaty:

1) The President of the Russian Federation shall:

- a) determine the principal directions of the state policy in the field of development of the Russian strategic nuclear forces and nuclear disarmament; define procedures and deadlines for the activities in fulfilling the START II Treaty which imply preservation of the Russian strategic nuclear forces' potential and maintenance of their combat readiness at a level, providing for guaranteed deterrence from aggression against the Russian Federation or its allies;
- b) take decisions on the terms and procedures of decommissioning and deactivation of strategic offensive arms, provided for in the START II Treaty, and on commissioning of the new models of strategic offensive arms;
- c) formulate the Russian policy for further international negotiations in the field of strategic offensive arms and anti-missile defense, hold consultations and parley with the heads of other states desiring to enhance strategic stability and maintain the national security of the Russian Federation.

2) The Government of the Russian Federation shall:

- a) provide for stable and primary financing of the Russian strategic nuclear forces, of the works on safe elimination and disposal of strategic offensive arms, and of activities in carrying out the obligations under the START I and START II Treaties, in compliance with the federal legislation and special federal programs;
- b) ensure the preservation and development of the laboratory and experimental base and production capabilities, required to maintain the nuclear might and combat readiness of the strategic nuclear forces of the Russian Federation;
- c) present to the Chambers of the Federal Assembly of the Russian Federation a regular report on the state of the Russian strategic nuclear forces and on the course of implementation of the START I and START II Treaties, and the ABM Treaty, as provided for in the Article 8 of this Federal Law;
- d) present to the Chambers of the Federal Assembly of the Russian Federation the data specified in the Memorandum of Understanding on Warhead Attribution and Heavy Bombers Data Relating to the START II Treaty;
- e) secure the effective use of national technical means of verification under the START I and START II Treaties, and the

ABM Treaty, the technical improvement of the aforesaid means and fulfillment of verification procedures, provided for in the above-mentioned treaties.

f) take measures to ensure the safe use, storage, elimination and disposal of strategic offensive arms, nuclear warheads and rocket fuel, and to exclude unauthorized access to nuclear warheads;

g) take measures to use optimal economic methods and means of elimination and disposal of strategic offensive arms;

h) implement, on the instructions of the President of the Russian Federation, foreign policy decisions in the field of reduction and limitation of strategic offensive arms and nonproliferation of nuclear weapons;

i) invite the representatives of the Chambers of the Federal Assembly of the Russian Federation to participate, if they so wish, in discussing the course of negotiations in the field of strategic offensive arms and anti-missile defense.

3) The Chambers of the Federal Assembly of the Russian Federation shall:

a) in considering the annual Federal Bill "On the Federal Budget", participate in taking decisions on the amount of allocations for the purposes of scientific research and experiments in the field of strategic offensive arms, of their purchase, of the development, repairs and modernization of major bases for the Russian strategic nuclear forces and their managing, as well as of the works on safe elimination and disposal of strategic offensive arms and activities to implement the START I and the START II Treaties;

b) take part in elaborating federal laws and special federal programs, pass federal laws, required to maintain strategic nuclear forces of the Russian Federation at the level providing for national security of the Russian Federation, and carry out activities in the field of reduction of nuclear arms;

c) consider the annual report of the Government of the Russian Federation on the state of strategic nuclear forces of the Russian Federation and the course of implementation of the START I and the START II Treaties, and the ABM Treaty, and take decisions as appropriate;

d) charge, as is deemed necessary, the Board of Auditors of the Russian Federation with the mission to audit the spending of the financial means allocated for the implementation of the START I and the START II Treaties;

e) if necessary, take measures provided for in Section V of the Federal Law "On International Treaties of the Russian

Federation".

Article 8

After entry into force of the START II Treaty, and no later than October 1, each year, the Government of the Russian Federation shall send to the Chambers of the Federal Assembly of the Russian Federation a report on the state of strategic nuclear forces of the Russian Federation and on the course of implementation of the START I and the START II Treaties, and the ABM Treaty, which shall include the following information:

- 1) the changes in the organization and structure of strategic nuclear forces of the Russian Federation, financial provisions and the results of the completed works on maintaining their potential and combat readiness;
- 2) the fulfillment on the part of the Russian Federation and the United States of America of the obligations set out in the START I and START II Treaties, and the ABM Treaty;
- 3) the course of elimination and disposal of decommissioned strategic offensive arms of the Russian Federation, the state of financing of activities under the START I and the START II Treaties, including the use of foreign aid;
- 4) environmental conditions in the locations of storage, elimination and disposal of strategic offensive arms, above all nuclear warheads and rocket fuel;
- 5) the course of negotiations on elaborating new agreements in the field of reduction and limitation of strategic offensive arms and in the field of anti-missile defense;
- 6) the state of development of projects in the field of strategic offensive arms and anti-missile defense, the situation regarding the nonproliferation of nuclear weapons and missile technology in the United States of America and any other state or alliance whatsoever.

Article 9

The exchange of instruments of ratification of the START II Treaty by the Russian Federation shall be done upon completion by the United States of America of the procedure of ratification of the START II Treaty, including the Protocol Relating to the START II Treaty of September 26, 1997, done at New York, Memorandum of Understanding Relating to the ABM Treaty of September 26, 1997, done at New York, First Agreed Statement Relating to the ABM Treaty of September 26, 1997, done at New York, Second Agreed Statement Relating to the ABM Treaty of

September 26, 1997, done at New York, Agreement on Confidence-Building Measures Related to Systems to Counter Ballistic Missiles Other Than Strategic Ballistic Missiles of September 26, 1997, done at New York.

Article 10

This Federal Law shall enter into force upon the date of its official publication.

President of the Russian Federation

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"<http://www.clw.org/coalition/startiiduma041400.htm>"

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Per ulteriori elementi si veda: Donati Marco, Il disarmo nucleare e ti trattati per la riduzione delle armi nucleari strategiche, in: Sistema informativo a schede, periodico mensile dell'Archivio Disarmo, Roma, marzo 1995 (v. cartella "negoziati");