

DDA OCCASIONAL PAPERS

No. 6, October 2002



United Nations

*A Disarmament Agenda
for the Twenty-first Century*

*UN-China Disarmament Conference
Beijing, China
2-4 April 2002*

Department for Disarmament Affairs

United Nations Department for Disarmament Affairs/People's Republic of China
Joint Conference on a Disarmament Agenda for the 21st Century
Beijing, 2-4 April 2002

MISSILE PROLIFERATION AND MISSILE DEFENCE¹

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The spread of all types of weapons is a worldwide phenomenon. Defense spending is up and the arms trade is growing. The proliferation of weapons of mass destruction (WMD) —nuclear, biological and chemical— and their delivery systems now seems ensured by changing perceptions of security threats. Small arms, light weapons and landmines continue to wreak havoc in many countries. And yet, the international community is unwilling or unable to tackle the problem. Worse still, genuine disarmament efforts are giving way to complacency.

For some, the end of the Cold War signaled the end of the nuclear arms race. The nuclear-disarmament debate faded and there appeared other disarmament issues, including the proliferation of ballistic missiles. And the use of ballistic missiles in recent wars and conflicts served to focus further the interest of some countries in their acquisition.

It was against this background that the United States decided to begin building a national missile defense (NMD). This decision pushed the disarmament/arms control debate into a discussion of the consequences of NMD, including a return to the question of the proliferation of ballistic missiles. This has drawn attention away from the crucial multilateral disarmament issue of the proliferation of weapons of mass destruction and their delivery vehicles in all its aspects.

The strengthening of controls on the international transfer of dual-use materials and technology by a group of Western countries has been one response to the problem, with the well-known results. The effort addressed only part of the problem, i.e., horizontal proliferation.

In addition to the five permanent members of the Security Council, 28 countries have ballistic missiles. And, according to the Arms Control Association, fewer than ten of them have the capability to indigenously develop or maintain their missiles while only five —India, Iran, Israel, Pakistan and the D.P.R. of Korea— have produced or flight-tested missiles with ranges over 1,000

¹ Published in *A Disarmament Agenda for the Twenty-first Century: UN-China Disarmament Conference, Beijing, China, 2-4 April 2002, DDA Occasional Papers Number 6, October 2002*, NY: UN/DDA, 2002, págs. 127–138.

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kilometers. Most of the other States have short-range missiles inherited or purchased from the former Soviet Union.³

In 1998 the U.S. Senate requested the Intelligence Community to produce annual reports on ballistic missile developments and threats. These reports assess likely ballistic missile threats to the United States through 2015 and thus serve to justify security strategies, as well as alerting public opinion in this regard. An unclassified summary of the fourth annual report was published in December 2001.⁴ The document predicts that before 2015 the United States “most likely will face” intercontinental ballistic missile (ICBM) threats “from North Korea and Iran, and possibly from Iraq . . . in addition to the long-standing missile forces of Russia and China”. However, it notes that its assessments are “subjective” and do not take into account potential changes in the political, economic and social situation of the countries involved.

U.S. officials seem to distinguish between two groups of countries. Iran, Iraq and the D.P.R.K., now described as an “axis of evil”, fall within the group of countries with “hostile intentions” toward the United States. China and Russia are among those with “friendly intentions” toward the United States.

The report singles out the D.P.R.K. as the source of greatest concern, while recognizing that in May 2001 it unilaterally extended its voluntary flight-test moratorium until 2003, provided negotiations continued with the United States. Its ongoing rapprochement with the Republic of Korea could lead to positive changes in the Korean Peninsula, but threat perceptions remain unchanged.

The Iran case should be viewed in a regional context. Moreover, though an active participant in all treaties regarding weapons of mass destruction (NPT, CWC and BWC), some have suspected it of having chemical weapons. However, the Organization for the Prohibition of Chemical Weapons (OPCW) has not found grounds to act in this regard. For its part, Iraq has used ballistic missiles on several occasions and has been involved in military conflicts over the past two decades. There is evidence that it has sought to develop ambitious programs of WMD.

Then there are the non-State actors (and here the report makes no distinction between terrorist, insurgent or extremist groups) which may seek to obtain chemical, biological, radiological, or nuclear materials to threaten or attack the United States or its interests. And yet, the tragedy of

³ “Global Ballistic Missile Proliferation,” *Fact Sheet*, Arms Control Association, Washington, DC, June 2001.

⁴ *Foreign Missile Developments and the Ballistic Missile Threat Through 2015*, National Intelligence Estimate, CIA, Washington, DC, 2001.

11 September showed that there are other means available to attack a country's civilian population and cause great harm without resorting to WMD or ballistic missiles. Not even the most sophisticated anti-ballistic system would have been of any use.

The National Intelligence Estimate report points out that "US territory is more likely to be attacked with" chemical, biological, radiological, or nuclear materials "from nonmissile delivery means . . . than by missiles". It notes that they are less costly and more accurate and they can be used "without attribution".

Nothing should serve to justify the acquisition and development of ballistic missiles. The solution to this problem is similar to that of all weapons of mass destruction, including nuclear weapons, i.e., a total ban of their use, testing, manufacture and development. Unfortunately, given the present international climate, ballistic missiles will continue to be an important component of the arsenals of several countries for years to come.

Put in simplistic terms, one might argue that it would be difficult to object if a country decided to acquire ballistic missiles (or a defense system against them) if it considered that its security was threatened. And yet, what you invent today to enhance your security has a tendency to reappear later elsewhere as a threat. The development of different and more sophisticated weapons and weapons systems, including missiles and missile defense, has a way of boomeranging. They seem to offer security until others develop them. The cycle then repeats itself.⁵

Anti-ballistic missile defense systems appeared at about the same time as ballistic missiles themselves. Each defense system is designed to counter a specific threat. When there are multiple ballistic missile threats, one must seek a variety of responses. NMD is the name given by the United States to the anti-ballistic missile defense system it seeks to develop to counter the possible threat of a limited number of ICBMs of a small group of countries with "hostile intentions" toward the United States. It is a highly sophisticated system made up of satellites, radar, monitoring stations and interceptors. Its cost is difficult to predict, but some have placed it around 100 billion dollars. It is a unilateral response to the proliferation of ballistic missiles and related technologies rather than an attempt to solve the problem. The use of outer space to deploy system components is one of the more controversial aspects of this system.

⁵ Miguel Marín-Bosch, "Nuclear Disarmament, 1995–2000: Isn't It Pretty to Think So?" *Disarmament Forum*, One, 2000 (Geneva: UNIDIR, 2000, pp. 13–20), p. 18.

On 13 December 2001 President Bush announced that the United States would withdraw from the ABM Treaty in six months' time. The decision was based on the Treaty's provisions that prevent a Party from testing the technologies necessary for the development of strategic anti-ballistic defenses based on land, sea or outer space.

The Executive Director of the Arms Control Association described the decision as "unnecessary, unwarranted and unwise". He added that it is bound to affect negatively U.S. relations with China, Russia and U.S. allies, as well as "undermine efforts to curb the spread of nuclear, chemical and biological weapons, a job that's even more urgent today" in the aftermath of September 11th.⁶

The United States will thus become the first country since World War II to withdraw from an important agreement related to international security. When, in 1994, the D.P.R.K. announced its intention of withdrawing from the NPT, the international community reacted swiftly and convened the UN Security Council. The D.P.R.K. did not withdraw from the NPT.

This decision by the United States, together with its failure to ratify the CTBT, its rejection of the BWC verification protocol, and its refusal to negotiate agreements on small arms and to adhere to the treaty on anti-personnel mines, reflect a lack of interest in the present international system. Clearly, there is a move to avoid those treaties that imply certain restrictions or prohibitions. If others were to find certain treaties not to their liking and opted to develop weapons that others had foregone, how would the international community react? Instead of building on internationally negotiated agreements, we are perhaps witnessing the unraveling of the multilateral disarmament and arms control system which has been so difficult to construct. Unilateral decisions by one major military power are bound to trigger a chain reaction involving other nuclear-weapon States.

In the search for a solution to the problem of ballistic missiles, the approaches are one-sided. It is necessary to control horizontal proliferation of ballistic missiles, in particular long-range missiles. The concern is not so much the number of countries that could have ballistic capability but which States could acquire it (selective non-proliferation). Then there are the control regimes, such as the MTCR, whose ineffectiveness is evident. For this group to be able to control exports of dual-use nuclear materials and equipment, it would have to include all existing ex-

⁶ Daryl Kimball, Press Conference, Arms Control Association, 13 December 2001. For a review of international opinion regarding NMD, see, *inter alia*, *Bulletin of the Atomic Scientists*, November/December 2001, pp. 22-43.

porters among its members. Furthermore, the MTCR deals, or attempts to deal, with only to one aspect of proliferation. Some of its members possess nuclear-weapon programs, which they are not about to give up, but are determined to prevent others from acquiring them.

On 9 January 2002, the United States Government published a revised policy paper on nuclear weapons (the second edition of its "Nuclear Posture Review").⁷ The summary presented at a press conference by the Assistant Secretary of Defense for International Security Policy was short on details but, in general, underlined the need for flexibility in planning the future of U.S. nuclear forces. According to available information, the review is based on two key considerations regarding the current international environment. First, the United States is encouraging a more positive relationship with Russia aimed at ending the one based on "mutually assured destruction". And second, future threats to the United States are uncertain and could come from "multiple potential opponents".

With these changes the U.S. Government plans to move away from a "threat-based" approach (nuclear forces to counter to the Soviet and later Russian arsenals) to a "capabilities-based" approach that would provide the broadest possible range of options for responding to a variety of security challenges. Under this new approach it is hoped to shift the emphasis away from offensive nuclear forces and augment the strategic posture with enhanced conventional capabilities and missile defenses.

The United States will maintain its current nuclear force structure and will substantially reduce the number of operationally deployed warheads to between 1,700 and 2,200 by 2012. President Bush announced this on 13 November 2001. These numbers are similar to those agreed by Presidents Clinton and Yeltsin in 1997 for START III: 2,000 to 2,500 although then there was talk of the destruction of warheads. The report further states that these reductions could be adjusted if necessary.

On the other hand, the key weapons systems (ICBMs, SLBMs and bombers) of the United States' current strategic nuclear force would be maintained through "2020 and beyond". It is significant that there was no reference to tactical nuclear weapons.

The Assistant Secretary stated that some warheads would be destroyed while others would become part of a "responsive force", operationally ready warheads that could be used as necessary to augment deployed nuclear forces. He indicated that this responsive force "would allow

⁷ "Special Briefing on the Nuclear Posture Review", 9 January 2002, DefenseLINK, U.S. Department of Defense.

new nuclear weapons to be developed . . . in much shorter time frames”. He added that “we are trying to achieve these reductions without having to wait for Cold War arms-control treaties and placing greater emphasis on missile defense capabilities and also on the development of advanced conventional capabilities”.

Nuclear weapons continue to play a central role. The Assistant Secretary reaffirmed it when he said that “the Cold War approach to deterrence, which was highly dependent upon offensive nuclear weapons, is no longer appropriate, which is not to say that we think that nuclear weapons don’t continue to play a role in that. We think they play an important role, a fundamental role. But we also believe that other kinds of capabilities will be needed in the future”. Finally, the U.S. Administration will try to accelerate the Defense Department’s testing readiness and there will be no changes in the position on nuclear testing: opposition to CTBT ratification and continued adherence to testing moratorium.

The first reaction to this information comes to us naturally. What will happen to the NPT and the program agreed at the Sixth Review Conference? Is this new nuclear posture of the United States compatible with the aspirations of the rest of the international community? Can one now request others to disarm and perhaps forego their own security?

In its immediate response the Russian Federation reiterated its position that the reduction of nuclear forces should be significant, verifiable and irreversible.⁸

In March of 2002, there were unofficial reports that the Nuclear Posture Review also called for the development and deployment of new nuclear weapons, better suited for striking targets in Iraq, Iran, D.P.R.K., Syria and Libya (all NPT signatories).⁹ It will modernize its nuclear force and develop a more flexible array of weapons, thus lowering the threshold for their use. This will no doubt have important implications for vertical proliferation and non-first-use of nuclear weapons.

The solution to the problem of the proliferation of ballistic missiles and related technologies could be found through a universally acceptable approach, through concerted efforts based on multilateral agreements grounded in International Law. But the world is now moving in the opposite direction, with the ensuing risk of dismantling the present multilateral regime which has taken years to build.

⁸ US-Russia Press Conference, Washington, DC, 16 January 2002.

⁹ Michael R. Gordon, “U.S. Nuclear Plan Sees New Weapons and New Targets”, *The New York Times*, 10 March 2002.

Diplomacy and International Law offer a variety of avenues that should be explored. All aspects of the problem could be examined in existing multilateral fora. The UN General Assembly has already established a group of government experts which will make recommendations in 2002 on the best way to approach the subject of ballistic missiles in all its aspects (UN General Assembly resolutions 55/33 A and 56/24 B). Those resolutions contain two preambular considerations that are especially relevant. One is the need to reaffirm the role of the UN in the field of disarmament; the other is the need for a “comprehensive approach towards missiles, in a balanced and non-discriminatory manner, as a contribution to international peace and security”. Although no country voted against them, it is thus difficult to explain how some sixty UN Member States saw fit to abstain on those resolutions.

The international community's interest in the subject is apparent in various other fora: UNISPACE III (held in Vienna in 1999) focused attention on several important aspects of the problem; the meeting of experts on the establishment of a Global Control System for the non-proliferation of ballistic missiles and related technologies held its second session in Moscow in February of 2001; and, in February 2002, a meeting was held in Paris to consider a draft international code against the proliferation of ballistic missiles.

Those meetings address certain aspects of the problem and might contribute to a truly global solution. In 1990, Mexico proposed to the members of the Conference on Disarmament to begin an informal dialogue on all aspects of the issue of the proliferation of weapons of mass destruction and their delivery systems with the aim of identifying measures that could later be negotiated in the CD. There was a frank discussion over a number of meetings but these were later discontinued.

On outer space matters, the CD has acquired significant expertise after six years of debate in its Ad Hoc Committee. Unfortunately, the U.S. delegation objected to a continuation of its work. The Committee has not been reconvened since then despite the important developments taking place in this area.

The way to proceed is to negotiate a framework agreement to regulate the different aspects of the problem of the proliferation of weapons of mass destruction and their delivery systems. Such a negotiation should be guided by universally acceptable and non-discriminatory principles. At the same time there could be negotiations on different aspects of the problem. Their results could later be included in the framework agreement.

The following steps would be conducive to further the negotiations on the issue:

- Compliance with the existing WMD treaties.
- Guarantees of no first-launch of ballistic missiles.
- Negotiation of a code of conduct.
- The beginning of a dialogue in the CD on the non-proliferation of weapons of mass destruction and their delivery systems in all its aspects.
- A new approach to the question of transfers of dual-use technologies and materials.
- Greater reliance on non-military methods: diplomacy, co-operation, and arms control.