no 27

Missing Piece and Gordian Knot: Missile Non-Proliferation

MARK SMITH

WMDC
THE WEAPONS OF MASS DESTRUCTION COMMISSION
www.wmdcommission.org

This paper has been commissioned by the Weapons of Mass Destruction Commission. Its purpose is to function as food-for-thought for the work of the Commission. The Commission is not responsible for views expressed in this paper.

Weapons of Mass Destruction Commission (WMDC)
The WMDC is an independent international commission initiated by the Swedish Government on a proposal from the United Nations. Its task is to present proposals aimed at the greatest possible reduction of the dangers of weapons of mass destruction, including both short-term and long-term approaches and both non-proliferation and disarmament aspects. The Commission will issue its report in early 2006.

The commissioners serve in their personal capacity. The Commission is supported by a Secretariat based in Stockholm, Sweden.

Weapons of Mass Destruction Commission
Postal address: SE-103 33 Stockholm, Sweden
Visitors' address: Regeringsgatan 30–32
E-mail: secretariat@wmdcommission.org
Website: www.wmdcommission.org

Missing Piece and Gordian Knot: Missile Non-Proliferation

Dr Mark Smith
Division of Politics & International Relations
School of Social Sciences, University of Southampton, UK

Of all the normative arrangements surrounding WMD, missile norms remain the most chronically under-developed. An international network of supply-side constraints, an attempt to establish 'rules of the road' through a Code of Conduct, two utterly fruitless studies in the UN, and, frankly, a great deal of hair-tearing and finger-wagging have failed to produce any identifiable consensus beyond an amorphous sense that international demand-side norms would be a Good Thing. A remark made at the close of the first UN Expert Panel, which was made in exasperation at the difficulties encountered in that venue, can also be more generally applied to the global debate: "Panel members had vigorous discussions, but could not agree on a single recommendation for a course of action, and couldn't even agree on what the nature of the problem was".[1]

We therefore appear to be at something of an impasse. Few, if any, would regard the current situation as either satisfactory or as giving grounds for optimism about the future. This paper is not intended to revisit the problems encountered by recent initiatives, since those have been covered elsewhere, but rather to offer an assessment of why missile non-proliferation has been such an intractable problem and then to suggest ideas for a more fruitful way forward.

[1] Ncumisa Pamella Notutela, Representative of South Africa, Statement to the UN First Committee General Debate, October 2, 2002

Where We Are

Like the WMD regimes, the missile non-proliferation regime (such as it is) is in need of revival.[2] Unlike the WMD regimes, however, there is no globally institutionalized regime on possession, and consequently even 'holding the line' on missile proliferation still works through the supply-side activity of the MTCR and the Proliferation Security Initiative (PSI). There are good grounds for regarding the pace of missile proliferation as relatively slow[3], and it is logical to presume that the MTCR and now the PSI have therefore been successful in their aims. Maintaining these tools may continue to alienate those states which a global demand-side regime would need to attract, and therefore it is possible that a choice needs to be made: should we accept that the global norms of stigmatization that have been established on WMD are simply not viable when it comes to missiles? In which case, are we prepared to put all our efforts into maintaining and enhancing the supply-side regime, pursue missile defence as a fall-back measure, and thereby risk permanently downgrading demand-side norms?

This is not intended to be a rhetorical question, because such a policy does in fact present some important advantages. Moreover, there are good reasons to believe that the WMD-style approach is inapplicable to delivery systems, which I detail below. At this point, however, it is worth setting out the advantages of diverting political energies from demand-side supply-side policies. In the first place, such an approach is politically honest, in that it does not ask states with developing missile programmes to voluntarily limit or abandon them while others (the P5, for example) maintain extensive long-range capabilities. Second, to restate the point, the supply-side controls appear to be functioning with relative success. Emerging missile capabilities are developing quite slowly, are currently confined to MRBM range (i.e. 1-3000km), and the MTCR controls appear to ensuring that they are relatively unsophisticated and thereby more susceptible to missile defence.

---

[2] Jonathan Dean, ''Reviving the Nonproliferation Regime', *WMD Commission No. 4*, available at www.wmdcommission.org.

[3] Joseph Cirincione, 'The Declining Ballistic Missile Threat 2004', Carnegie Endowment for International Peace, 21 September 2004.

However, it is possible that the MTCR may be something of a declining asset if left to tackle proliferation by itself. A combination of the end of the 'Scud barrier', an absence of enforcement of its controls and the emergence of significant suppliers outside its membership appear to be combining to erode its effectiveness.[4] Moreover, ballistic missile proliferation outside the P5 states has already worked its way up to the MRBM level, and, unsophisticated as these missiles may be, that is enough to impact on regional strategic thinking. Some norm-building is therefore required, if only to establish some common ground for what can be considered 'responsible missile behaviour'.

Earlier in this paper I promised not to revisit the reasons for the lack of progress in global norm-building, and consequently will limit myself to some short remarks about recent initiatives. First the Hague Code of Conduct (HCoC). This initiative has the *right approach* for a global regime (in its attempts to establish a lowest common denominator on missile behaviour), the *wrong provenance* (in its origins in the MTCR, a distrusted and resented regime in regions where the HCoC most needs to find acceptance), and a *problematic focus* (in its concentration on ballistic missiles).

Second, the UN Panel of Experts. This had the *right provenance* in the UN, but a *problematic focus*. In contrast to the HCoC, the UN Panel's focus suffered from being too comprehensive; the comment cited in the introduction to this paper is evidence of the near-impossibility of producing meaningful agreement on "the issue of missiles in all its aspects".

Grounds for Controlling Missiles

To one extent or another, norm-building on WMD and delivery systems has usually relied on stigmatization and taboos. That is to say, it has rested on the assumption that certain types of weapons are ethically unacceptable. The continuing debate over NPT Article 6 notwithstanding, this remains the most reliable and philosophically sound basis for international norms on WMD. The international controls on missile proliferation also

[4] Aaron Karp, 'Limited Expectations: Cooperative Responses to Missile Proliferation', paper presented at the 3rd UN/RoK Joint Conference on Disarmament and Non-Proliferation Issues, 6-8 December 2004.

were originally rooted in stigmatization: the MTCR's original purpose was the make the NPT more effective by placing tight controls on delivery system and thereby raising a further disincentive for states to attempt to enter the nuclear weapons game. If that state should succeed in evading international controls and defying international norms on nuclear weapons, it would find it considerably more difficult to obtain a delivery system.

It was only later that the idea of controlling missiles *as* missiles took on a higher profile, but the link with the WMD regimes is still firmly in place. Nonetheless, the recent history of norm-building does not give grounds for optimism that this link is sufficient to produce a missile taboo. Moreover, this is the only characteristic of missiles that can reasonably be used to develop such a taboo: the other characteristics (long range, the difficulty of missile defence, the speed of missiles) do not lend themselves to stigmatization, since they can reasonably be viewed as *advantages* of missile development. It is very difficult, perhaps impossible, to see how states can be expected to subscribe to the idea that a long-range strike capability that is relatively impervious to defensive measures is a Bad Thing.

Finally, if we wish to control missiles only as a means to the wider end of controlling WMD, the WMD regimes themselves exist to serve that end, and if they are struggling to stop proliferation then it is difficult to see how missile control can have more than a tangential impact. Thus, if we want missile control only to boost WMD control, then it is more productive to focus efforts on the WMD regimes themselves, maintain the MTCR controls and attempt to widen membership to states such as China, work on bilateral deals such as a DPRK export moratorium, and perhaps keep an open mind on missile defence as an added disincentive for recalcitrant states to pursue long-range missiles.

What conclusions arise from this? One is that, when attempting to construct norms on missiles in themselves, the link with WMD in missile control should not be overstated. A second is that, if missile control should not be grounded in WMD control, we need to think about what it ought to be grounded in. I suggest that the characteristics which set missiles, especially ballistic missiles, apart from other delivery systems are essentially

strategic in nature: their range, speed and relatively low susceptibility to defensive measures combine to confer a strategic advantage, which is raised still further if accuracy can be improved. It is strategic criteria, therefore, which hold out the most promising criteria for missile control. What does a norm-building mission look like in light of this?

Norm-Construction on Missiles

If strategic criteria are to be used as the basis for missile control, this inevitably leads us away from global initiatives. In a world where there is only one state with global reach and global military presence, it follows that the overwhelming majority of missile programmes are driven by regional issues and are rooted in security complexes.[5]

South Asia

Ironically, and perhaps revealingly, the region in which real missile control is the most likely is also the least amenable to global initiatives. It is worth identifying some reasons why this is the case.

First, this is a self-contained region in which most or all of the key dynamics concern states within the region, and no extra-regional states are significant strategic actors. Second, missile dynamics are largely, if not entirely, symmetrical. That is to say, ballistic missiles in one state tend to be mirrored by ballistic missiles in the other, and there is a relatively high degree of responsiveness. This means that mutual restraints may be relatively easy to construct since they would concentrate on comparable delivery systems on each side. The recent round of talks on this issue, of course, failed to produce significant progress even on test-launch notification, but that probably suggests that progress in future will be slow rather than non-existent. Third, although India and Pakistan are partially disconnected from the global WMD non-proliferation regime and especially the NPT, they are not regarded as states of concern in the way that states such

[5] A security complex can be defined as "a group of states whose primary security concerns link together sufficiently closely that their national securities cannot realistically be considered apart from one another". Barry Buzan, *People, States and Fear:An Agenda for International Security Studies in the Post-Cold War Era* (2nd edition, Harvester Wheatsheaf, 1991) p. 190.

as the DPRK are. Thus their missile programmes are not bound up in issues such as suspect compliance with treaty obligations, as is the case with Iran.

In fact, this is the relationship most analogous to the Cold War, especially now that there appears to be an emerging consensus that neither side has an interest in changing things by force, and also (perhaps more importantly) recognition by each that the other is not interested in forcible changes to the status quo. The end of missile control, therefore, appears to be to implement and sustain a stable deterrent relationship at the strategic nuclear level.

Northeast Asia

This is far knottier security complex than South Asia, and many writers have highlighted the lack of genuine multilateralism (the 6-party talks on the DPRK's nuclear programme notwithstanding). It may be that the region can more accurately be described as a set of cross-cutting and interconnected bilateral relationships that in many ways has yet to become more than the sum of its parts.

The US-China relationship, in terms of missiles, concentrates on the implications for China's deterrent of US BMD deployment; the presence of Chinese missile deployments near Taiwan and the possibility of TMD sales by the US; and the wider US strategic presence in the Northeast Asian strategic theatre. The relationship is comparatively symmetrical, but also embedded in the evolving political and economic relationship between Beijing and Washington. It is comparatively stable, provided neither side does anything deliberately provocative. Provided China's adherence to its MTCR-compliant export controls is implemented, and the US avoids exacerbating the Taiwan issue, missiles look unlikely to figure heavily in the Beijing-Washington relationship.

The US-DPRK relationship is currently dominated by the nuclear issue, in which the 6-party talks represent the outstanding multilateral prospect in Northeast Asia. Missile issues are of course concentrated on the DPRK's Taepodong and Nodong programmes, its exports of technology to Iran, and Pyongyang's own concerns about the US strategic

presence. It is a relatively unsymmetrical relationship: the DPRK's ballistic missile development is more responsive to US conventional force deployment than to its ballistic missiles. That asymmetry is likely to be mirrored in any deal struck on DPRK missiles: the pay-off for a moratorium on exports, a renewed test-launch ban, or other missile controls is likely to be financial (eg demand for x$ for exports) or tightly related to the nuclear issue. Thus, the end of missile control is less about strategic stability than about reining in aspects of current DPRK policy. Similar can be said of the strategic dyads between the DPRK and RoK, and the DPRK and Japan.

A set of bilateral agreements, again focusing more on preserving the strategic status quo, may be more workable than region-wide agreements. Regional test bans and missile-free zones (MFZs) are the most applicable CBMs to Northeast Asia, if they can be successfully agreed. Test bans can help to preserve the strategic status quo, and prevent any undesirable change in the existing strategic balance. Missile-free zones have a number of applications. A regional MFZ has been suggested before, but it is a long-term prospect. In the more immediate term, however, more localized MFZs may be feasible. For example, one option would be to construct such a zone on the Korean peninsula. The highly regime-specific nature of the DPRK's missile programme means that Pyongyang is highly unlikely to abandon all its missiles, but it might be possible to construct a MFZ around the border region, by withdrawing all WMD-capable missiles from a region 300km either side of the border. This ought to put the DPRK's WMD-armed SCUDs out of range of the RoK. Another would be to construct similar zones around Taiwan on Chinese missiles, perhaps in exchange for Taiwanese commitments on TMD deployment.[6]

Middle East

Again, the security complex here is heavily affected by the strategic presence of an extra-regional power, the US. As with Northeast Asia again, this tends to produce a strong asymmetry in ballistic missile proliferation, particularly in the case of Iran whose Shahab

[6] This possibility, together with an assessment of the HCoC's applicability to Northeast Asia, was one that I pondered in an unpublished Mountbatten Centre report, *The International Code of Conduct Against Ballistic Missile Proliferation: A Critical Appraisal and Options for Further Measures* (MCIS, 2002).

programme is significantly influenced by the non-ballistic capabilities of Washington as well as by the more symmetrical missile capabilities of Israel. Moreover, the Israel-Palestine peace process, the situation in Iraq, and the question of Iran's non-compliance with the NPT, while they do not involve missiles, nonetheless impact strongly on the possibilities for genuine control.

Again, this tends to point more towards cross-cutting bilateral agreements than regional ones. Iran may be induced to adopt a test-ban on its Shahab programme, perhaps as part of any deal on its nuclear work. It may be possible to link missile control more firmly to a regional set of confidence-building measures, such as those described above, but only Iran and Israel would be significantly involved. More general policy declarations, such as those included in the HCoC text, may be more workable. Genuine missile control, however, is too bound up in non-missile issues to make much headway by itself. The FCE model, in which a number of different military technologies were covered in an all-encompassing treaty, is the most productive model.

Conclusions

One: Whilst the link between missile and proliferation undoubtedly is important, it should not be overplayed when trying to establish norms and controls over international missile proliferation. The link is good for underlining missile control, but we should be careful about how far we use it as the basis for control. Consequently, we should not overload the HCoC we unrealistic expectations about what it can achieve.

Two: global norm-building is useful more as a political idea of where the lowest common denominator lies. Since the WMD model of stigmatization is less applicable to missiles, we are pushed towards strategic criteria. The fact that there is only one global strategic actor inevitably draws us towards regional initiatives, which is where the key dynamics behind missile proliferation lie.

Three: it should be noted that, of the three regions covered above, only South Asia has an established dialogue that looks likely to produce agreement on missile control. Other

than the 6-party talks on the DPRK nuclear programme, the other two regions suffer not only from an absence of missile norms, but a notable absence of a forum at which such norms might even be discussed. The NGO community, and initiatives such as the Commission for which this paper has been written, can be important sources of ideas and practical proposals, but they are rarely the forum at which political agreements can be thrashed out.

As Aaron Karp has cogently argued, there is a role, and in fact a real *need*, for Track-2 diplomacy in missile norm-building.[7] This is for two reasons. First, the basis on which missile norms can be established have yet to be properly established. Second, the current international political climate is not favourable for missile norm-building, but that will not always be the case. If we are to be able to take advantage of opportunities that arise, it is of vital importance that we are intellectually prepared. The synergy that can take place between analysts, activists, civil servants and public officials in the informal but policy-focused atmosphere of Track-2 may be central to such preparation.

[7] See his excellent paper cited above.

List of published studies and papers
All papers and studies are available as pdf-files at the Commission's website: www.wmdcommission.org

No 1 "Review of Recent Literature on WMD Arms Control, Disarmament and Non-Proliferation" by Stockholm International Peace Research Institute May 2004

No 2 "Improvised Nuclear Devices and Nuclear Terrorism" by Charles D. Ferguson and William C. Potter June 2004

No 3 "The Nuclear Landscape in 2004: Past Present and Future" by John Simpson, June 2004

No 4 "Reviving the Non-Proliferation Regime" by Jonathan Dean, June 2004

No 5 "Article IV of the NPT: Background, Problems, Some Prospects" by Lawrence Scheinman, June 2004

No 6 "Nuclear-Weapon-Free Zones: Still a Useful Disarmament and Non-Proliferation Tool?" by Scott Parrish and Jean du Preez, June 2004

No 7 "Making the Non-Proliferation Regime Universal" by Sverre Lodgaard, June 2004

No 8 "Practical Measures to Reduce the Risks Presented By Non-Strategic Nuclear Weapons" by William C. Potter and Nikolai Sokov, June 2004

No 9 "The Future of a Treaty Banning Fissile Material for Weapons Purposes: Is It Still Relevant?" by Jean du Preez, June 2004

No 10 "A Global Assessment of Nuclear Proliferation Threats" by Joseph Cirincione, June 2004

No 11 "Assessing Proposals on the International Nuclear Fuel Cycle" by Jon B. Wolfsthal, June 2004

No 12 "The New Proliferation Game" by William C Potter, June 2004

No 13 "Needed: a Comprehensive Framework for Eliminating WMD" by Michael Krepon, September 2004

No 14 "Managing the Biological Weapons Problem: From the Individual to the International" by Jez Littlewood, August 2004

No 15 "Coping with the Possibility of Terrorist Use of WMD" by Jonathan Dean, June 2004

No 16 "Comparison of States vs. Non-State Actors in the Development of a BTW Capability" by Åke Sellström and Anders Norqvist, October 2004

No 17 "Deconflating 'WMD'" by George Perkovich, October 2004

No 18 "Global Governance of 'Contentious'" Science: The Case of the World Health Organization's Oversight of Small Pox Virus Research" by Jonathan B. Tucker and Stacy M. Okutani, October 2004

No 19 "WMD Verification and Compliance: The State of Play" submitted by Foreign Affairs Canada and prepared by Vertic, October 2004

No 20 "WMD Verification and Compliance: Challenges and Responses" submitted by Foreign Affairs Canada, October 2004

No 21 "Meeting Iran's Nuclear Challenge" by Gary Samore, October 2004

No 22 "Bioterrorism and Threat Assessment" by Gary A. Ackerman and Kevin S. Moran, November 2004

No 23 "Enhancing BWC Implementation: A Modular Approach" by Trevor Findlay and Angela Woodward, December 2004

No 24 "Controlling Missiles", by Jonathan Dean, December 2004

No 25 "On Not Confusing the Unfamiliar with the Improbable: Low-Technology Means of Delivering Weapons of Mass Destruction" by Dennis M. Gormley, December 2004

No 26 "A Verification and Transparency Concept for Technology Transfers under the BTWC" by Jean Pascal Zanders

No 27 "Missing Piece and Gordian Knot: Missile Non-Proliferation" by Mark Smith

No 28 "The Central Importance of Legally Binding Measures for the Strengthening of the Biological and Toxin Weapons Convention (BTWC)" by Graham S. Pearson

WMDC

THE WEAPONS OF
MASS DESTRUCTION
COMMISSION

www.wmdcommission.org