



**STRATEGY
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**NATIONAL MISSILE DEFENSE AND THE
ANTI-BALLISTIC MISSILE TREATY**

BY

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ABSTRACT

AUTHOR: ELTON C. BRUCE (LTC), USA

TITLE: NATIONAL MISSILE DEFENSE and the ANTI-BALLISTIC MISSILE TREATY

FORMAT: Strategy Research Project

DATE: 7 March 1997 PAGES: 28 CLASSIFICATION: UNCLASSIFIED

The Anti-Ballistic Missile Treaty (ABM), signed by the United States and the Soviet Union in 1972, has for twenty-four years served as a pillar for nuclear deterrence. Under this treaty both Cold War powers agreed to leave their population centers vulnerable to strategic nuclear missile strike by limiting the number of anti-ballistic missile sites. In the Post Cold War, the United States is clearly the only remaining superpower, however, Russia continues to possess its nuclear arsenals. Under the Strategic Arms Reduction Treaty (START) I and II, the United States and Russia have agreed to reduce their ballistic missile arsenals and no longer target the other's homeland. Although START will reduce the largest nuclear arsenals existing in the world today, the perception of a ballistic missile strike against the United States' homeland by a rogue state has intensified debate over employing National Missile Defenses which are not ABM Treaty compliant. The ABM Treaty prohibits multiple National Missile Defense sites. This study will address the ABM Treaty and National Missile Defense issues by analyzing the emerging missile threat along with other pertinent arms control issues; the conclusion being that by year 2010 the United States will no longer adhere to the ABM Treaty.

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By the year 2010, the United States will no longer adhere to the Anti-Ballistic Missile (ABM) Treaty. This Cold War agreement, signed in 1972, will become an impediment to the United States' ability to employ a credible National Missile Defense to safeguard its homeland against strategic missile attack. Although the United States has not fielded its National Missile Defense system, limitations placed on it by the ABM Treaty will surely intensify debate over the quality and effectiveness of the system being fielded. The requisite elements which will cause the United States to no longer adhere to the treaty by year 2010 include a clearly definable missile threat to both Russia and the United States, reduction of United States and Russian strategic ballistic missiles capability, and realization by both countries that by year 2010 deterrence solely based on "Mutual Assured Destruction" (MAD) is unrealistic when dealing with irrational regimes.

In 1991, Congress passed the Missile Defense Act. This Act included language that established a goal for the United States to "deploy an anti-ballistic missile system, including one or an adequate additional number of anti-ballistic missile sites and space-based sensors, capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles, including accidental or unauthorized launches or Third World attacks."¹ Because the Clinton Administration opposed this language, Congress inserted a provision which required the deployed system to be compliant with the Anti-Ballistic Missile Treaty.² The deployment of this system was to be the "... earliest date allowed by availability of appropriate technology or by fiscal year 1996...."³

BACKGROUND

"The Anti-Ballistic Missile Treaty allows, but limits, deployment of fixed land based anti-ballistic missile systems and components based on anti-ballistic missiles, launchers, and radars. Anti-Ballistic Missile components based on future technology, if fixed and based on land, may be tested but may not be deployed. The Treaty prohibits development, testing, and deployment of space-based and other mobile anti-ballistic missile systems and components, whatever the technology. This latter provision was based on the theory that anti-ballistic missile efforts in new environments should be prohibited at the earliest stage of the development cycle monitorable by national technical means (NTM)."⁴

The intent of the Anti-Ballistic Missile treaty was to limit the ability of the United States and the Union of Soviet Socialist Republic (USSR) to defend themselves against a strategic ballistic missile strike. Instead of negotiating a deterrence based on missile defense, the parties agreed to leave their population centers vulnerable to strikes by ballistic missiles. This agreement was based on an assumption that missile defense could lead to an offensive/defensive build-up, which the offense certainly would have the advantage in winning. With this as a basic principle of the ABM Treaty, it was assumed that populations left unprotected to retaliatory ballistic missile strikes would certainly deter any rational nation from launching the first strike.⁵ "The resultant vulnerability has been termed mutually assured destruction (MAD)."⁶ MAD can be described as the premise which stabilized the nuclear arms race between the United States and the Soviet Union.⁷

In 1972 when this agreement was signed, the United States and the Union of Soviet Socialist Republic were the dominant world powers that possessed the technology and resources to build nuclear weapons. During this period, other countries had inferior capability to produce nuclear weapons, therefore not posing a major threat to either super power. Some twenty-four years later, the Cold-War is over and the nuclear threat environment is much different. The United States is now the only super power in the world; however, the nuclear threat has intensified because of the increased availability of the technology to build and/or purchase sophisticated delivery systems for nuclear weapons. Such technology is available to those governments which can afford it and also to those non-governmental groups that can acquire it by any means necessary.

THE EMERGING MISSILE THREATS TO THE UNITED STATES HOMELAND

The United States in the post Cold War clearly faces a diminished threat of nuclear attack by the former Soviet missile forces. However, the debate over a rogue state missile attack on the United States has intensified after the Gulf War even though the threat is not clearly definable for the future. On 24 February 1993, James Woolsey, Central Intelligence Agency (CIA) Director, set the stage for the future missile threat against the homeland in two statements he made before the Senate Governmental Affairs Committee: "... After the turn of the century, some countries that are hostile to the United States might be able to acquire ballistic missiles that could threaten the Continental United States. We can't give you a precise date --

whether it's eight years or ten years or fifteen years from now -- by which that might occur."⁸ He continued to set the tone by addressing acquisition of these ballistic missiles by Third World Countries: "... A shortcut approach ... would be for such Third World Countries to buy ICBMs or major components covertly together with suitable nuclear warheads or fissile materials. Anything such as that would, of course, speed up ICBM acquisition by such nations."⁹

Dr Keith B. Payne, President, National Institute For Public Policy, and Adjunct Professor at Georgetown University wrote that " By the end of the 1990s, 20 or more developing countries could acquire missiles overtly or covertly."¹⁰ North Korea, for example, not only developed missiles capable of carrying warheads great distances but also have sold modified Scud missiles capable of delivering nuclear, biological or chemical warheads and seeks international sales of its 1000 - 1300 km range No-Dong 1 missile. "North Korea may already have concluded agreements to provide the No-Dong 1 to Iran, and to assist Iran in the construction of missile production facility. Libya and Syria also have indicated an interest in the No-Dong 1, and Libya is reported already to have concluded an agreement to purchase either the missile, related technologies, or both. If North Korea, Iran and North African countries ultimately possess the No-Dong 1, cities in Japan, France, Italy, Greece, and Turkey could be under the potential threat of missiles armed with WMD."¹¹ This would clearly be a threat to the United States vital interests.

North Korea also has in development at least two additional missiles with ranges well beyond that of the No-dong 1. Publicly these new two-stage missiles are

known as the Taepodong-1 and Taepodong-2. Unofficial sources have estimated the potential range of the Taepodong-1 as approximately 2000 km, while estimates of Taepodong-2's potential range vary from 3500 km to 9600 km. According to public statements by U.S. intelligence officials, these weapons could threaten, all of North-east Asia, Southeast Asia, much of the Pacific area, and even most of Russia if launched from North Korea.¹²

The National Intelligence Estimate (NIE) of the future missile threats to the homeland reported that Russia and China are the only two countries with Inter-Continental Ballistic Missile (ICBM) arsenals capable of delivering nuclear warheads against the United States. The NIE further stated that China long range systems are aimed at the United States and that China probably has plans to update and increase the number of missiles deployed.¹³ This assessment also highlights the point that several countries other than Russia and China have ballistic missile development programs to serve their regional goals.¹⁴

There are seven key points to the National Intelligence Estimate:

- The contiguous 48 states will not face a missile threat for 15 years.
- North Korea is developing a missile called Taepodong-2 that may have a range sufficient to reach Alaska, some United States territories in the Pacific and the far western edge of the Hawaiian Island chain.
- Other countries hostile to the United States have no technical capability to develop an Inter-Continental Ballistic Missile within the next 15 years.
- Within the next 5 years countries that have developed space launch vehicles, such as France, Japan, Israel or India could develop an Inter-Continental Ballistic Missile.

- Exportation of both missile and technology can impact the developmental speed of a missile program.
- Countries with Inter-Continental Ballistic Missiles will not sell them.
- By 2005, several countries will acquire land-attack cruise missiles to support regional goals.¹⁵

The Central Intelligence Agency reported that "A number of non-North Atlantic Treaty Organization (NATO) countries were identified as having either the motivation or the development capability to produce ICBMs. Out of these, only four Iran, Iraq, North Korea, and Libya have the political support or motivation to undertake an ICBM program to strike CONUS and, with the exception of Libya, also have the technical capability to indigenously develop an ICBM within 15 years. However, for different reasons, including political and economic, the probability is low that any of these four will complete development in that time."¹⁶

<u>Nations That Have Nuclear Arsenals</u>	
Number of nuclear weapons, including those mounted as warheads and those in reserve by nation	
<u>Major Powers</u>	<u>Weapons</u>
Russia	24,000
United States	10,500
France	450
China	400
Great Britain	200
Others(note1)	
Israel	100
India	15 to 25
Pakistan	8 to 12
(note 1) Do not acknowledge nuclear arsenals. Source: National Resource Defense Council ¹⁷	

figure 1

Iraq and Iran demonstrated their willingness to use weapons of mass destruction during their border war and Iraq again during the Gulf War. The ongoing United Nations' inspections of Iraqi nuclear plants prevent Iraq from pursuing ICBM development. In the case of Iran, ICBM development is unlikely within the next five years because its economy is already being strained to support other military modernization programs. Both countries have the technical capability to produce an ICBM within the next 10 to 15 years.¹⁸

Libyan leadership has publicly expressed a desire to acquire and or produce strategic missiles capable of being delivered to the United States. The actual realization of this threat depends upon the Libyan leadership's motivation and will to redirect national resources in support of this ambition. Given Libya's technical capability, they probably could not develop a system capable of reaching United States soil for 15 years.¹⁹

Iran, Iraq, Libya, and North Korea have economies that can not sustain long term ICBM development programs. Therefore, they are likely to attempt to purchase missile systems and associated technologies from other countries. "Libya, Iran, and Iraq would significantly shorten their internal development timelines through the acquisition of foreign equipment and assistance."²⁰

THE ABM TREATY AND THE "DEFEND AMERICA" DEBATE

The "Defend America" debate is between the Clinton administration and Congress. The issue concerns compliance with the ABM Treaty and employment of

missile defense systems. The President believes, and is trying to demonstrate, that it is possible to have both the Anti-Ballistic Missile Treaty and missile defenses. The counter point, is presented by Congressional members who assume that the Anti-Ballistic Missile Treaty stands in the way of an effective National Missile Defense. The Clinton administration's position on the threat posed by a Russian or Chinese strategic strike against the United States is that it is highly unlikely because of historical proof that both countries are rational and that effective deterrence always worked. Further evidence in favor of the administration's position is the perception that Mutual Assured Destruction worked for over twenty-four years because of the Anti-Ballistic Missile Treaty.²¹

The Congressional position on the threat posed by Russia or a reconstituted Soviet Union is that Russia continues to present a potential missile threat to the United States because of its instability. As for China, the Congressional argument is that we cannot assume the Chinese are deterrence-oriented in any traditional sense.²² Congress stated that "a policy to defend against ballistic missiles that only includes deterrence (in the short term) is a risky proposition, especially looking at prospective rogue states' ballistic missile capabilities after the year 2000."²³

Based on the National Intelligence Estimate that there is no clear missile threat to the United States for fifteen years, the administration proposed a missile defense program it calls "Three-Plus-Three." The concept of this program is to obtain the technology "capability within three years and to deploy in another three years a national missile defense that would deal with a rogue state with some very modest

missile capability against our homeland.”²⁴ Congress, on the other hand, does not believe that the National Intelligence Estimates were broad enough and did not include the missile proliferation threat from missile exporters. With this uncertainty over the threat, Congressional members introduced legislation mandating a 2003 deployment of a National Missile Defense that is not Anti-Ballistic Missile Treaty compliant.”²⁵

RUSSIA’S POSITION ON MISSILE DEFENSE AND THE ABM TREATY

The Russian Duma linked the Strategic Arms Reduction Treaty II (START II) ratification to the debate over the missile defense system and the ABM Treaty. The START II further reduces the offensive capability and threat from strategic ballistic missiles by requiring each country to destroy ICBMs along with other strategic missiles. However, START I and II has no impact on arsenals held by other countries in possession of nuclear weapons.

While there is much debate about linking the Strategic Arms Reduction Treaty and the Anti-Ballistic Missile Treaty, there certainly is no legal or binding document linking the two; although, there definitely is linkage in a historical precedent setting sense. The historical perspective was established by the United States during initial negotiations over the appropriate number of anti-ballistic missile sites to be allowed by the treaty.²⁶

During these negotiations, the Soviet Union wanted unlimited rights to develop anti-ballistic missile systems while the United States insisted on placing a limit on the number of ABM sites. Since this disagreement was a stumbling block, both sides agreed “ to hold parallel negotiations on limiting anti-ballistic missile systems and

strategic offensive arms.”²⁷ In 1983 when the Strategic Defense Initiative (SDI) was introduced, the United States changed this ideology about the ABM treaty and START because the technology of SDI was not ABM treaty compliant. So politically, there is linkage between the Strategic Arms Reduction Treaty and the National Missile Defense and Anti-Ballistic Missile Treaty.²⁸

Russian authorities have consciously and wisely used the ratification of the Strategic Arms Reduction Treaty II to voice their concern that the United States deployment of missile defenses to protect its homeland would leave Russia at a strategic disadvantage and violate the intent of the Anti-Ballistic Missile Treaty. Also, Russian authorities have expressed a concern that the United States deployment of an Anti-Ballistic Missile system would provide the infrastructure for making a system technologically superior to any Russian offensive capability. This would certainly be contrary to the intent of the Anti-Ballistic Missile Treaty and may fuel the emergence of another arms race.²⁹

Russia's policy for its relationship with the United States was often regarded as based on two important pillars, one pillar being the ABM Treaty, the other was the Strategic Arms Limitation Treaty (SALT). In reality, it was based on three pillars: the ABM Treaty, START and the Non-Proliferation Treaty (NPT). NPT gave life to the SALT process and then to the START process. The Non-Proliferation Treaty was, in reality, a product of the bilateral process between the United States and the Soviet Union, and it continues to rest heavily on the commitments of both countries. Thus, to

a large extent, revision of any one of these treaties would inevitably lead to revision of the others.³⁰

COUNTER ARGUMENT TO THE RUSSIAN POSITION

The administration stated that Russia should not link the ratification of the Strategic Arms Reduction Treaty II with missile defenses and the ABM Treaty. The administration's position is that ratification of START II would bring greater stability to the nuclear environment and reduce the existing missile threat. The political impact would result in an improved security cooperation between both countries. The administration also suggested that "ratifying START II would guarantee parity, whereas failure to ratify might further fuel Congressional interest in large-scale missile defenses."³¹

Another argument for not linking START II ratification and the ABM Treaty was presented by Sidney Graybeal who stated that the "ABM Treaty is not necessarily threatened by deploying national missile defense (NMD), and certainly not by an National Missile Defense scaled to cope with a very limited threat."³² He stated that it is not necessary for the Anti-Ballistic Missile Treaty to be maintained exactly as negotiated. The treaty was intended to be a "living document," which could be modified to meet future challenges as experienced by both countries.³³ Graybeal also said the " ABM Treaty can be updated to deal with both Theater Missile Defense and National Missile Defense contexts, but that this is blocked today by arguments going to extremes; one extreme being those who would get rid of the treaty claiming that it prevents the United States from defending anything, and the other being those who

say touching the treaty at all is tantamount to abandoning it. Neither extreme is in either the United States or the Russian interest.”³⁴

IMPACT OF ARMS CONTROL EFFORTS ON THE DEBATE

The Missile Treaty Control Regime (MTCR) primarily seeks to limit the spread and/or deny the acquisition of weapons of mass destruction and their associated technologies. Russia conceptually should demonstrate an interest in limiting and/or denying exportation of strategic missiles because of the exposure southern Russia has to missile capable Third World countries.³⁵

Russia, on the other hand, deals with the nuclear threat to its homeland through the use of deterrence. In that region, Russia is considered a superpower which must constantly engage for deterrence purposes those unstable Third World countries with nuclear capability. Therefore should Russia hold in high regards the need to limit and/or deny the spread of strategic weapons?³⁶

From Russia's stand point, the MTCR contradicts historical market patterns for its missile exports. Historically, Russia's missile export markets are not members of the MTCR. Therefore, Russia's economic capacity to compete in high technology exchange would be limited given its current trading partners. For Russia to gain from membership in the MTCR, it must be implemented in an environment of partnership. "If Russian external relations deteriorate--as a result, for example, of NATO expansion--there are those who would seek support from other centers of power outside Russia, such as China and to a lesser extent India. In that case, missile exports with these countries will be deemed essential, not only for Russian industry,

but also for Russian interests. Under those circumstances, it would be relatively easy for Russia to drop all measures of Arms Control.”³⁷

IMPACT OF FUTURE COALITIONS ON NMD AND THE ABM TREATY DEBATE

To forecast future coalitions is not the objective of this section. The objective here is to understand the multipolar world and associated uncertainties of coalition formation between the world governments. Of course, the United States will continue its security relationship with the major European and East Asian partners. The North Atlantic Treaty Organization (NATO) will foster some type of security relationship with Russian peri-pheral countries. This relationship will create a void which will impact coalitions formed between Russia and Third World governments.

In the multipolar world, future coalitions will certainly redistribute the instruments of power which means that it will be more difficult to determine which states will pose the greatest threat. Consequently, because states will align to protect themselves against perceived threats, it will be difficult to evaluate coalition partners' intentions for each other. This tendency adds to the debate for employment of National Missile Defenses and will place a greater burden on diplomatic and intelligence efforts to accurately assess foreign policy agendas.

Tensions throughout the world will continue to be reduced by Russia's and the United States' efforts to normalize economic, and political relations. Russia will be the key player to stabilize ballistic missile threats in its sphere because of the threat to its homeland posed by China, India and North Korea. The reduction of United States'

and Russia's ballistic missile arsenals will certainly engage the Russian leadership to acknowledge that it is in their homeland's best interest to convince China and North Korea to develop National Missile Defenses instead of continuing production of strategic ballistic missiles. To accomplish this, Russia must renegotiate the Anti-Ballistic Missile Treaty to demonstrate that a National Missile Defense, along with a limited deterrence capability, is adequate protection against missile threats.

Proliferation is a global problem, requiring multilateral solutions. Strong alliances will be needed to effectively combat proliferation. The United States and Russia need friends that will help isolate adversaries. It will take the United States and Russia to convince other nuclear capable countries not to provide the building blocks of weapons of mass destruction to rogue states. Future coalitions will need to be persuaded through use of firm diplomacy not to seek ICBM technology.

Regional security issues that prompt some countries to form coalitions should discourage acquisition of weapons of mass destruction as a means of protection. Diplomacy must seek to open all doors within these future coalitions to negate proliferation. Global agreements against the acquisition or spread of weapons of mass destruction are essential to combat the proliferation problem. Global agreements set international norms against possession or use of weapons of mass destruction. Norms can be broken, of course, but norms also make international sanctions more feasible. Threat reduction can take many forms. The most direct line of defense against nuclear danger is negotiated, verified reductions in nuclear forces. Encouragement of

coalitions to seek national missile defenses instead of ballistic missiles will enhance security within the world community.

SUMMARY

“Mutual Assured Destruction” is inherently unreliable in the emerging multi-polar environment where decisionmaking maybe based on irrational motivations. By year 2010, the missile threat will be definable in terms of capability and deterrence failure. National Missile Defense will be needed to increase deterrence credibility for both the United States and Russia.

The National Intelligence Estimate states that there will be no missile threat to the United States homeland for fifteen years; however, the timetable for a long-range missile threat is not the main issue. The main issue is that a threat will emerge and the United States needs to be prepared. Effective defenses will be essential because the United States, as a democratic and status quo power, will be highly vulnerable to intimidation from long-range missile threats.

General Dennis Reimer , The Army Chief Of Staff stated: "Right now, the US has no defense against long range ballistic missile attacks aimed at our homeland. The proliferation of weapons of mass destruction and ballistic missile technologies leaves us uncertain of the sophistication and emergence of such threats. We are, however, certain of one thing. An attack or the threat of an attack in the absence of an adequate defense is unacceptable.

We do have a strategy to develop a treaty compliant national missile defense system. Consistent with our proud history and current National and Department of

Defense policies, Joint Vision 2010, and in cooperation with other Services and agencies, the Department of the Army will serve as lead Service for national missile defense activities with the ultimate goal of providing a comprehensive ground-based defense against accidental, unauthorized, or intentional launches against the territory of the United States -- including Hawaii and Alaska."³⁸

This missile defense system expressed by General Reimer will be treaty compliant because of the essential need to continue Russian strategic arms reductions under the Strategic Arms Reduction Treaty II. This is critically important because the Russians have linked the strategic arms reductions with the ABM Treaty remaining intact. The Anti-Ballistic Missile Treaty and Strategic Arms Reduction Treaty linkage can, however, support the United States' and Russia's efforts to further reduce strategic offensive weapons while building Missile Defenses for protection of their homelands.

The emerging missile threat is clearly breaking out of the 3500-kilometer range threshold that the United States and Russia appear to have accepted as a capability benchmark for Theater Missile Defense demarcation in the Anti-ballistic Missile Treaty context.³⁹ North Korea's 3,000 kilometer range Taepodong missile and India's reported efforts to develop an Inter-Continental Ballistic Missile, contradict the conventional wisdom that Third World countries possess no strategic land based missiles. This being the case, Russia must reassess its position on Missile Defenses because of the potential threat posed to its territories by states acquiring these missiles and not aligned with any Russian coalition. Although Russia has friendly relations

with North Korea and is normalizing relations with China, it would be totally unwise for Russia not to employ as many National Missile Defense sites as needed within its homeland to enhance deterrence measures.

The Anti-Ballistic Missile Treaty has served as the cornerstone of stability in the United States and Soviet (now Russia) strategic relationship. This treaty should be considered a “living document” which can be amended to permit additional missile defense deployment; but care should be taken not to pursue amendments that would continue the philosophy of mutual assured destruction. Deterrence alone will not be enough to assure safety of United States and Russian homelands. Mutual Assured Safety (MAS) sounds better than Mutual Assured Destruction (MAD), to be sure, and if nuclear deterrence is in force, one must not ignore the potential threat posed by non-aligned coalitions and rogue states strategic capability.⁴⁰

In the transition from a bipolar to a multipolar world, Russia is not a super-power on the Soviet scale, although they continue to maintain a large strategic arsenal. This does not mean that either Russia or the United States are going to attack each other. In fact, all the reasons exist for stability without confrontation. However, the strategic balance between Russia and the United States will require a revision of their relationship to allow each side to defend its whole territory against limited, accidental and unauthorized attack.

When looking at the implications for National Missile Defense, in particular, remember that in the Cold War period, the primary argument against unlimited national missile defense sites was that deterrence stability was to be preferred over

missile defense. As long-range missile threats emerge in the post Cold War period, National Missile Defense is going to become essential precisely because deterrence will not be reliable. National Missile Defense will become essential as part of the preparations for the possibility of deterrence failure; a possibility that we cannot discount and should prepare for. National missile defense will also be important for providing the most capable deterrent that we can mount.

The essential point is that new, long-range missile threats are going to emerge. It is unavoidable and the Anti-Ballistic Missile Treaty will no longer deter these threats. In addition, by year 2010 the United States and Russia would probably cooperate more to deploy additional missile defense sites which will not comply with the Anti-Ballistic Missile Treaty because of the space based technology that would be employed. So this particular debate that is of growing interest on Capitol Hill is really healthy. Long-range missile threats from regional powers will emerge is a certainty, and subsequently the national missile defense is going to be essential in terms of preparation for deterrence failure.

CONCLUSION

In the short term, it would be far wiser to move toward a relationship with the Russian Federation not based on mutual threats of destruction. Balancing United States and Russian deterrence requirements and the need to defend against the proliferation threat should be pursued cooperatively.

However, the current debate can be used to shape the nuclear ambitions of other countries in future years. The United States and Russia cannot continue to

operate in a bipolar environment. They must recognize and include other countries that have the potential to influence the future nuclear threat environment. To engage these countries now will shift strategic discussions from a bipolar view to a multipolar standpoint. Remember, these countries were not included in Cold War discussions which shaped the ABM Treaty. This means that there are no fundamental principles to influence their future nuclear behavior.

These countries will form coalitions to pursue their desire for resources and/or safety. They will not be deterred from first strike simply because the possibility for retaliatory strikes exist. Their desires to be world powers will challenge MAD as a viable deterrence. Therefore, it is in the best interest of the United States and Russia to openly engage these countries in discussions to influence their future decisions and actions. To do this, they must agree that the future value of the ABM Treaty is in grave danger and can serve as an effective deterrence only if other countries recognize its importance. This will now serve as a new starting point for discussions on missile defense sites with a multipolar view.

ENDNOTES

¹ (a) Missile Defense Goal.- It is a goal of the United States to -

(1) deploy an anti-ballistic missile system, including one or an adequate additional number of anti-ballistic missile sites and spaced based sensors, capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles. See U.S. Congress (102d, 1st session), "House of Representatives' Conference Report 102-311 (to accompany H.R. 2100)," National Defense Authorization Act for Fiscal Years 1992 and 1993, November 13, 1991, Washington: USGPO 1991 p.34

² (a) In General. - To implement the goal specified in section 232(a), the Congress,

(2) urges the President to take the actions specified in subsection (c). Ibid p34-35

³ (b) Actions of the Secretary of Defense.-

(2) Initial Deployment.- The Secretary shall develop for deployment by the earliest date allowed by the availability of appropriate technology or by fiscal year 1996 a cost-effective, operationally-effective, and ABM Treaty-compliant anti-ballistic missile system at a site as the initial step toward deployment of an anti-ballistic missile described in section 232(a)(1) designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks. Ibid p34-35

⁴ Rhineland, John B. The ABM Treaty Regime in the 1990s p.1-2

⁵ The treaty was founded "... the premise that the limitation of anti-ballistic missile systems... would contribute to the creation of more favorable conditions for further negotiations on limiting strategic arms." The Parties could have guaranteed deterrence or stability through missile defense, but they did not. It was thought that missile defense would lead inexorably to an offensive/defensive race, which the offense can always win. Instead, they chose to leave their populations vulnerable to strategic ballistic missiles, undertaking "not to deploy ABM systems for defense of the territory...not to provide a base for such a defense, and not to deploy ABM systems...except as provided for in Article III...." See Faggioli, Vincent J., Colonel, US Army, Theater Missile Defense and the ABM Treaty, Strategic Research paper, US Army War College, Carlisle Barracks, Pennsylvania, March 12, 1996, p6.

⁶ Ibid p.6

⁷ MAD is based upon the proposition that a nation impervious to missile attack might strike first, rendering nugatory a retaliatory, second strike. Conversely, if populations were clearly at risk, what nation would endanger them by launching a first strike? This theory triumphed in the ABM Treaty; a victory for arms control". Ibid p6

⁸ See U.S. Congress (103rd, 1st session), R. James Woosley, CIA Director, testimony before the U.S. Senate Committee on Governmental Affairs, "Proliferation Threats of the 1990's," February 24, 1993 (Washington D.C.: USGPO, 1994) p.28

⁹ Ibid p.28

¹⁰ The trends in missile and WMD proliferation are cause for concern and should be considered together. The threat stems not from the spread of nuclear weapons alone, but also from the spread of chemical and biological weapons and the means to deliver those weapons

reliably at long range. By the end of the 1990's, twenty or more developing countries could acquire missiles overtly or covertly. See, Keith B. Payne, "Post-Cold War Deterrence and Missile Defense" *Orbis*, Vol 39, number 2, Spring 1995, Greenwich, JAI Press Inc., p. 203.

¹¹ Ibid p.203-204

¹² Ibid p.204

¹³With the end of the Cold War, the United States faces a clearly diminished threat of nuclear attack by the missile forces of the former Soviet Union. Nevertheless, Russia continues to maintain an operational strategic nuclear force capable of delivering thousands of nuclear warheads against the United States. START I has resulted in a numerically smaller force, but Russia continues strategic force modernization programs, albeit within the constraints of a greatly weakened economy.

The Chinese force of nuclear tipped ICBMs is small by US and Russian standards and will remain so. Many of China's long-range systems are probably aimed at the United States. China plans to update this force with new missiles and, unlike the Russians, to increase the number of missiles deployed. Possible future improvements are to include a mobile ICBM. See National Intelligence Council, "Emerging Missile Threat To North America During The Next 15 Years", Richard N. Cooper, Chairman, written statement for Hearing of the House National Security Committee, 28 February 1996 (<http://www.stimson.org/pub/stimson/rd-table/cooper.htm>)

¹⁴ Nearly a dozen countries other than Russia and China have ballistic missile development programs. In the view of the Intelligence Community, these programs are to serve regional goals. Making the change from a short or medium range missile--that may pose a threat to US troops located abroad--to a long range ICBM capable of threatening our citizens at home, is a major technological leap. Ibid (<http://www.stimson.org/pub/stimson/rd-table/cooper.htm>).

¹⁵ Ibid (<http://www.stimson.org/pub/stimson/rd-table/cooper.htm>)

¹⁶Central Intelligence Agency, "Prospects for the Worldwide Development of Ballistic Missile Threats to the Continental United States." THE NUCLEAR ROUNDTABLE, Background Document, 1993, (<http://www.stimson.org/pub/stimson/rd-table/dellums.htm>).

¹⁷ Komarow, Steven, "Ex-Generals declare war on nukes," USA Today, December 5, 1996, p3A

¹⁸ Iraq and Iran. It is believed that only the current intrusive UN inspections and economic sanctions prevent Iraq from pursuing ICBM development. Development in Iran is unlikely to be initiated within the next five years because the Iranian economy is already straining to support other higher priority weapons modernization programs necessary for regional security. Iraq and Iran are assessed to have the technical capability to indigenously produce an ICBM capable of carrying a chemical or biological weapon -- in 10 to 15 years from the time the decision is made to begin development. Ibid, Central Intelligence Agency, (<http://www.stimson.org/pub/stimson/rd-table/dellums.htm>).

¹⁹ Libya. The leadership of Libya has made public statements explicitly stating a desire for weapons of mass destruction that could be delivered by ballistic missile to CONUS. The Libyan leadership's actual commitment to such an expensive and technically and politically risky development program is questionable. Because of its limited technical capabilities, however, Libya probably could not develop a system within 15 years. Ibid, Central Intelligence Agency, (<http://www.stimson.org/pub/stimson/rd-table/dellums.htm>).

²⁰ These four countries are likely to attempt to avoid costly and lengthy development by trying to purchase everything from, complete missile systems to essential technologies from countries with existing ICBMs. It is likely that Libya, Iran, and Iraq would significantly shorten their indigenous development timelines through the acquisition of foreign equipment and help. Ibid, Central Intelligence Agency, (<http://www.stimson.org/pub/stimson/rd-table/dellums.htm>).

²¹ The administration is trying to demonstrate, especially with regard to national missile defense (NMD), and Theater Missile Defense (TMD), it is possible to have both the ABM Treaty and the missile defenses we need. See Robert Bell, Senior Director for Defense Policy and Arms Control, National Security Council, "Ballistic Missile Defense," comments at The Nuclear Roundtable, March 18, 1996 (<http://www.stimson.org/pub/stimson/rd-table/bell.htm>).

²² Without trying to stereotype the Russians as the Soviets, no one would disagree that the political situation in Russia -- where Russia may or may not be going -- still poses the potential for a very significant missile threat to the United States. This is not a past threat; it may well be a principal threat in the future. The stronger, more realistic argument can be made that we should continue to be concerned about that threat. We hope it doesn't materialize, but it is much too early to discount it.

Accidental launch is still a real problem, which is not discountable. Also, we cannot assume the Chinese are deterrence-oriented in any traditional sense. Finally, the Intelligence Council Estimates were not broad enough and did not include the missile proliferation threat from missile exporters [like North Korea]. Ibid (<http://www.stimson.org/pub/stimson/rd-table/bell.htm>).

²³ This broader, more sanguine scope of threats reflect Republican and Congressional thinking. It demonstrates the need to field a viable system by 2003. A policy to defend against ballistic missiles that only includes deterrence (in the short term) is a risky proposition, especially looking at prospective rogue states' ballistic missile capabilities after the year 2000. Ibid (<http://www.stimson.org/pub/stimson/rd-table/bell.htm>).

²⁴ Three-Plus-Three. The reason we are spending \$500 million a year now, and are proposing to spend that level on NMD, is to give us the capability within three years to deploy in another three years a national missile defense that would deal with a rogue state with some very modest missile capability against our homeland. Ibid. (<http://www.stimson.org/pub/stimson/rd-table/bell.htm>).

²⁵ The debate with Congress has then centered on that subset of the overall threat picture. We've gotten into a debate about timelines and response curves because Congress directed, in the [DoD Authorization] bill that was vetoed, that we have an operationally effective

defense of all fifty states deployed by the year 2003. Ibid (<http://www.stimson.org/pub/stimson/rd-table/bell.htm>).

²⁶ Now let me turn to our main subject. There is much debate about linking the START and ABM Treaties, and while there is certainly no juridical linkage between the two, there definitely is linkage in a political and in a military sense. It was originally a U.S. idea to limit ABM systems. See Amb. Yuri Nazarkin, Center for International Problems (START Negotiator), Panel III: The Role of the ABM Treaty and National Missile Defense, (<http://wheat.symgrp.com/symgrp/pai/articles/panel3.html>).

²⁷ At that time, the Soviet Union insisted on the unlimited right to develop an ABM system, but in the long run, both sides agreed, to hold parallel negotiations on limiting ABM systems and strategic offensive arms. Ibid (<http://wheat.symgrp.com/symgrp/pai/articles/panel3.html>)

²⁸ And that was the ideology of our negotiations on strategic weapons before 1983, when the Strategic Defense Initiative was introduced in the United States, and the situation was unfortunately changed. So, there is such political and military linkage. Ibid (<http://wheat.symgrp.com/symgrp/pai/articles/panel3.html>)

²⁹ Nazarkin described four major areas of criticism in the 1995 Duma hearings on START II. First, Russians were concerned that U.S. deployment of nationwide missile defenses would threaten the ABM Treaty and alter the strategic balance to Russia's disadvantage. See Amb. Yuri Nazarkin, Center for International Problems (START Negotiator), Panel I: The Role and Status of the START Treaties, (<http://wheat.symgrp.com/symgrp/pai/articles/panel1.html>).

³⁰ Although it is often said that U.S.-Soviet relations were based on the START and ABM Treaties, in reality, they were based on three cornerstones: START, the ABM Treaty, and the NPT. I would say that the NPT gave life to the SALT process, and then the START process, because the NPT resulted from the bilateral efforts of the United States and the Soviet Union. The NPT's strength was based and is based to a large extent on the efforts of these two countries. Revision of one of these three treaties would inevitably lead to revision of the others. I mean, not only START I and potentially START II, but I also have in mind the NPT. I cannot say that there is going to be a revision of NPT, I hope it will not happen, but the non-proliferation regime would suffer from changes to the U.S.-Russian strategic relationship. Ibid Nazarkin, (<http://wheat.symgrp.com/symgrp/pai/articles/panel3.html>)

³¹ ACDA Assistant Secretary Michael Nacht focused on the strategic and political stakes for both sides in START II--the strategic being in greater stability and threat reduction (from elimination of MIRVed ICBMs, considered first-strike systems), and the political being the cultivation of security cooperation habits as the sides implement and verify reductions. For Russia, he suggested ratifying START II would guarantee parity, whereas failure to ratify might further fuel Congressional interest in large-scale missile defenses. See Michael Nacht, Assistant Director, ACDA/SEA, Panel I: The Role and Status of the START Treaties, (<http://wheat.symgrp.com/symgrp/pai/articles/panel1.html>).

³² Sidney Graybeal took issue with the tenor of discussion on the ABM Treaty and missile defense points, arguing that: (1) ABM Treaty considerations should not stand in the way of

ratification of START II, because they are not connected; (2) the ABM Treaty is not necessarily threatened by deploying national missile defense (NMD), and certainly not by an NMD scaled to cope with a very limited threat, as has been clear in all versions of the Congressional legislation. See Sidney Graybeal (SAIC), Panel I: The Role and Status of the START Treaties, (<http://wheat.symgrp.com/symgrp/pai/articles/panel1.html>).

³³ (3) the notion that the ABM Treaty must be maintained exactly as negotiated is unsound--it was intended to be a "living document," was in fact modified in 1974, and was intended to be kept up to date with technological change. Ibid (<http://wheat.symgrp.com/symgrp/pai/articles/panel1.html>).

³⁴ Ibid (<http://wheat.symgrp.com/symgrp/pai/articles/panel1.html>).

³⁵ From Moscow's point of view, it is true enough that southern Russia adjoins an unstable Third World environment, and missile-capable neighbors could strike Russian territory or Russia's CIS partners. Hence, Russia has an obvious interest in slowing missile proliferation to unstable areas. See Alexander Pikayev, Panel II: Containing Missile Proliferation, (<http://wheat.symgrp.com/symgrp/pai/articles/overview.html>).

³⁶ Paradoxically, however, there is an important disparity between the Russian and U.S. positions on how to respond to the missile proliferation threat. Because Russia is already directly connected with unstable areas, it does not attach as high a priority as the United States to missile non-proliferation. Many states surrounding Russia already have missiles; proliferation there has already occurred. With respect to these states, Russia enjoys a superpower status. Russia's main response to threats from these states is deterrence, not the MTCR or counter-proliferation. Ibid (<http://wheat.symgrp.com/symgrp/pai/articles/overview.html>)

³⁷ Russians also have a practical problem with the MTCR. It contradicts the Russian historical patterns of markets for missile exports, Pikayev continued. Russia's historical markets mainly lie outside the MTCR membership area. Missile exports are linked with Russia's high-technology industrial sector and the ability of this sector to compete economically. Furthermore, the MTCR emerged, in part, as an instrument of the Cold War. For Russians to view the MTCR positively, Pikayev argued, it must be implemented in an environment of partnership. Otherwise, it would be easy to set it aside. If Russian external relations deteriorate--as a result, for example, of NATO expansion--there are those who would seek support from other centers of power outside Russia, such as China and to a lesser extent India. In that case, missile exports with these countries will be deemed essential, not only for Russian industry, but also for Russian interests. Under those circumstances, it would be relatively easy for Russia to drop the MTCR. Ibid (<http://wheat.symgrp.com/symgrp/pai/articles/overview.html>).

³⁸ Dennis J. Reimer, General, Chief of Staff, United States Army, "National Missile Defense," AUSA Symposium, CSA "Yellow" 96-14, e-mail msg.

³⁹ First, the strategic dimension of the missile proliferation threat has surfaced. By 1995, it was clear that ballistic missile proliferation was breaking out of the 3,500-kilometer range threshold that the United States and Russia appear to have accepted as a capability benchmark for TMD demarcation in the ABM Treaty context. North Korea's 3,000+-kilometer-range Taepodong missile (which some analysts believe would have, with a light BW warhead, a range of as much as 10,000 kilometers), and India's reported efforts to develop an ICBM, both contradict the conventional wisdom that Third World countries possess no "strategic" land-based missiles. Ibid, Speier, (<http://wheat.symgrp.com/symgrp/pai/articles/overview.html>).

⁴⁰ Today, with a democratic government in Russia, the Cold War is history, and we would like to forget the nightmare of Mutual Assured Destruction. We are now pursuing a strategy of mutual assured safety, which is based on cooperation and builddown of weapons, instead of competition and buildup. See W. Perry, "Pursuing a Strategy of Mutual Assured Safety" remarks at National Press Club, January 5, 1995 recorded at Defense Issues, Vol. 10, Number 3, p1

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