

Testimony of Robert G. Joseph
Before the Senate Foreign Relations Committee
13 May 1999

Mr. Chairman, distinguished Members, thank you for the opportunity to testify today. It is an honor to be able to present my views on the ABM Treaty and, specifically, on the central Treaty-related issues that surround the debate over the deployment of a national missile defense.

It is necessary to emphasize at the outset that the views expressed in this statement are entirely personal and do not necessarily reflect those of the National Defense University, the Department of Defense or any agency of the U.S. Government.

My statement addresses three highly dubious propositions that are frequently asserted in support of maintaining the ABM Treaty either without change or with only minor modifications. These are: First, any attempt to alter or withdraw from the Treaty, although consistent with our legal rights, will lead to the end of offensive nuclear reductions and to an overall deterioration of the U.S.-Russian relationship. Second, the rogue state long-range missile threat is still years distant and that, if it does emerge, it will consist of very few unsophisticated weapons. And, third, the ABM Treaty does not impede current development programs and will require only slight changes to permit deployment of limited but effective national missile defenses. Experience and evidence stand in stark contrast to all three of these propositions.

In assessing the first proposition, looking back can be very instructive. Following the Gulf War and the attempted coup in the then Soviet Union, the Bush national security team put forth both a deployment plan and an arms control initiative to support this deployment. The concern was twofold: a rogue state armed with a small number of ballistic missiles able to strike American cities, and an accidental or unauthorized launch, perhaps from a breakaway military commander.

To deal with this limited threat, the United States declared the intention to deploy GPALS – Global Protection Against Limited Strikes. For the near term, this architecture consisted of up to six ground-based sites with up to 1200 interceptors, a space-based sensor capability, and robust theater missile defenses. In the longer term, as the threat evolved, many looked to space-based interceptors as the key capability.

On the arms control side, in the summer and fall of 1992, the United States formally proposed fundamental changes to the ABM Treaty consistent with the GPALS concept. These included:

- First, the elimination of restrictions on the development and testing of ABM systems. These restrictions both directly and indirectly had impeded our ability to field effective strategic and theater defenses, just as they do today.
- Second, the elimination of restrictions on sensors. Disagreements in this area had for years dominated the contentious compliance debate. Moreover, it was

recognized that no missile defense architecture that would permit even a limited territorial defense could be deployed without Treaty relief on sensors. This also remains the case today.

- Third, the elimination of restrictions on the transfer of ABM systems and components to permit cooperative relationships on missile defenses with other countries, including Russia. And
- Fourth, the right to deploy additional ABM interceptor missiles at additional ABM deployment sites.

In Washington, Moscow and Geneva, American representatives presented these positions to the Russians, stating that the emerging threat of long-range missiles compelled changes to the ABM Treaty. In a non-confrontational but straightforward way, the Russians were also told that we could work together on defenses but that, with or without them, the United States must protect itself from limited attacks. If modifications to the Treaty could be agreed, it could be retained. If not -- and the implication was direct -- the United States would need to consider withdrawal, legally in accordance with the provisions of the Treaty.

American representatives also made clear that the level of defenses to be deployed by the United States, with or without the ABM Treaty, would not threaten the offensive capability of the Russian force at START levels or even well below those levels. At the same time, the U.S. team also stressed that, with the end of the Cold War, the United States and Russia should base their new relationship on common interests and cooperation, and not on the distrust that was the foundation of the doctrine of mutual assured destruction that had defined relations as Cold War enemies.

The Russian reaction was telling. They did not threaten or posture. They did not say yes or no; they mostly listened and asked questions to explore the U.S. proposals. Indeed, in a speech to the United Nations in January 1992, President Yeltsin had called for the joint development of a "Global Protection System" to defend against ballistic missile attack.

Most important, and relevant to keep in mind in today's discussions, while the United States was insisting on basic changes to the ABM Treaty, the Russian START negotiators were concluding the long sought START agreement providing, for the first time, for substantial reductions in offensive forces. That the U.S. position on the ABM Treaty did not affect the Russian willingness to agree to offensive reductions was evident in the signing of both START I and START II in quick succession.

Nonetheless, in 1993, in one of its most substantial departures from the Bush Administration security policy, the new Administration reversed course on national missile defense and the renegotiation of the ABM Treaty. National missile defense programs were downgraded in priority and funding was significantly reduced. For years this policy position has prevailed, often justified by the assertion that we must choose between offensive reductions and even limited defenses.

Most recently, in the context of the Senate's consideration of the National Missile Defense Act of 1999, the Administration reaffirmed at the highest level that the United States has not made a decision to deploy and continues to uphold the 1972 ABM Treaty as the "cornerstone of strategic stability." This approach, we are told, is necessary to save START II – a Treaty that Moscow has held hostage so many times to so many different objectives over so many years that few now believe it will ever be ratified by the Duma or, if it is ratified, that it will have much significance.

Yet, irrespective of the fate of START II, how Russia will react to the deployment of national missile defenses by the United States remains an important question. A number of U.S. and Russian officials have predicted dire consequences if the United States insists on amending the ABM Treaty or withdraws from the Treaty. Such assertions lack supporting evidence and ignore Russia's own approach to arms control and its own security policies. Similar predictions were voiced in the contexts of NATO enlargement and air strikes on Iraq. Yet, in both of these examples, Russia acted on the basis of its interests, not its press statements. Russia's actions spoke louder than its words.

The same is true regarding arms control experience. When NATO decided to deploy intermediate-range nuclear forces in the early 1980s, while simultaneously negotiating for the elimination of this entire class of nuclear weapon, the Soviet Union made stark threats to test the Alliance's resolve. Moscow promised to walk out of the negotiations when the first NATO missiles were fielded, and did so in November 1983. But when it became clear that the determination of the Allies would not be shaken, the Soviet negotiators returned to the table and the result was a total ban on these weapons.

The most recent arms control example of Russia pursuing its own interests in the context of changing strategic realities is also perhaps the most instructive. When the breakup of the Soviet Union led Russia to conclude that the legal limits on deployed forces in its flank regions -- as established in the Conventional Armed Forces in Europe (CFE) Treaty -- were no longer in its interest, its approach was straightforward: it insisted that the Treaty be changed. The United States and the other parties accommodated the Russian demand in the Flank Agreement. Since then, Russia has again insisted on additional modifications to the CFE Treaty. That the other parties will again go along is apparent in the recent Washington NATO Summit Communiqué that reads: "The CFE Treaty is the cornerstone of European security. We reaffirm our commitment to the successful adaptation of the Treaty reflecting the new security environment..."

The principle is clear. Russia assesses the value of arms control agreements in the context of its defense requirements. When the security conditions change for Russia, it acts with determination to change the treaties. For us, the parallel to the ABM Treaty is evident and the principle should be the same.

Today the United States faces a long-range ballistic missile threat that was not envisioned when the ABM Treaty was negotiated. Although Moscow will certainly seek to delay and minimize any changes to the Treaty, and as always will seek a high price for accommodation, it will understand the U.S. need to defend against this new threat and, as

we have done with Russian demands in the CFE context, it will accommodate. Accommodation is possible because Russian interests and U.S. interests are not mutually exclusive.

Even at the lowest levels of offensive nuclear forces speculated for Russia in the future, a U.S. missile defense deployed to protect against a limited attack would not undermine its offensive capability. And this is the critical point: at the end of the day, if Russia knows that U.S. defenses will not call into question the credibility of their nuclear offensive force, they will have what they believe they need. In this context, given the choice between a modified ABM Treaty and no Treaty, Moscow will almost certainly follow past practice and choose to renegotiate the Treaty consistent with its own best interests.

Finally, the future of offensive nuclear reductions is less likely to be tied to formalistic arms control negotiations than to the realities of post-Cold War world. The Russians, according to almost all assessments, will be compelled by economics to go to much lower levels of offensive forces, independent of arms control outcomes. If this forecast is accurate and Russia does go to lower numbers, perhaps even well below those being discussed for START III, the United States could make appropriate adjustments in our own posture -- a posture that must be structured to meet our global interests, which are much different from those of Russia.

With regard to the second proposition -- that the rogue state missile threat to the United States is still years away -- the findings of the Rumsfeld Commission and the North Korean launch last August of the multi-stage, long-range TaepoDong missile underscore that the threat is here now and will become increasingly sophisticated. There is an apparent consensus within the defense community that the proliferation of nuclear, biological and chemical weapons represents a major security challenge to the United States. We are also near consensus on the missile threat, as reflected in the Senate's overwhelming passage of the National Missile Defense Act of 1999. The National Intelligence Estimate that concluded that we would have warning and that we likely would not face a long-range missile threat for fifteen years has been widely repudiated.

Here, two points should be made. First, in the area of proliferation shocks and surprises, we have a long record of intelligence failures. From Sputnik and missiles in Cuba to the recent TaepoDong launch, there is every reason to believe that we will be surprised in the future about the size, scope and speed of adversaries' missile programs. The same applies to their programs to develop weapons of mass destruction. Second, it seems to me that the North Korean launch settles the debate. We now have a desperate, totalitarian regime, that could we are told have a couple nuclear bombs, in the possession of long-range missiles.

The third proposition -- that the ABM Treaty does not impede the development of U.S. defense capabilities and that deployment of defenses will require only modest changes to the Treaty -- is more akin to a self-limiting, self-fulfilling proposition than an objective assessment of U.S. missile defense requirements in light of the threat we face.

One can argue technically that the fixed, ground-based national missile defense architectures being contemplated can be developed consistent with the Treaty. Yet, it is very difficult to conclude that, absent the Treaty, the United States would be considering these architectures as the primary candidates. If the Treaty did not exist, we would likely be aggressively exploring sea- and space-based options that offer much greater potential in terms of cost effectiveness and flexibility for expanding our defenses as the threat expands. This is not being done because our programs must be compliant with the Treaty.

Moving from development to deployment, one must also question the proposition that even very limited defenses could be fielded with only modest changes to the implementing provisions of the Treaty. Article One embodies the purpose of the Treaty by committing each party "not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense." Coupled with the 1974 Protocol that reduces the number of permitted sites from two to one, Article One limits a compliant defense to the sole purpose of protecting the former ICBM field near Grand Forks, North Dakota.

The words of Article One and their meaning are very clear and, if one applies plain and ordinary definitions, the language makes evident the need to confront the contradiction between today's imperative to defend our population against ballistic missile attacks from rogue nations and the underlying strategic rationale of the Treaty.

Designed in the bipolar context of the Cold War confrontation with the then Soviet Union, the express objective of the Treaty was to severely restrict defenses so as to preserve the credibility of offensive deterrent forces. Few would advance this same deterrent concept today for states such as North Korea or Iran. Yet, the Treaty does not provide an exception for what is often referred to as a light territorial defense against these and other ballistic missile threats.

This leads to two further observations. The first is on timing. Given the stated Russian goal of retaining the ABM Treaty without change, and given their fears that any U.S. deployment program will provide the base for a robust national missile defense that could threaten the viability of their nuclear arsenal, any negotiation can be expected to be long and difficult. Yet, if the United States acts with determination and avoids mixed signals, such negotiations could be successful if we have both a clear deployment objective and the perceived resolve to move forward to meet the threat from rogue states, even if that requires withdrawal from the Treaty under the supreme interest clause. In light of the pace of missile programs in countries such as North Korea and Iran, there simply is not time to devote years to the renegotiation of the ABM Treaty.

The second observation is that in attempting to resolve Treaty issues to permit limited defenses, we need to ensure flexibility for the future to counter missile threats as they continue to evolve, taking full advantage of developments in technology. Narrow Treaty relief to allow for fixed ground-based interceptors to protect against a very small and crude missile threat in the near term must not be purchased at the price of fixing in

concrete a future that does not permit us to adapt our defenses to meet the threat as it evolves. For example, we must not compromise now on a defense against a small handful of missiles from North Korea but leave ourselves totally defenseless when they add one or two more.

In conclusion, I will end by describing three alternative futures for the ABM Treaty. The first, advocated by Russia and China, would have the United States abide by the Treaty without change. At the core of this approach --although often disguised by such noble sounding phrases as "the cornerstone of strategic stability" or "the cornerstone of world stability" -- is the perpetuation of the Cold War concept of mutual assured destruction that bases national security policy on the vulnerability of our society to nuclear destruction.

That the United States would remain vulnerable to the rogue nation missile threat is either discounted or prized. For Russia, the status quo best protects the nuclear force that it increasingly relies on in both defense planning and declaratory policy. Moscow gives little indication of concern about U.S. vulnerability to rogue state attacks, such as from North Korea. For China, the ABM Treaty is considered critical to its national interest because, without U.S. defenses, Beijing can credibly threaten the United States with unacceptable destruction of our cities. While not a party to the Treaty, China certainly sees itself as an interested beneficiary, especially in the context of its designs on Taiwan.

The second ABM Treaty future rejects the three propositions assessed in this statement and calls for the United States to withdraw from the Treaty consistent with our legal rights. Here, the clear imperative is to deploy an effective national missile defense against the rogue threat in a manner that permits our defenses to evolve as the threat evolves. Under this approach, the ABM Treaty is acknowledged to be strategically obsolete and counterproductive to long-term relations with Russia. Differences with Russia -- and specifically assurances to Moscow that U.S. missile defense deployments would not undermine the Russian offensive force -- could be reconciled outside of the Treaty, through informal confidence building measures or perhaps even in a more formal way.

The third ABM Treaty future accepts as a national security imperative the need to defend against the rogue threat. It also sees the ABM Treaty as obsolete and counterproductive. Yet, under this approach, there is a willingness to attempt to renegotiate the Treaty if Moscow believes it essential and is willing to accept fundamental changes that permit the United States to pursue defenses that are sufficiently robust and flexible to protect against the threat. If this attempt is unsuccessful, the United States would be forced to withdraw from the Treaty, legally and consistent with our security requirements. This was the approach taken in 1992. It may well provide a way ahead today.