



# **ARMS CONTROL NEGOTIATION ACADEMY**

**One Year After Jake Sullivan's ACA Speech:**

**The White House Arms Control Initiative through**

**Harvard's Negotiation Lens**

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October, 2024

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# MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS

## Policy Memo

TO: U.S. Assistant to the President for National Security Affairs, U.S. Secretary of State, Minister of Foreign Affairs of Russia

FROM: Vanda Czifra, Jeremy Faust, Kseniia Pirnavskaia, Loïc Simonet

DATE: October 31, 2024

SUBJECT: One Year After Jake Sullivan's ACA Speech: The White House Arms Control Initiative through Harvard's Negotiation Lens

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Arms control negotiations are one of the few diplomatic channels of conversation that have been and should remain open between the United States and the Russian Federation. However, what experts are now calling the “third nuclear age”<sup>1</sup> corresponds to arms control’s most uncertain period in decades. In contrast with the blossoming interaction of the Cold War and the post-Cold War, there have been no serious arms control negotiations for a dozen years. The topic seems to have lost priority and momentum, and sometimes looks like “arms control control” – that is, efforts to minimize the role of arms control.<sup>2</sup>

The New Strategic Arms Reduction Treaty (New START), the last remaining nuclear arms control agreement between the U.S. and Russia, which the parties extended in February 2021, expires in February 2026, and the ongoing Russo-Ukrainian conflict complicates negotiations toward a new agreement. The Russia-U.S. bilateral Strategic Stability Dialogue (SSD) to establish a foundation for “future arms control and risk reduction measures” was paused by U.S. President Joseph Biden following the onset of the invasion of Ukraine, cancelling an important channel for exploring common ground on a post-New START arms control framework.<sup>3</sup> The situation further deteriorated in February 2023 when Moscow suspended its participation in New START. In November 2023, Russia also de-ratified the Comprehensive Nuclear-Test-Ban Treaty (CTBT), while affirming that it would only resume testing if the U.S. first conducts a test.<sup>4</sup> In the context of Ukraine, Russian President Vladimir Putin and other high-level Russian officials have heightened nuclear rhetoric, calling into question longstanding global norms against the use and testing of nuclear weapons.

Amid these heightened tensions, the U.S. and Russia still possess 90 percent of the world’s nuclear warheads. Both have the capability to double their arsenals within a mere two years, fueling an arms race. New technologies threaten to further destabilize the military balance. This stark reality underscores the paramount importance of reviving nuclear arms control negotiations. Renewed engagement between U.S. and Russia in this domain is indispensable, irrespective of other bilateral issues, as it serves to mitigate the risk of global nuclear conflict, decelerate the arms race, and foster

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<sup>1</sup> Smetana M. (2018), “A Nuclear Posture Review for the Third Nuclear Age,” *The Washington Quarterly*, 41 (3), 137–157.

<sup>2</sup> Miller S. E. (2022), “Hard Times for Arms Control. What Can Be Done?”, The Hague Center for Strategic Studies, 1-2, <https://hcss.nl/wp-content/uploads/2022/02/AC1-Hard-Times-For-Arms-Control-2022-HCSS.pdf>.

<sup>3</sup> The White House, “U.S.-Russia Presidential Joint Statement on Strategic Stability”, 16 June 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/16/u-s-russia-presidential-joint-statement-on-strategic-stability/#:~:text=Today%2C%20we%20reaffirm%20the%20principle,will%20be%20deliberate%20and%20robust>.

<sup>4</sup> *Послание Президента Федеральному Собранию*. (2023, March 2). Президент России. <http://kremlin.ru/events/president/news/70565>.

# MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS

strategic stability.

In a speech at the Arms Control Association (ACA) on June 2, 2023, Jake Sullivan, the U.S. National Security Adviser, rejected the nuclear arms race and expressed willingness to engage in bilateral arms control discussions with Russia and China “without preconditions” to develop a “post-2026 arms control framework”, as well as in multilateral talks with the P5<sup>5</sup> regarding risk reduction and arms control measures.<sup>6</sup> Sullivan’s speech indicated a shift in the U.S. approach to its bilateral relations with Russia, discarding prior conditions.

Since Sullivan’s proposal, Russia has expressed little interest in it, with notable divergence in the response by the Russian Presidential Administration and the Russian Ministry of Foreign Affairs (MFA). Kremlin Press Secretary Dmitry Peskov described Sullivan’s comments as “important and positive” while observing that Russia wanted to learn more about the proposal through formal diplomatic channels.<sup>7</sup> In contrast, Maria Zakharova, the Russian MFA Spokesperson, noted that “in fact, [Sullivan’s] remarks do not contain anything fundamentally new that would respond to Russia’s concerns or take our positions into account.”<sup>8</sup> In a further twist, Russian Deputy Foreign Minister Sergey Ryabkov called Sullivan’s remarks “destructive” and reflective of “a mindset of maintaining and strengthening American superiority in some areas with a claim to complete dominance, to further break the balance of interests.”<sup>9</sup> Since then, Ryabkov has further reiterated his skepticism.<sup>10</sup> These diverging reactions in Moscow could be interpreted as a coordinated strategy. Still, Russia’s yet varied acknowledgment could still leave room for eventual negotiations.<sup>11</sup>

After four months of inertia — something that was noticed in Moscow<sup>12</sup> and met with confusion by both Russian and American experts — the U.S. sent a written informal non-paper to Moscow early October 2023. The document reflected Sullivan’s speech in June and “added additional details,” according to Pranay Vaddi, Senior Director for Arms Control, Disarmament, and Nonproliferation at the U.S. National Security Council. Alas, on 18 January 2024, Russian Foreign Minister Sergei Lavrov dismissed the U.S. proposal: “We do not reject this idea for the future, but we precondition this possibility on the abandonment by the West of its policy of undermining and not respecting Russia’s interests”, he said at a press conference.<sup>13</sup> Washington took due note: “We have to take

<sup>5</sup> The five permanent members (P5) of the United Nations (UN) Security Council—China, France, Russia, the United Kingdom, and the United States—which are also the five NPT-recognized nuclear-weapon states.

<sup>6</sup> The White House, “Remarks by National Security Advisor Jake Sullivan for the Arms Control Association (ACA) Annual Forum”, 2 June 2023, <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/>.

<sup>7</sup> *Interfax*, “Kremlin welcomes US readiness for dialogue with Russia on new nuclear arms control system – Peskov”, 5 June 2023, <https://interfax.com/newsroom/top-stories/91166/>.

<sup>8</sup> Zakharova M. (2023), “Foreign Ministry Spokeswoman Maria Zakharova’s answer to a media question in connection with the remarks by National Security Adviser to the President of the United States Jake Sullivan”, 3 June 2023, [https://mid.ru/en/foreign\\_policy/news/1873993/?TSPD\\_101\\_R0=08765fb817ab2000b42790ec14a5e5c225ac3b8ab7f4e81c8365ea6924f04abc9eb267ce2a57380b085f315980143000a43c4821da65aeb5cb2495d463659e88db99b7b022ef1b4fb9d8a82fe15aec6523c33c148b1b49302f11bee95f005306](https://mid.ru/en/foreign_policy/news/1873993/?TSPD_101_R0=08765fb817ab2000b42790ec14a5e5c225ac3b8ab7f4e81c8365ea6924f04abc9eb267ce2a57380b085f315980143000a43c4821da65aeb5cb2495d463659e88db99b7b022ef1b4fb9d8a82fe15aec6523c33c148b1b49302f11bee95f005306).

<sup>9</sup> *Sputnik International*, “Russian Deputy Foreign Minister Calls Sullivan’s Fresh Remarks on Arms Control Destructive”, 3 June 2023, <https://sputnikglobe.com/20230603/russian-deputy-foreign-minister-calls-sullivans-fresh-remarks-on-arms-control-destructive-1110873483.html>.

<sup>10</sup> *Tass*, “Russia, US exchange assessments on arms control from time to time — senior diplomat”, 6 August 2023, <https://tass.com/politics/1657199>.

<sup>11</sup> Landay J., “US proposal for talks with Russia on keeping nuclear arms curbs in limbo”, *Reuters*, 26 July 2023, <https://www.reuters.com/world/us-proposal-talks-with-russia-keeping-nuclear-arms-curbs-limbo-2023-07-26/>.

<sup>12</sup> *Tass*, “Russia not ready to conduct arms control dialogue in manner suggested by US — MFA”, 21 July 2023, <https://tass.com/politics/1650391>.

<sup>13</sup> *Reuters*, “Russia rejects US arms control talks for now, citing Ukraine”, 18 Jan. 2024, <https://www.reuters.com/world/russia-says-it-wont-discuss-nuclear-arms-control-with-us-while-it-backs-ukraine-2024-01-18/>.

# MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS

Russia at its word. They're refusing to engage bilaterally on these issues," Vaddi acknowledged.<sup>14</sup> Although President Putin stated his openness to engagements with the U.S. on strategic stability, facilitated through the Foreign Ministry and the Ministry of Defense, albeit with specific conditions,<sup>15</sup> at the time this article was sent to the editor, the deadlock still held, in contradiction with the two States' obligations under Article VI of the Nuclear Non-Proliferation Treaty (NPT) "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament."<sup>16</sup>

This failure, which we anticipated, in no way detracts from the interest of the White House's approach as a 'textbook case' for the theory of negotiation. Through the use of the Harvard Negotiation Method, this policy brief outlines the interests of Russia and the U.S. in pursuing a post-New START arms control framework, identifies a zone of possible agreement and proposes options for mutual gain. It then assesses the U.S. attempt to "compartmentalize" arms control, following a long tradition grounded in the Cold War, and Russia's preference for linking arms control to other issues. Our paper also addresses factors of uncertainty, specifically the audience costs posed by U.S. and Russia's respective domestic political situations. Finally, it offers practical recommendations to facilitate constructive dialogue and progress in arms control discussions.

This article is grounded on analysis of primary sources as speeches, statements, and official documents, as well as on a theoretical background including academic and scholarly literature. It also relies on qualitative material collected through 13 semi-structured individual interviews conducted with non-governmental experts and former U.S. and Russian government officials (*see list of interviewed personalities annexed to this article*).

## 1. Evaluating the Potential for U.S.-Russian Arms Control Talks with the Harvard Negotiation Method

The Harvard Principled Negotiation Method is founded on four key principles<sup>17</sup>:

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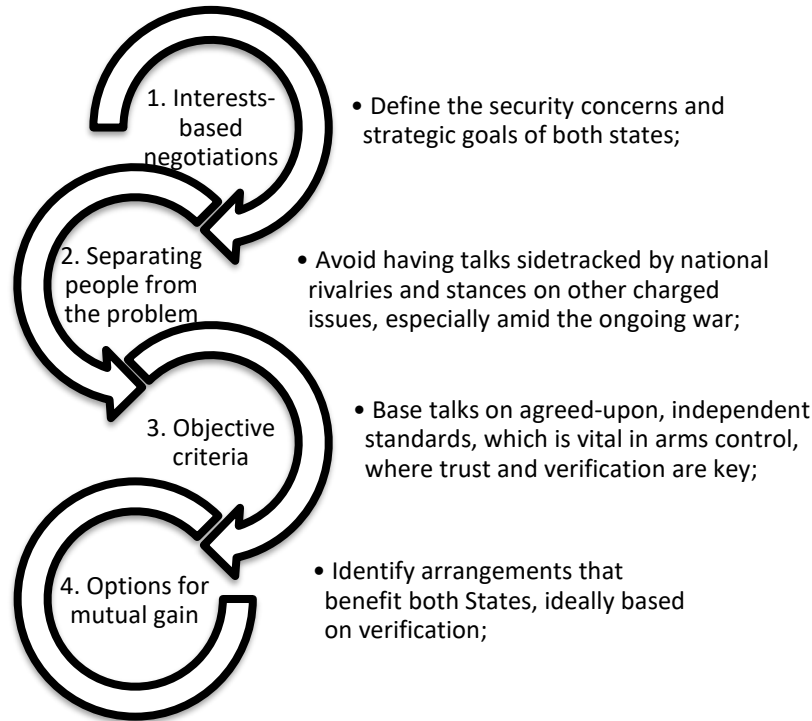
<sup>14</sup> *Idem*

<sup>15</sup> *Kommersant*, "We are categorically against the placement of nuclear weapons in space", 20 Febr. 2024. <https://www.kommersant.ru/doc/6525117>.

<sup>16</sup> Art. VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

<sup>17</sup> Fisher R., Ury W. with Patton B. (Ed.) (1991), "Getting to YES. Negotiating an agreement without giving in", London: Penguin Books, 2<sup>nd</sup> ed., 10-11.

# MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS



Given the lack of talks at present, this article focuses on analyzing the current situation and planning for discussions in the future, rather than entering into the detail of forthcoming negotiations or the content of a future agreement.

## 1.1 The exploration of interests and positions: what can we discern about the desires of each side?

According to Edward Ifft's "Perverse Principle", the U.S. and Russia have the same positions on arms control, but never at the same time.<sup>18</sup> Nonetheless, any analysis of the prospects for talks must begin with an assessment of their shared interests.

### 1.1.1 Common interests, based on objective and reasonable goals

Despite bilateral relations between the U.S. and Russia reaching a post-Cold War nadir as a result of Russia's invasion of Ukraine in February 2022, the two sides still share some common interests regarding nuclear arms control, at least in theory. Above all, both sides seek to avoid a direct conflict and the potential for nuclear escalation that it would portend. Presidents Biden and Putin have explicitly indicated this, with Biden stressing early after the invasion of Ukraine that "direct confrontation between NATO and Russia is World War Three, something we must strive to prevent."<sup>19</sup> Likewise, Putin, in an interview with American pundit Tucker Carlson, made clear that a global war with NATO was out of the question, which he said would "bring all humanity to the brink

<sup>18</sup> Quoted by Wheeler, M. O. (2006), "International Security Negotiations: Lessons Learned from Negotiating with the Russians on Nuclear Arms", USAF Institute for National Security Studies / INSS Occasional Paper 62, 88, <https://www.usafa.edu/app/uploads/ocp62.pdf>.

<sup>19</sup> President Joseph Biden, Remarks Announcing Actions to Continue to Hold Russia Accountable, 11 March 2022, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/03/11/remarks-by-president-biden-announcing-actions-to-continue-to-hold-russia-accountable/>.

## **MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS**

of destruction.”<sup>20</sup> While in other instances, Putin has made nuclear threats, this does not reflect a desire for direct conflict, rather it serves as a tactic to undermine U.S. support for Ukraine. In theory, the mutual interest in avoiding nuclear war should drive both sides to develop deconfliction channels<sup>21</sup>; however, attempts to gain advantage in the Russo-Ukrainian conflict outweigh such an interest.

Given the explicit intention of both sides to avoid a nuclear war, it follows that they continue to have an interest in promoting strategic stability, reducing uncertainty and maintaining predictability, at least on the strategic level, as evidenced by Russia's decision to continue sharing nuclear deployment notifications with the U.S. “to prevent false alarms”<sup>22</sup> and its positive comments toward the continued utility of the 1988 Ballistic Missile Launch Notification Agreement for maintaining “a certain transparency and predictability” that avoids “further dangerous exacerbation.”<sup>23</sup>

Russia and the U.S. also share an interest on avoiding an arms race, albeit Russia's direct role in hostilities in Ukraine make this more of an imperative for the former.<sup>24</sup> Additional resources spent on nuclear warheads and delivery systems would likely lessen the availability of funds for Russia's conventional forces in Ukraine. Likewise, increased budget commitments to nuclear forces expansion in the U.S. alongside its current nuclear modernization program could dampen support for allocating additional resources to supporting Ukraine's defense.

Beyond economic and stability considerations, Article VI obligation to negotiate weighs on both states. Engaging in a nuclear arms race would run counter to such an obligation and could weaken support among non-nuclear-weapon states for the nuclear non-proliferation regime, which serves the security interests of both states. Despite this, E. Ifft sees little constituency for reduction on both sides.<sup>25</sup>

### 1.1.2 Diverging Interests

Despite the shared interests outlined above, the U.S. and, especially, Russia do not view the revival of nuclear arms control as their main interest. The invasion of Ukraine has become the preeminent focus of Russian foreign policy, while aiding Ukraine's defense has emerged as a prominent concern of U.S. foreign policy, with Secretary of State Antony Blinken making clear that the U.S. seeks to make the invasion a “strategic failure for the Kremlin.”<sup>26</sup> Russia, of course, has an interest in weakening U.S. support for Ukraine.

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<sup>20</sup> Tucker C. (2024), “Exclusive: Tucker Carlson Interviews Vladimir Putin”, <https://www.youtube.com/watch?v=fOCWBhuDdDo&t=4282s>.

<sup>21</sup> Trenin D. (2020), “Stability amid Strategic Deregulation: Managing the End of Nuclear Arms Control”, *The Washington Quarterly*, 43(3), 174.

<sup>22</sup> Trevelyan M. and Cordell J., “Russia says it will play by nuclear treaty rules despite suspending deal with U.S.,” 22 February 2023, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/03/11/remarks-by-president-biden-announcing-actions-to-continue-to-hold-russia-accountable/>.

<sup>23</sup> Faulconbridge, G., “Russia warns United States: don't brandish ultimatums on arms control”, 3 June 2023, <https://www.reuters.com/world/russia-come-back-start-if-us-abandons-its-hostile-stance-foreign-ministry-2023-06-03/>.

<sup>24</sup> While both sides share this interest, it seems more important for Russia, given its engagement in a large-scale war. It is important to note, however, that, contrary to popular belief, arms control and arms reduction come at a significant cost; the notion that reduction is a cheaper alternative is false, according to Nikolai Sokov (interview).

<sup>25</sup> Ifft E. (2023), “Beyond New Start”, Hoover Institution, 7, <https://www.hoover.org/research/beyond-new-start>.

<sup>26</sup> Secretary of State Antony J. Blinken, “\$800 Million in Additional U.S. Security Assistance for Ukraine, 13 April 2022, <https://ua.usembassy.gov/800-million-in-additional-u-s-security-assistance-for-ukraine/>.

# MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS

Beyond this central point of contention, Russian and U.S. interests diverge in maintaining the U.S.-led international order, which Russia seeks to replace with a multipolar or polycentric world order. In this regard, the U.S. has an interest in reassuring its allies of the reliability of its security guarantees, while Russia has an interest in undermining such assurances. In connection with Russia's broader interest in promoting a multipolar world order, it also seeks to achieve a sense of parity in negotiations, which situates it as a peer of the U.S.<sup>27</sup>

## 1.1.3 U.S. Positions

As Sullivan outlined in his June 2023 speech to the Arms Control Association, the U.S. is willing to hold talks with Russia "without preconditions" to develop a "post-2026 arms control framework."<sup>28</sup> Undersecretary of State Bonnie Jenkins previously indicated what the U.S. desires in such a framework, namely retaining limits on Russian strategic forces currently covered by New START, subjecting novel intercontinental-range nuclear delivery systems to control, and expanding arms control to cover all nuclear warheads, both strategic and non-strategic.<sup>29</sup> Jenkins has also indicated that the U.S. continues to seek to bring Russia back into compliance with New START.<sup>30</sup>

## 1.1.4 Russian Positions

In contrast to the U.S. offer of arms control talks without preconditions, Russia has maintained that any discussions must encompass the broader security landscape.<sup>31</sup> In this regard, Russian Deputy Foreign Minister Sergei Ryabkhov has tied discussions of a post-2026 arms control framework to U.S. abandonment of its "fundamentally hostile policy towards Russia,"<sup>32</sup> which would involve the U.S. halting weapons shipments and military aid to Ukraine.<sup>33</sup> Similarly, Russian Foreign Ministry spokeswoman Maria Zakharova criticized the U.S. offer for talks without preconditions, noting that "we are being offered to conduct dialogue exclusively on the terms of the United States and only on those issues which interest Washington."<sup>34</sup> Beyond ending U.S. support for Ukraine, Russia has opposed further NATO expansion.

With regard to strategic arms control, Russia has previously sought the removal of U.S. nuclear weapons from Europe, limitations on U.S. anti-ballistic missile defense,<sup>35</sup> U.S. regulation of long-range precision-guided conventional weapons, and the inclusion of British and French nuclear

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<sup>27</sup> Interview with Hanna Notte.

<sup>28</sup> The White House, "Remarks by National Security Advisor Jake Sullivan for the Arms Control Association (ACA) Annual Forum", 2 June 2023, <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/>.

<sup>29</sup> Under Secretary Bonnie Jenkins' Remarks to the 17th Annual NATO Conference on WMD Arms Control, Disarmament, and Nonproliferation, on 6 Sept. 2021, <https://www.state.gov/under-secretary-bonnie-jenkins-remarks-nuclear-arms-control-a-new-era/>.

<sup>30</sup> Ambassador Under Secretary for Arms Control and International Security Bonnie Jenkins, Keynoted Remarks at the Tenth Annual Chain Reaction Ploughshares Fund Gala "Navigating Change", 8 June 2023, <https://www.state.gov/keynote-remarks-at-the-tenth-annual-chain-reaction-ploughshares-fund-gala-navigating-change/>.

<sup>31</sup> Faulconbridge G. and Antonov D., "Russia responds icily to U.S. hint on arms control talks with Moscow and Beijing", 20 March 2024, <https://www.reuters.com/world/russia-says-strategic-talks-with-us-possible-only-part-broader-debate-2024-03-20/>.

<sup>32</sup> *The Moscow Times* (2023), "Russia Says US Must End "Hostility" For Nuclear Talks", <https://www.themoscowtimes.com/2023/10/25/russia-says-us-must-end-hostility-for-nuclear-talks-a82882>.

<sup>33</sup> Tucker C., *op. cit.*

<sup>34</sup> Faulconbridge G. and Antonov D., "Russia responds icily to U.S. hint on arms control talks with Moscow and Beijing", 20 March 2024, <https://www.reuters.com/world/russia-says-strategic-talks-with-us-possible-only-part-broader-debate-2024-03-20/>.

<sup>35</sup> On March 1, 2018, Vladimir Putin gave a speech in which he explicitly identified U.S. missile defense policy as one of the driving factors behind Russia's nuclear modernization (Presidential Address to the Federal Assembly, <http://en.kremlin.ru/events/president/news/56957>). "The United States will almost certainly need to compromise on this issue if it is to have any hope of achieving its own ambitious treaty goals.", E. Ifft notes ("Beyond New Start", *op. cit.*, 5).

# MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS

forces in a nuclear arms control treaty framework. Despite its suspension of New START, Russia has also indicated that it intends to abide by the treaty's central limits on deployments.<sup>36</sup> Finally, Russia has repeatedly expressed interests in a post-Intermediate-Range Nuclear Forces (INF) Treaty framework in the past<sup>37</sup> but has more recently suggested that it would abandon its moratorium on deploying such missiles due U.S. policy.<sup>38</sup>

## 1.2 “The better your BATNA, the greater your power”<sup>39</sup>

A negotiator's BATNA (Best Alternative to a Negotiated Agreement) is “the course of action he/she will pursue if the current negotiation results in an impasse”. If the value of the deal proposed to us is lower than our reservation value (the lowest-valued deal we are willing to accept), we will be better off rejecting the offer and pursuing our BATNA; if the final offer is higher than our reservation value, we should accept it.<sup>40</sup>

Russia's BATNA is continuing to threaten nuclear escalation in an attempt to undermine U.S. and allied support for Ukraine. Such threats could include expressing a willingness to expand its deployed nuclear arsenal beyond the central limits of New START; however, it has not done so thus far. Moscow's posture also translates into increasing the readiness levels of its nuclear forces and conducting more frequent and publicly visible nuclear drills, such as the ones with Belarus now that involve tactical nuclear weapons and their delivery systems.<sup>41</sup> Part of Russia's BATNA could also be forming stronger strategic partnerships with other nuclear-armed states, such as China/Pakistan/India, to create a united front that may challenge U.S. position in nuclear arms control landscape and revamp the existing deterrence and arms control frameworks.<sup>42</sup>

The U.S. BATNA is continuing to support Ukraine's defense despite Russia's protest. Additionally, it may also seek to expand its nuclear arsenal in the absence of a New START Treaty, in the interest of maintaining a sufficient arsenal to deter both Russia and China, which is increasing its nuclear arsenal. Such an approach has been suggested by Pranay Vaddi, the Senior Director for Arms Control, Disarmament and Nonproliferation on the U.S. National Security Council.<sup>43</sup> Complicating the U.S. BATNA is a potential victory by Donald Trump in the 2024 presidential election, which would likely increase Washington's unwillingness to adhere to New START limits and weaken U.S. support for Ukraine.

<sup>36</sup> Cordell J., “Putin submits law on suspending nuclear arms treaty”, 21 February 2023, <https://www.reuters.com/world/europe/russia-we-will-still-observe-nuclear-warhead-limits-under-new-start-2023-02-21/>.

<sup>37</sup> In 2019 and again in 2020, V. Putin proposed a moratorium on the deployment of missiles formerly banned by the 1987 Intermediate-Range Nuclear Forces (INF) Treaty (Reif K. & Bugos S. (2020), “Russia Expands Proposal for Moratorium on INF-Range Missiles”, *Arms Control Today*, <https://www.armscontrol.org/act/2020-11/news-briefs/russia-expands-proposal-moratorium-inf-range-missiles>).

<sup>38</sup> *Reuters*, “Russia says missile moratorium ‘in question’ because of US approach – RIA”, 7 May 2024, <https://www.reuters.com/world/europe/russia-says-missile-moratorium-in-question-because-us-approach-ria-2024-05-07/>.

<sup>39</sup> Fisher R., Ury W., *op. cit.*, 102.

<sup>40</sup> “BATNA Basics: Boost your Power at the Bargaining Table”, Harvard Law School, Program on Negotiation, Management report, 2012, 2, <https://www.pon.harvard.edu/freemium/batna-basics-boost-your-power-at-the-bargaining-table/>.

<sup>41</sup> *Associated Press* (2024), “Belarus launches nuclear drills a day after Russia announces them amid tensions with West”, <https://apnews.com/article/russia-belarus-nuclear-drills-ukraine-war-144422347bb168878cebc0b78071dd99#>.

<sup>42</sup> Russian political scientist Sergey Karaganov, Head of the Council for Foreign and Defense Policy, has recently been tasked by the Kremlin to explore a “Dialogue on the development of a new concept of nuclear deterrence in the quadrilateral Russia-China-India-Pakistan format.” (see <https://meduza.io/feature/2024/04/09/god-nazad-politolog-sergey-karaganov-predlozil-nanesti-preventivnyy-yadernyy-udar-po-evrope-teper-on-po-prosbe-kremlya-izuchaet-kak-mozhno-sderzhat-zapad>).

<sup>43</sup> Landay J., “Biden aide raises possible increased deployments of U.S. strategic nuclear weapons”, *Reuters*, 8 June 2024, <https://www.reuters.com/world/us/biden-aide-raises-possible-increased-deployments-us-strategic-nuclear-weapons-2024-06-07/>.



### 1.3 The Zone of Possible Agreement (ZOPA)

Even in bad times arms control should be possible if mutual benefit can be identified.<sup>44</sup> The ZOPA is the area where the negotiating parties may find common ground, compromise and strike a deal (positive bargaining zone). "If there is a set of resolutions that both parties would prefer over the impasse, then a ZOPA exists".<sup>45</sup> The ZOPA incorporates at least some of each party's ideas.<sup>46</sup>

On 2 December 2023, Russia formally rejected Sullivan's Proposal for arms control talks without preconditions, saying that

"the proposal of the U.S. Side to launch a bilateral dialogue 'to manage nuclear risks and develop a post-2026 arms control framework' is unacceptable to us. Such ideas are completely inappropriate and absolutely untimely for they cannot be considered adequate to today's realities and to the state of Russia-U.S. relations."<sup>47</sup>

Similarly, the U.S. has rejected Russia's proposal to make arms control conditional on the U.S. ending support for Ukraine. During 15 May 2024 testimony before the Senate Foreign Relations Committee, Under Secretary of State Bonnie Jenkins stated that

"Russia's reckless attempts to hold bilateral nuclear arms control hostage will not diminish our steadfast support for Ukraine and European security. We will continue to work with our Allies and partners to support Ukraine's self-defense against Russian aggression."<sup>48</sup>

Despite the intractable divide between each side regarding formal talks, a ZOPA may still exist in the area of 'damage-limitation' efforts, as Edward Ifft calls for.<sup>49</sup> Such efforts would likely not include a legally-binding treaty, given the lack of formal discussions and the low likelihood that such a treaty would garner sufficient support in the U.S. Senate.

Instead, any future arms control in the short- to medium-term would likely have to consist of reciprocal unilateral commitments, such as reaffirmation of common principles, maintaining a cap on nuclear arsenals (even if not based on a verifiable treaty), engaging in nuclear risk reduction and other confidence-building measures.

In reaffirming common principles, Russia and the U.S. could potentially recommit to the principle that "a nuclear war cannot be won and must never be fought."<sup>50</sup> They could also reaffirm their

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<sup>44</sup> Egel N. & Vaynman J. (2021), "Reconsidering Arms Control Orthodoxy", *War on the Rocks*, <https://warontherocks.com/2021/03/reconsidering-arms-control-orthodoxy/>.

<sup>45</sup> Shonk K. (2023), "How to Find the ZOPA in Business Negotiations", Harvard Law School, Program on Negotiation, <https://www.pon.harvard.edu/daily/business-negotiations/how-to-find-the-zopa-in-business-negotiations/>.

<sup>46</sup> Merino M. (2017), "Understanding ZOPA: the Zone of Possible Agreement", Harvard Business School Online's Business Insights Blog, <https://online.hbs.edu/blog/post/understanding-zopa>.

<sup>47</sup> Flatoff L. and Kimball D., "Russia Rejects New Nuclear Arms Talks", *Arms Control Today*, March 2024, <https://www.armscontrol.org/act/2024-03/news/russia-rejects-new-nuclear-arms-talks>.

<sup>48</sup> Under Secretary of State Bonnie Jenkins, Testimony Before the Senate Foreign Relations Committee: The Future of Arms Control and Deterrence, 15 May 2024, <https://www.state.gov/testimony-before-the-senate-foreign-relations-committee-the-future-of-arms-control-and-deterrence/>.

<sup>49</sup> Ifft E. (2023), "Beyond New Start: Addendum", Hoover Institution, <https://www.hoover.org/research/beyond-new-start-addendum>.

<sup>50</sup> US-Russia Presidential Joint Statement on Strategic Stability, 16 June 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/16/u-s-russia-presidential-joint-statement-on-strategic-stability/#:~:text=Today%2C%20we%20reaffirm%20the%20principle,wil%20be%20deliberate%20and%20robust.>

# MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS

“special responsibility” for “maintaining peace”<sup>51</sup> and their mutual objective of avoiding nuclear war, in line with the 1973 U.S.-Soviet Agreement on the Prevention of Nuclear War. Finally, the two sides could reaffirm the zero-yield moratorium on nuclear explosive testing.

Beyond principles, Russia and the U.S. may be able to agree implicitly on maintaining the central deployment limits<sup>52</sup> of the New START Treaty.<sup>53</sup> Given the current impasse in talks, this could not take the form of the treaty; rather, it could involve GRIT-inspired<sup>54</sup> reciprocal unilateral arms control measures, possibly under ‘executive order’ at the presidential level, following the model of the Presidential Nuclear Initiatives (PNI) in 1992.<sup>55</sup> Such a reciprocal unilateral arrangement (‘gentleman’s agreement’<sup>56</sup>) could be verified with national technical means of intelligence.

Albeit unlikely in the current environment, the U.S. and Russia may also be able to find agreement in the area of nuclear risk reduction<sup>57</sup> and reducing strategic unpredictability, the minimum floor on which dialogue should be based, according to UNIDIR.<sup>58</sup>

Finally, both sides could commit to “prudent”<sup>59</sup> self-restraint measures, in particular with respect to dangerous military incidents and their de-escalation so that eventual incidents do not ratchet up tensions even more; curtailment of certain forms of observable military activity such as no heavy bombers overflight in border vicinity, surprise major exercises, something that Russia already asked in its Proposals on Security Guarantees to the United States and NATO in December 2021.<sup>60</sup> Such voluntary unilateral self-restraint measures may work only when there is reasonable expectation that the other party will reciprocate. In time of mistrust and hostility, “preserving or embedding restraint”<sup>61</sup> might be of little incentive and can attract accusation of weakness and naivety.

## 1.4 Creating value: Possible Options for Mutual Gain

<sup>51</sup> Joint Soviet-United States Statement on the Summit Meeting in Geneva, 21 Nov. 1985, <https://www.reaganlibrary.gov/archives/speech/joint-soviet-united-states-statement-summit-meeting-geneva>.

<sup>52</sup> 1,550 warheads and the 700 delivery vehicles (missiles and bombers) on which they are deployed.

<sup>53</sup> As suggested by Kimball D. G., “Countering Nuclear Extremism With Prudent Restraint”, *Arms Control Today*, June 2023, <https://www.armscontrol.org/act/2023-06/focus/countering-nuclear-extremism-prudent-restraint>.

<sup>54</sup> Graduated Reciprocation in Tension-reduction (GRIT) refers to “unilateral acts of a tension-reducing nature” that induce the other side to reciprocate (Osgood C. E. (1960), “A Case for Graduated Unilateral Disengagement”, *Bulletin of the Atomic Scientists*, 16(4), 131; see also Bidgood S. (2021), “Just GRIT and Bear It: A Cold War Approach to Future US-Russia Arms Control”, *The International Spectator*, 56(1), 1-19).

<sup>55</sup> Corin E. (2004), “Presidential Nuclear Initiatives: An Alternative Paradigm for Arms Control”, Report, Nuclear Threat Initiative (NTI), <https://www.nti.org/analysis/articles/presidential-nuclear-initiatives/>. In the early 1980s, under the Reagan administration, tacit understandings or reciprocal unilateral reductions with the Soviet Union were, at some point, considered by experts preferable to treaties as a way of curbing the nuclear arms race (Trimble P. R. (1989), “Arms Control and International Negotiation Theory”, *Stanford journal of international law*, 25 (2), 546). In the late 1980s and early 1990s, the Bush Administration successfully promoted unilateral reductions, especially in non-strategic nuclear weapons, with reciprocation from the Soviet Union under Mikhail Gorbachev and later from Russia under Boris Yeltsin (Evans D. (2021), “Strategic Arms Control Beyond New START. Lessons from Prior Treaties and Recent Developments”, National Security Report, Johns Hopkins University Applied Physics Laboratory, 62, <https://www.jhuapl.edu/sites/default/files/2022-12/BeyondNewStart.pdf>).

<sup>56</sup> Rogers J., Korda M. & Kristensen H. M. (2022), “Nuclear Notebook: The long view—Strategic arms control after the New START Treaty”, *Bulletin of the Atomic Scientists*, 78(6), 352, <https://thebulletin.org/premium/2022-11/nuclear-notebook-the-long-view-strategic-arms-control-after-the-new-start-treaty/>.

<sup>57</sup> Wan W. (2023), “Wither Nuclear Risk Reduction?”, in Davis Gibbons R. *et al.*, “The Altered Nuclear Order in the Wake of the Russia-Ukraine War”, American Academy of Arts & Sciences, 37-60, [https://www.amacad.org/sites/default/files/publication/downloads/2023\\_Promoting-Dialogue\\_Altered-Nuclear-Order.pdf](https://www.amacad.org/sites/default/files/publication/downloads/2023_Promoting-Dialogue_Altered-Nuclear-Order.pdf).

<sup>58</sup> Wan W. (Ed., 2020), “Nuclear Risk Reduction. Closing Pathways to Use”, United Nations Institute for Disarmament Research (UNIDIR), 91, <https://unidir.org/files/2020-06/Nuclear%20Risk%20Reduction%20-%20Closing%20Pathways%20to%20Use.pdf>.

<sup>59</sup> *Idem*.

<sup>60</sup> Draft Treaty between The United States of America and the Russian Federation on security guarantees, 17 Dec. 2021, Art. 5, [https://mid.ru/ru/foreign\\_policy/rso/nato/1790818/?lang=en](https://mid.ru/ru/foreign_policy/rso/nato/1790818/?lang=en).

<sup>61</sup> Wan W., “Nuclear Risk Reduction. Closing Pathways to Use”, *op. cit.*, 185.

## MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS

For Fisher and Ury, mutual gains mainly correspond to both parties' shared interests. But even apart from these shared interests, there almost always exists the possibility of mutual gain. "This may take the form of developing a mutually advantageous relationship, or of satisfying the interests of each side with a creative solution."<sup>62</sup> Therefore, we tried to look at shared interests or, when the parties' interests differ, seek options whereby those differences can be made compatible or even complementary. We looked at proposals that are appealing to the other side's self-interest and with which it would ultimately find ease in agreement.

The areas of overlapping interest ("win/win") that may be used to move forward would be the following:

- Restoring dialogue;
- Reducing risks;
- Return to predictability;
- Generate momentum for additional negotiation.

Based on these overlapping interests, the U.S. and Russia could explore bundling options into multiple packages (alternatives). In the past, the bilateral arms control framework has benefitted from maintaining separate tracks for specific categories of weapons, as exemplified by concurrent negotiations that eventually led to START I and the INF Treaty. Russia's Deputy Foreign Minister Ryabkov highlighted that Russia is open to considering different treaties with separate legal frameworks, as opposed to a singular comprehensive treaty.<sup>63</sup>

### 1.5 External influencing factors

"Every arms control issue is linked, in fact or in perception, to numerous other domestic and international issues".<sup>64</sup> The bilateral relationship between the United States and Russia is critical to the world.

- **The Russo-Ukrainian conflict** adds to the uncertainty of future arms control negotiations and will largely shape the appetite for, and determine the scope of, any future bilateral negotiations, as Pugwash experts recently assessed.<sup>65</sup> It is certainly not the first time that the U.S. and Russia negotiate in parallel with ongoing hostilities. A climate of confrontation is not *per se* an obstacle to arms control talks.<sup>66</sup> The longer the conflict continues, however, the worse the prospects for finding a constructive *modus vivendi* between the West and Moscow become. Conversely, the launch of talks to settle it could help open the door to dialogue on arms control.
- Although **China** was equally included in Sullivan's initiative, we consider this major power only as an external factor in our analysis. Experts have suggested to expand the bilateral discussions and include China in the next nuclear arms reduction framework.<sup>67</sup> Negotiations on a new arms control

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<sup>62</sup> Fisher R., Ury W., *op. cit.*, 71.

<sup>63</sup> Interview with Nikolai Sokov.

<sup>64</sup> Allison G. & Carnesale A. (1987), "Can the West Accept Da for an Answer?", *Daedalus*, 116(3), 78.

<sup>65</sup> Pugwash, Istanbul workshop on Strategic Arms Control, 26 April 2024, <https://pugwash.org/2024/04/26/istanbul-workshop-on-strategic-arms-control/>.

<sup>66</sup> Troitskiy M. (2020), "Why US-Russian arms control can succeed even in a climate of confrontation", *Bulletin of the Atomic Scientists*, 76(2), 91–96.

<sup>67</sup> See Lawlor W. (2023), "United States and Russia Cooperation in Strategic Arms Reduction and Nonproliferation", US Naval War College, 7, <https://apps.dtic.mil/sti/trecms/pdf/AD1211038.pdf>.

# MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS

framework to replace the New START treaty with Russia “will need to account for the PRC’s nuclear expansion,” according to the U.S. 2022 Nuclear Posture Review.<sup>68</sup> At present, Beijing has “little political will to engage in substantive measures to limit China's capabilities and growth,”<sup>69</sup> despite starting bilateral arms control discussions with the U.S. in November 2023. Should China change its current policy of eschewing arms control, it could create a more conducive environment for talks between Moscow and Washington. On the other hand, further expansion of the Chinese nuclear arsenal could increase the likelihood of Russia and the U.S. engaging in an arms race, further dampening potential for arms control with Russia. “In addition to the general unfavorable situation for arms control, there are no longer two players here, but at least three, which, of course, makes diplomatic work very difficult”, Alexei Arbatov, member of the Russian Academy of Sciences recently acknowledged without excluding negotiations in ‘trilateral format’ in some specific aspects of nuclear arms control.<sup>70</sup>

- **The cohesion of the Atlantic Alliance** will certainly influence U.S.’s approach, especially if Moscow insists to expand the negotiation to non-nuclear issues. Some Allies’ specific sensitivity (Nordic models for mediation and conflict resolution) might help to find a path for compromise.
- **Involvement of other P5 countries.** Cooperation efforts between the U.S. and Russia can be further extended to this “nuclear club” which could serve as an effective platform to reach a deal<sup>71</sup> in line with Article VI of the NPT, including for risk reduction measures. The 1973 Agreement on Prevention of Nuclear War could be ‘multilateralized’, and the January 2022 statement that a nuclear war cannot be won and must never be fought reaffirmed. European states France and UK could play a meaningful role, for instance in declaring that they will not increase their nuclear arsenals as long as the two nuclear superpowers do not deploy additional nuclear warheads.<sup>72</sup> Their involvement has been and may still be a Russian requirement.<sup>73</sup> Notably, however, an adviser to Russian Foreign Minister Sergei Lavrov has rejected engaging in strategic stability discussions with the U.S., including in the P5 format.<sup>74</sup>
- Possible push from the “Global South” (non-nuclear weapons states within Non-Proliferation Treaty; countries with a specific nuclear-related history and sensitivity such as Japan) in favor of a more productive interaction between the U.S. and Russia; however, E. Ifft seems doubtful about their capacity to influence the negotiation.<sup>75</sup>

## 2. Balancing Issue-Linkage and Compartmentalization in Russia-U.S. Arms Control Discussion:

<sup>68</sup> Kerr P. K. (2022), “2022 Nuclear Posture Review”, Congressional Research Service, 2, <https://crsreports.congress.gov/product/pdf/IF/IF12266>.

<sup>69</sup> Tong Zhao, Expert in China’s nuclear policy at the Carnegie Endowment for International Peace, quoted by Hammer M. (2023), “The Collapse of Global Arms Control”, *Time Magazine*, <https://time.com/6334258/putin-nuclear-arms-control/>.

<sup>70</sup> «Эта ситуация чревата новой гонкой ракетных вооружений», interview with Elena Chernenko for *Kommersant*, 22 April 2024, <https://www.kommersant.ru/amp/6662773> (we translate).

<sup>71</sup> Interview. The interviewed expert, who wished to remain anonymous, alluded to, however, a notable divergence between the P5 members, with the US, France and UK focusing primarily on confidence-building and arms control, whereas Russia is prepared to expand the agenda and discuss more strategic steps.

<sup>72</sup> Neuneck G. (2019), “The Deep Crisis of Nuclear Arms Control and Disarmament: The State of Play and the Challenges”, *Journal for Peace and Nuclear Disarmament*, 2(2), 446.

<sup>73</sup> Nikitin A. (2023), “Finish of the START: Prospects for the Future Nuclear Arms Control”, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4484318](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4484318).

<sup>74</sup> *Sputnik*, “Russia not ready to discuss strategic stability with United States”, 9 February 2024, <https://www.kbc.co.ke/russia-not-ready-to-discuss-strategic-stability-with-united-states/>.

<sup>75</sup> Ifft E., “Beyond New Start”, *op. cit.*, 7.

# MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS

## Mission Impossible?

'Compartmentalization' (or 'separation of issues', as T. Countryman recommends to use instead) refers to insulating nuclear arms control issues from other prominent bilateral issues.

During the course of history, Washington and Moscow have found a way to separate issues, to keep the imperative of avoiding the existential threat of nuclear war separate from all the other bilateral tensions. The Cold War comparison suggests that competitors can work toward mutual military restraint. As during this period, a basic international order should also exist to facilitate cooperation on problems that are common to humanity (arms control, global public health, and other issues).<sup>76</sup> The Cuban missile crisis triggered the start of a dialogue between the two nuclear powers. And it was less than a month after the brutal military suppression of the Prague Spring by the Warsaw Pact States in August 1968, that the Finnish Government, in a memorandum dated 5 May 1969, called upon all European states and also the United States and Canada to make their position known regarding the idea of holding an all-embracing conference on European security which, after two years of discussion and substantive work, would end up on 1 August 1975 with the Helsinki Final Act. In 1972, the United States and the USSR agreed to the Anti-Ballistic Missile Treaty and Strategic Arms Limitation Treaty, even as the war in Vietnam featured American soldiers being killed by Soviet-supplied weaponry. Likewise, high-level summits concerning arms control occurred even amid the Soviet War in Afghanistan, during which U.S.-supplied weapons killed Soviet soldiers. Even since 2014 and the annexation of Crimea, as politicians and pundits proclaimed a return to the Cold War, the gears of cooperation continued to grind; for instance when Washington and Moscow continued to cooperate on New START implementation, chemical weapons disarmament in Syria,<sup>77</sup> negotiations over Iran's nuclear program and the JCPOA, and on cutting their arsenals at home. Major differences over Syria, for instance, did not stop the United States and Russia from agreeing to an Air Safety Protocol to reduce the risk of air collisions and conflict between Russian and U.S.-led coalition aircraft over Syrian territory.

The U.S. 2023 proposal for initiating a dialogue adopts a similar approach. In his speech, the National Security Adviser alluded to "an era where nations could compartmentalize the issues of strategic stability, even if they couldn't cooperate on much anything else. An era where adversaries could disagree and debate across basically every domain, but could always find ways to work together to limit nuclear risks." However, Russia has explicitly rejected it in the current context. As hammered by Russian Deputy Foreign Minister Sergey Ryabkov, Moscow cannot "discuss arms control issues in the mode of so-called compartmentalization, which means singling out from the whole range of issues some pressing ones which are of interest to the United States, and pushing to oblivion or taking off the table other points that are theoretically as important to Russia as those of interest to the Americans."<sup>78</sup> In general, Russia seems to have ceased to compartmentalize nuclear arms control from the Ukraine context, therefore imitating a practice initiated by the U.S., when it left the SSD in February 2022.<sup>79</sup> President Putin has made it clear, publicly and privately,

<sup>76</sup> Carlson B. G. (2023), "China, Russia, and the Future of World Order", Chap. 1 in Carlson B. G. & Thränert O., "Strategic Trends 2023", Zürich, Center for Security Studies, 34, [www.css.ethz.ch/publications/strategic-trends](http://www.css.ethz.ch/publications/strategic-trends).

<sup>77</sup> Notte H. (2020), "The United States, Russia, and Syria's chemical weapons: a tale of cooperation and its unravelling", *Nonproliferation Review*, 27(1-3), 201-224.

<sup>78</sup> Tass, "Russia not ready to conduct arms control dialogue in manner suggested by US — MFA", 21 July 2023, <https://tass.com/politics/1650391>.

<sup>79</sup> Vienna Center for Disarmament and Non-Proliferation (VCDNP) (2023), "Challenges and Prospects for Further US-Russian Nuclear Arms Control", 8 Febr. 2023, <https://vcdnp.org/further-us-russian-nuclear-arms-control/>; Notte H. (2023), "US-Russia Relations Can Still Get Worse", *War on the Rocks*, 22 Feb. 2023, <https://warontherocks.com/2023/02/u-s-russian-relations-can-still-get-worse/>.

that his administration was not prepared to isolate different issues. Russia might only be willing to discuss the 'big picture' of European security (a future European security architecture) and is not likely to de-link nuclear issues from this broader issue.<sup>80</sup>

### **3. Domestic political processes as factors of uncertainty**

In defining *How nations negotiate*, Fred Iklé adverts to the relevance of domestic affairs in international negotiations.<sup>81</sup>

In the U.S., the uncertainty triggered by the 2024 presidential elections is not helpful. This creates the likelihood that next year will be unassertive, with the two sides likely to fritter away time until about the middle of 2025 when they would then decide to get serious.<sup>82</sup> The electoral campaign might also make President Biden's position less flexible. Growing political polarization will likely tie Washington's hands, infusing any arms control agreements with partisan controversy, minimizing the likelihood of treaty ratification, and calling into question the United States' reliability as a diplomatic party. Russia is closely observing political developments in the US. Moscow traditionally prefers to wait for potential changes in administration, and might anticipate a more favorable deal, thus adopting a waiting stance.<sup>83</sup>

The domestic situation in Russia remains relatively stable, especially considering that President Putin secured his fifth term in the March presidential elections. Consequently, the likelihood of a significant shift in Russia's stance on arms control appears minimal, even in the face of unexpected events like Prigozhin's unsuccessful coup. What truly matters domestically in Russia is a different story. On the domestic front, much hinges on Ukraine. If Russia perceives a loss in the context of Ukraine, it may be more inclined to fully commit to nuclearization. Conversely, if Moscow senses some degree of victory, there might be a greater emphasis on investments in infrastructure and less on nuclear development<sup>84</sup>.

### **4. Lessons learned and recommendations**

The outlook for arms control negotiations between Russia and the US is not promising. Even with optimism, it is difficult to see a path forward. Is Russia's current rejection of the U.S. offer proposal merely a tactical move, a way of strengthening Russia's bargaining position in anticipation of an eventual compromise settlement? The current situation over nuclear arms control takes the appearance of a war of attrition—one side, Russia, holding out despite the costs of arms race, because it thinks the US will have to "back down" first and the diplomatic and strategic benefits will be worth the costs in the end. Without resolving the Ukrainian conflict, it is hard to imagine progress in these areas.

However, here are a few principles we believe both parties should keep in mind in order to mitigate nuclear risks and begin fostering mutual confidence in the current political climate.

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<sup>80</sup> Interview with Hanna Notte.

<sup>81</sup> Iklé F. C. (1964), "How nations negotiate", New York: Harper & Row, 122.

<sup>82</sup> Interview with Edward Ifft.

<sup>83</sup> Interviews with Nikolai Sokov and James Alberque, the latter considering it as a short-term view.

<sup>84</sup> Interview with Dmitry Stefanovich.

**Trust is key**

A minimal level of trust is needed to enter into negotiations. Relations between the United States and Russia are “below zero”, as the Kremlin spokesperson D. Peskov recently said.<sup>85</sup> This is a difference with the 70s, when decision-makers on both sides desired to promote detente between their two countries. Even the atmosphere marked by mutual suspicion in which the START discussion opened in Geneva in June 1982<sup>86</sup> can in no way be compared to the current climate of profound hostility and mutual disdain. Actually, “all the treaties from START through New START were signed at a time when the United States expected a gradual, although perhaps not monotonic, improvement in relations with Russia and a gradual reduction in the importance of nuclear weapons to international security. These treaties were also designed to help reinforce such a desirable trend.”<sup>87</sup> The situation we live is therefore an exception and a “*première*” in the history of arms control.

In theory, bad relations among the big powers makes arms control more important and more worthwhile. In practice, high mistrust or suspicion can make it impossible to reach an agreement. The inherent 'bad faith' image that each party has one from each other might limit willingness for reciprocity,<sup>88</sup> hence annihilating any GRIT approach.

**Bureaucracy alignment rather than big announcement**

A public announcement does not make a deal. And the lack of follow-up in six months, if not “inexcusable” as D. Kimball, executive director of the Arms Control Association (ACA) advocacy group, coined it,<sup>89</sup> at least reflects some degree of unpreparedness and internal hesitation. Rather than immediately making a public offer without being sure that the other party will be able to accept it, we recommend a slow and methodic bureaucracy alignment behind the stage, with a clear timeframe, before going public.

<sup>85</sup> Faulconbridge G. (2023), “Russian nuclear submarine test launches Bulava intercontinental missile”, *Reuters*, <https://www.reuters.com/world/europe/russias-new-nuclear-submarine-test-launches-bulava-missile-white-sea-2023-11-05/>.

<sup>86</sup> Atique F. (1985), “Soviet-American Arms Control Negotiations”, *Pakistan Horizon*, XXXVIII(2), 98.

<sup>87</sup> Evans D., *op. cit.*, 13.

<sup>88</sup> See Evangelista M. (1990), “Cooperation Theory and Disarmament Negotiations in the 1950s”, *World Politics*, 42(4), 504.

<sup>89</sup> Quoted by Landay, *op. cit.*

# MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS

## A more holistic approach to arms control

The 2023 White House initiative might retrospectively appear a bit “out of date” considering what seems to be the new trend in arms control: “an agenda less preoccupied with formal legal agreements and focused on confidence-building, crisis management, rules of the road, informal measures, and dialogue”, i.e. “all forms of military cooperation between potential adversaries.”<sup>90</sup>

Future talks might include for instance conventional arms control, emerging technologies, new/ “exotic” systems, missile defense,<sup>91</sup> early warning and nuclear command and control, risk reduction mechanism, space systems, cyber threats, and artificial intelligence. “The presence of additional issues transforms a basically zero-sum distributive game with no zone of agreement into a non-zero-sum integrative game in which both sides can benefit simultaneously.”<sup>92</sup> ‘Building blocks’ provides each party with more flexibility, the elements of each being shuffled into various combinations and packages, with possible trade-offs between different pillars. It also corresponds to the Mutual Gains Approach (MGA) to Negotiation<sup>93</sup> which suggests that parties can achieve better agreements by transforming single-issue negotiations into multiple-issue negotiations. It corresponds to the Russian approach, in which any new agreement should cover everything that “influences strategic stability”, including “nuclear and non-nuclear weapons, offensive and defensive weapons”.

## Adopt unilateral constraints

A practical, compromise measure could be exploring comparable unilateral actions for both states that match the constraints of New START or any other optimally agreed-upon levels that aim at generating similar benefits for the two states. Such steps, if they are pledged in a somewhat transparent manner, could help to preserve strategic stability.

<sup>90</sup> Acton J. M., MacDonald T. & Vaddi P. (2020), “Revamping Nuclear Arms Control: Five Near-Term Proposals”, Carnegie Endowment for International Peace, iii, <https://carnegieendowment.org/2020/12/14/revamping-nuclear-arms-control-five-near-term-proposals-pub-83429>.

<sup>91</sup> Erästö T. & Korda M. (2021), “Time to factor missile defence into nuclear arms control talks”, Stockholm International Peace Research Institute (Sipri), <https://www.sipri.org/commentary/topical-backgrounders/2021/time-factor-missile-defence-nuclear-arms-control-talks>.

<sup>92</sup> Downs G. W., Rocke D. M. & Siverson R. M. (1986), “Arms Race and Cooperation”, in Oye K. A., “Cooperation under Anarchy”, Princeton University Press, 127; see also Siebert E. C. & Herbst U. (2021), “New Perspectives on Issue Analysis— One-Sided Preferences as a Strategic Source in Multi-Issue Negotiations”, *Negotiation Journal*, 37(4), 485-518.

<sup>93</sup> The Consensus Building Institute, “CBI's Mutual Gains Approach to Negotiation”, <https://www.cbi.org/article/mutual-gains-approach/>.



## **MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS**

### **Engage within the P5**

Leveraging the U.S.'s readiness for multilateral dialogue and Russia's current chairpersonship of the P5, initiating discussions within this framework appears strategic for both states.

### **Reaffirm existing nuclear testing moratoria**

Both countries should publicly reaffirm their commitment to the nuclear testing moratorium without preconditions to trigger confidence-building. Furthermore, since both countries are now mere signatories of the CTBT, following Russia's de-ratification last year, there is a new opportunity for them to engage on an equal footing. Revisiting this issue could represent a straightforward achievement, given their existing moratoria, and might prove less contentious than arms reduction discussions. The CTBTO can serve as a beneficial platform for such engagement, as both nations have been supporting the treaty and its overseeing organization politically, technologically, scientifically, and financially, despite not ratifying the treaty.

### **Implement confidence-building measures**

Confidence-building steps such as announcing missile tests in advance or re-establishing military-to-military communications channels, would be necessary to ease tensions and to provide a good foundation for discussions. Propose scheme to relief the tension with such measures as information exchange on strategic assets or military drills. This approach can mitigate misunderstandings, demonstrate a commitment to transparency, and help prevent miscalculations or misconceptions that could escalate tensions.

### **Secure space for peace**

As the debate on the militarization of space and the possibility of deploying nuclear weapons in orbit rages on, countries are encouraged to remain open communication channels on this issue and develop joint measures that address these concerns. States should reiterate their adherence to the Outer Space Treaty and collaboratively ensure that space remains a domain dedicated to peaceful exploration. Given the technological

**MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS**

advancements since the Outer Space Treaty's inception, both countries could lead a multilateral effort to revise or establish new regulations in the spirit of the original treaty, ensuring they accurately reflect current technological capabilities and addressing existing gaps on critical issues such as space debris management, resource extraction, and the weaponization of space.

**Encourage track 1.5/2 dialogues**

Encourage quiet diplomacy and Track 1.5/2 dialogues led by the experts and former officials. Such formats are beneficial not only in discovering the common interests and exploring the creative ways of solving problems without the media attention, but also in laying the groundwork for the formal negotiations. Additionally, in the context of President Putin's willingness to engage on strategic stability through the MFA and MoD as channels of communication, it is advisable to support these remaining communication channels.

**Ensure meaningful participation of experts from both sides**

Due to limited avenues for communication, the development of people-to-people contacts at various, and notably at lower levels becomes essential. Open up space for more effective dialogue on all levels of engagement and getting the relevant stakeholders on board could help in filling the understanding gaps, make the dialogues more meaningful and boost confidence.

# **MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS**

## **Interviewed Persons**

**William Alberque**, Director of Strategy, Technology and Arms Control, International Institute for Strategic Studies (14 Dec. 2023)

**Elena Chernenko**, Special Correspondant, *Kommersant*, Moscow (13 Nov 2023)

**Paolo Cotta-Ramusino**, Secretary General of Pugwash Conferences on Science and World Affairs (12 Dec. 2023)

**Thomas Countryman**, Chairperson, Arms Control Association (29 Sept. 2023)

**James Goodby**, Annenberg Distinguished Visiting Fellow, Hoover Institution (9 Nov 2023)

**Edward Ifft**, Distinguished Visiting Fellow, Hoover Institution (6 Nov. 2023)

**Daryl Kimball**, Executive Director, Arms Control Association (10 Oct. 2023)

**Hanna Notte**, Director of the Eurasia Nonproliferation Program, James Martin Center for Nonproliferation Studies (6 Oct. 2023)

**Steven Pifer**, Non-resident Senior Fellow in the Arms Control and Non-Proliferation Initiative, Strobe Talbott Center for Security, Strategy, and Technology, Brookings Institution (10 Oct. 2023)

**Nikolai Sokov**, Senior Fellow, Vienna Center for Disarmament and Non-Proliferation (27 Oct 2023)

**Dmitry Stefanovich**, International Affairs Council Expert and non-resident Fellow with IFSH Hamburg (23 Nov 2023)

**James Timbie**, Annenberg Distinguished Visiting Fellow, Hoover Institution (6 Nov. 2023)

**Bruce Turner**, U.S. Permanent Representative to the Conference on Disarmament (17 May 2024, in the margins of the ACONA Conference in Reykjavik).

# MEMORANDUM: ONE YEAR AFTER JAKE SULLIVAN'S ACA SPEECH: THE WHITE HOUSE ARMS CONTROL INITIATIVE THROUGH HARVARD'S NEGOTIATION LENS

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