
**Submission of Evidence to the
House of Commons Select Committee on Defence
Inquiry into Missile Defence**

**British American Security Information Council
(BASIC)**

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Inquiry into Missile Defence

Submission of Evidence to the House of Commons Select Committee on Defence

by

The British American Security Information Council (BASIC)

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Contents:

	Paragraphs
The Consultation Process	1-3
Recent Developments in Missile Defence	4-10
Assessment of the Threat from Ballistic Missiles	11-23
What Type of Missile Defence: Theatre or Strategic?	24-26
The Proposed UK Role in Multi-Layered Missile Defence	27-29
Space-based Weapons	30-32
Will it Work?	33-35
How Much Will it Cost?	36-38
Strategic Consequences of UK Involvement in Missile Defence	39-42
Other Approaches to the Threat of Ballistic Missile Proliferation	43-48
Conclusions	49-53
Appendix 1: US Congressional Concerns on Missile Defence	

The Consultation Process

1. BASIC welcomes the Committee's further inquiry into missile defence, its call for written submissions and its restatement of the desirability for an informed public and parliamentary debate on this issue. Missile defences became a prominent area of research for BASIC about three years ago, and since then we have been regularly disseminating materials on US developments on the issue to European government officials, the media, and the general public. We also try to bring European views into the debate in Washington. In June 2001, for example, BASIC and a partner organisation commissioned an opinion poll of the UK public's attitude towards missile defence. The survey, completed in July that year, was the first detailed attempt to assess the opinions of the general British public on the UK's possible role in enabling US missile defence plans to proceed. Results indicated that 70% of people in Britain believed the US plans would lead to a new arms race, and 62% thought that the creation of National Missile Defence (as it was then known) would make disarmament harder to achieve.
2. BASIC also notes that the Ministry of Defence initiated this latest debate with its publication 'Missile Defence: a public discussion paper' on 9 December 2002. The MoD has asked that views and opinions in response to this document be forwarded to the Policy Director but there is no indication of a closure date for such contributions or if the Government will be making a formal response to them. **BASIC, therefore, urges the Committee to seek clarification from the Secretary of State during his verbal evidence on 15 January 2003.**

3. BASIC will submit a more detailed response to the MoD discussion paper towards the end of January.

Recent Developments in Missile Defence

4. Since the US Defense Secretary, Donald Rumsfeld, dropped the reference to 'national' in what the Clinton administration termed National Missile Defence, the possibility of expanding the missile defense system to protect "friends and allies" has been repeatedly mooted. The use of European radar bases at Thule in Greenland and Fylingdales in Yorkshire has long been a high priority for US missile defence planners. However, with the Bush administration promising to have a system in place by 2004, and the hawks firmly in control of policy formulation, the United States is contemplating a greater level of allied involvement. The path was further smoothed by US withdrawal from the ABM Treaty (in December 2001) and considerable increases in spending on US missile defence research and development in 2002.
5. Among the range of options being considered is the stationing of interceptors in one or more central European countries, an idea first put forward by House Republican and missile defence advocate Curt Weldon, R –Penn., in February 2001. The Pentagon is also interested in using European ship borne radar technology, particularly that deployed on Britain's upcoming Type-45 Frigates, to detect missile launches. In order to garner allied support for its plans, Washington is also promising greater involvement for European defence contractors in the development of the required technologies.
6. The issue of missile defence was reintroduced into the public arena on 14 October 2002 with the announcement from the US Missile Defense Agency of a successfully completed flight test of the ground-based midcourse defence (GMD) programme. The press release stated that the Department of Defense "will continue to pursue this testing regime to achieve a layered approach to missile defence."¹ At the same time the US Congress appropriated \$7.4 billion for work during fiscal year 2003 on missile defence programmes.
7. During the summer 2002, representatives of the Bush Administration visited European capitals to promote the concept of missile defence and encourage active support and participation in the project. John Bolton, US Undersecretary of State for Arms Control and International Security put the case bluntly to a Royal United Services Institute conference on 18 November: "It is no longer a question of *whether* missile defence will be implemented and time is running out for allies to climb on board".²
8. A NATO communiqué was released during the Prague Summit on 22 November 2002, which indicated that Member States had agreed to initiate a new NATO Missile Defence feasibility study and conduct further research into the desirability of pursuing missile defence research and development. Collaborative work was already underway as detailed in a July press release from European Aeronautic Defense and Space Company (EADS) following the signing of a research and cooperative agreement with Boeing [a major missile defence contractor in the US]: "The transatlantic team effort will focus on creating end-to-end products for global ballistic defence."³

¹ 'Missile intercept test successful', US Department of Defense News Release, 14 October 2002.

² 'Missile Defense in a New Strategic Environment: Policy, Architecture, and International Industrial Cooperation after the ABM Treaty', John R. Bolton, Under Secretary for Arms Control and International Security, remarks to the Fourth RUSI Missile Defense Conference, London 18 November 2002.

³ 'Boeing and EADS announce transatlantic partnership', EADS Press Release, 23 July 2002.

9. The publication of the MoD's discussion paper on 9 December was swiftly followed on 17 December by the announcement of a formal request, in a letter from US Defense Secretary Donald Rumsfeld, for the upgrade of the early warning radar at RAF Fylingdales for missile defence purposes. In his written response, Defence Secretary Geoff Hoon said: "The Government will now consider the US request very seriously, agreeing to it only if we are satisfied that it will ultimately enhance the security of the UK and NATO Alliance."⁴ Mr. Hoon's full response was released to the public but the MoD has declined to release Mr. Rumsfeld's request. **As both would be helpful in framing the forthcoming public and parliamentary debate, BASIC urges the Committee to ask the Defence Secretary to publicly share the content of Mr. Rumsfeld's letter which surely can not be withheld on the grounds of it being "private correspondence"**.
10. On the same day the Defence Secretary made his announcement to the House of Commons, President Bush made a statement of commitment to proceed with the deployment of "ground-based interceptors, sea-based interceptors, additional Patriot (PAC-3) units, and sensors based on land, at sea, and in space" – to be operational in 2004 and 2005.⁵

Assessment of the Threat from Ballistic Missiles

11. Germany first developed ballistic missiles in their military form during World War II. The V-2, which was powered only during the first part of its flight, was the world's first operational ballistic missile with a range of just over 300km. Over the last 60 years, ballistic missiles have become a key strategic weapon of modern deterrence and warfare, and can be used to carry conventional, chemical or nuclear warheads. Ballistic missiles can also be used as launchers for civilian space projects.
12. Today, intermediate-range ballistic missiles (IRBM) can reach targets up to 2,400km away, while intercontinental ballistic missiles (ICBM) have a range of many thousands of kilometres. The former Soviet Union completed the first operative ICBMs in 1958, and the United States, reacting to a supposed 'missile gap', gained overwhelming missile superiority by 1962. In terms of accuracy and payload, this supremacy was never relinquished.
13. In an effort to stop the proliferation of ballistic missiles, the UK, France, United States, Italy, Canada, Japan and Germany (the G7 states) established the Missile Technology Control Regime (MTCR) in 1987. The MTCR is a voluntary co-operative undertaking between states to limit the proliferation of nuclear, and (since January 1993) chemical and biological-capable missiles with a range of over 300km. It works through the national enforcement of agreed guidelines to control exports of equipment and technology that could be used to build such missiles. Since 1987, the membership of the MTCR has increased to 32 states.⁶
14. There are several major weaknesses in the MTCR. First, it is not a treaty and is not legally binding. Second, not all the suppliers of missile components and technology are in the regime (e.g. China, North Korea, Iran, India and Pakistan are suppliers who operate outside of the MTCR, although China has pledged to work within MTCR guidelines). Third, the regime contains no provisions for reducing existing missile stockpiles, and fourth, it denies dual-use technology to developing countries for peaceful purposes.

⁴ 'UK considers US missile defence request', statement by Geoff Hoon, 17 December 2002.

⁵ Statement by the President of the United States, 17 December 2002.

⁶ For more information on the MTCR, see http://projects.sipri.se/expcon/mtcr_documents.html

15. In the early 1980s only the Soviet Union and the seven original member states of the MTCR had the capability to export whole ballistic missile systems. Today, however, it is estimated that 31 nations have an operational short-range ballistic missile capability (with a range up to 600km), with North Korea, Iran, Iraq, Syria and Libya identified by the United States as particular 'states of concern'.⁷ However, none of these so-called states of concern currently possess missiles able to reach the US or the UK, although part of the territory of NATO (i.e. Turkey) is within range of short-range missiles from Syria, Iran and Iraq.
16. The threat to regional stability and ultimately global security from the proliferation of ballistic missiles is made worse by the danger that these weapons could fall into the hands of terrorists. However, as the Dutch Advisory Council on International Affairs recently concluded, "the United States is the only NATO ally that has a strong view on the threat from ballistic missiles".⁸
17. There are several reasons for this more relaxed approach among many European analysts and governments. First, a long-range missile is one of the *least* likely means of delivery for weapons of mass destruction. For a country or organisation that wants to strike the US (or UK) with a weapon of mass destruction, there is more logic in the use of other, technologically less advanced and therefore more accessible, means of delivery, such as aircraft or sea containers. **A missile defence system does not provide protection against attacks with weapons of mass destruction using other means of delivery.**
18. Second, it is hard to imagine that a 'state of concern' would, out of the blue, attack the US or UK with missiles armed with weapons of mass destruction, as it would have to count on a devastating response. While some forms of delivery may undermine deterrence by masking perpetrators, missiles are easy to track from source. **Deterrence will in general work in relation to states of concern threatening with ballistic missiles.**
19. Third, European policy makers and intelligence officials tend to see the so-called 'rogue-nation missile threat' as one of many threats to European and global security, and one that is less immediate and acute than others, such as terrorism and instability on the eastern and southern borders of Europe.
20. Fourth, most Europeans tend to favour a limited 'theatre' missile defence option, designed primarily to defend forward deployed troops, and employing a small number of land or sea based missiles. This system would join with the more traditional approach of strengthening multilateral non-proliferation regimes, diplomacy and economic sanctions.
21. The threat scenario against which missile defence is meant to provide protection may or may not become a reality in the next 10 years. The outcome will depend to some degree on a number of important technical questions and on the extent to which the countries that have the technology for long-range missiles will share it with states of concern. On the one hand, there are signs that Chinese and Russian authorities, out of understandable self-interest, are more cautious in this respect than the US supposes. On the other hand, the controls on technology-sharing by governments are rarely watertight. However, unlike most

⁷ Besides the five countries mentioned above, Algeria, Armenia, Azerbaijan, Belarus, Bulgaria, the Democratic Republic of Congo, the Czech Republic, Egypt, Georgia, Hungary, India, Israel, Kazakhstan, South Korea, Pakistan, Poland, Romania, Saudi Arabia, Slovakia, Taiwan, Turkmenistan, Ukraine, the United Arab Emirates, Vietnam, Yemen and the Federal Republic of Yugoslavia have an operational short-range ballistic missile capability. See D.A. Wilkening, 'Ballistic Missile Defence and Strategic Stability', *Adelphi Paper*, n.334, New York: Oxford University Press.

⁸ Advisory Council on International Affairs (AIV), *An Analysis of the US Missile Defence Plans: Pros and Cons of Striving for Invulnerability*, AIV, No.28, August 2002.

European assessments of this threat, the US analysis rarely addresses the circumstances in which a 'state of concern' might be prepared to actually deploy its missile potential against the US.

22. The US President justifies missile defence on the basis of the role it would play in protecting US citizens against "the catastrophic harm that may result from hostile states or terrorist groups armed with weapons of mass destruction and the means to deliver them."⁹ Clearly, President Bush believes that a number of states have both the *capability* to deliver nuclear, chemical or biological warheads on long range delivery systems and the *intent* to use them against the US. **BASIC urges the Committee to press the Defence Secretary to substantiate his support for President Bush's analysis on both counts (i.e. capability and intent) with regard to each designated 'state of concern'.**
23. The President went on to say that as these 21st century threats "also endanger our friends and allies around the world, it is essential that we work together to defend against them." Missile defences, therefore, will be developed to protect the United States, deployed US forces overseas and countries that make an industrial contribution to this effort. **BASIC urges the Committee to ask the Defence Secretary to outline the MoD's most recent threat analysis to the UK and our deployed forces, and to explain how participation in missile defence could "enhance the security of the UK and NATO alliance". It would also be appropriate at this stage of development to be informed of any agreed or proposed research and development work by UK-based companies.**

What Type of Missile Defence: Theatre or Strategic?

24. The transatlantic tension on missile defence is not based simply on opposition in much of Europe to the concept of missile defence, but on the scope and strategic implications of what is being proposed. While most European governments and large swathes of public opinion (as far as can be known – few politicians care to ask) think building a defence to protect the US mainland from missile attack is costly and unnecessary, many analysts and decision-makers in key European states agree that there might be a need to develop limited 'theatre' missile defence systems.
25. However, the missile defence programmes of Europe and the United States are motivated by vastly different strategic concerns. While the Bush Administration is determined to push ahead with an ambitious 'multi-layered' system to guard against a long-range missile attack, Europe is primarily concerned with protecting forward-deployed forces and naval fleets from cruise missile and short-range ballistic missile attack.
26. Many countries in Europe, including France, Germany, Italy and the UK, are currently engaged in developing some kind of limited missile defence capability. For the most part these are sea-based point defence systems designed to protect against cruise missile and ballistic missile attack. They have a more limited capability than similar sea-based systems being researched by the Pentagon.

The Proposed UK Role in Multi-Layered Missile Defence

27. In his statement of 17 December, President Bush said that the United States "will seek agreement from the United Kingdom and Denmark to upgrade early-warning radars on their territory". Soon afterwards, J.D. Crouch, Assistant Secretary of Defense for International

⁹ Statement by the President of the United States, 17 December 2002.

Security and General Kadish, Director of the US Missile Defense Agency, gave a more detailed briefing of the plan.¹⁰ Mr. Crouch stated very firmly that the US is going to utilise forward-deployed radars in the UK and Greenland to enhance the performance of their interceptors and that they will pay for the upgrade needed. **BASIC recommends that the Committee seek specific information from the Defence Secretary on the exact nature of the proposed upgrade to Fylingdales, its estimated cost (and how this will be shared between the US and UK), the likely impact on the surrounding environment and possible health effects for the workforce and local population. Additionally, if, as suggested, missile defences will be extended to cover US allies, the Defence Secretary should be asked about the potential security and financial implications for this country.**

28. General Kadish indicated that the primary missile threat to the US would come from Northeast Asia in 2004 and the Middle East in 2005, and to combat such a threat he argued that “we need the UK radars and the Thule radar”. He also stated that the initial ground-based interceptors in Alaska only had a range to protect continental United States. While forward deployed Aegis defence systems will, theoretically, be able to protect deployed forces or allied nations against attack from medium range missile attack, they would not be effective against ICBM (inter continental ballistic missiles). In response to a question about X-band radar, which would be needed to make the ground-based missile defence system effective, General Kadish said that they had decided to put X-band radar on a sea-based platform initially. **BASIC believes that this implies two things: first, that it is likely there are plans for forward-based interceptor sites in Europe, and second, that a request to build an X-band radar at Fylingdales might well be forthcoming in the second phase of development.** Additionally, some clarification is required as to where Aegis systems might be deployed and if the UK might be asked to make a financial contribution.
29. MoD spokesman Paul Barnard confirmed a Guardian newspaper report that the subject of European-based interceptor sites was a matter for on-going discussion.¹¹ According to a slide presentation by Boeing at the aforementioned RUSI conference in November, an interceptor battery in the UK could provide coverage from an Iranian missile launch to all but a small area of southeast Europe. **BASIC believes that any public discussion about the advisability of upgrading Fylingdales for the initial phase of a deployed missile defence system should include consideration of the possibility of placing an X-band radar and an interceptor battery in the UK in later phases of development of the Bush Administration’s planned multi-layered system.**

Space-based Weapons

30. A final element to this multi-layered missile defence system is the role envisaged for space-based satellites and space-based weaponry. US officials have indicated that THAAD (Theater High Altitude Area Defense) airborne lasers will operate “on the edge of the atmosphere, almost in outer space” and that space-based, missile detecting satellites designed to provide improved early warning of missile launches will be deployed after 2004. The Pentagon wants to push ahead with the testing and development of “space-based defenses, specifically space-based kinetic energy (hit to kill) interceptors and advanced target tracking satellites.”¹²

¹⁰ ‘Missile Defense Deployment Announcement Briefing’, Special Department of Defense Briefing, 17 December 2002.

¹¹ ‘U.S.-Europe: Bush Plan Could Lead to U.S. Funding of European Missile Defense’, David Ruppe, *Global Security Newswire*, 20 December 2002.

¹² Op.cit. ‘Missile Defense Deployment Announcement Briefing’.

31. Such developments would undermine the work of the United Nations Committee on the Peaceful Use of Outer Space (CORPUS) and the Outer Space Treaty which, according to US Advisor to the UN General Assembly, Kenneth Hodgkins, has “truly stood the test of time; its provisions remain as relevant and important today as they did at the inception of space exploration.”¹³ **BASIC would like to draw to the Committee’s attention a speech by UN Under Secretary General for the Department of Disarmament Affairs, Jayantha Dhanapala,¹⁴ and to an article by the Vice-President of the Center for Defense Information, Theresa Hitchens,¹⁵ warning against the weaponisation of outer space and its potential effect on much needed economic and social development.**
32. These worries are aggravated by an emerging US space policy which stresses the inevitability of conflict in the heavens and urges the need for powerful American deterrence to the threat including, if necessary, placing weapons in space. As the high-level Commission to Assess United States National Security Space Management and Control reported in January 2001: “We know from history that every medium—air, land and sea—has seen conflict. Reality indicates that space will be no different. Given this virtual certainty, the U.S. must develop the means both to deter and to defend against hostile acts in and from space. This will require superior space capabilities.... The Commissioners believe the U.S. Government should vigorously pursue the capabilities called for in the National Space Policy to ensure that the President will have the option to deploy weapons in space to deter threats to and, if necessary, defend against attacks on U.S. interests.”¹⁶

Will it Work?

33. In the past, missile defence systems developed by the US and the Soviet Union have been abandoned due to the technical hurdles involved. Development of current technologies has been subject to setbacks, despite some limited success.¹⁷ In particular, US congressional critics have raised concerns about the President’s current plans to deploy the proposed initial missile defense system, noting that the administration is prematurely deploying a costly unproven system, rather than addressing other pressing security threats (see appendix 1).
34. Even if an operational missile defence is technically possible, the effectiveness of any system must always remain in doubt. The most obvious weakness is the vulnerability of vital radar stations and satellites placed beyond the protection of the defence system in order to give adequate warning of hostile missile launches. In theory, a missile attack against the US could be preceded by an attack against these unprotected facilities, first rendering the defence system useless.
35. Another problem is that numerous countermeasures can be added easily to a hostile missile to fool or overwhelm a mid-course interception system. A single missile could be equipped with many readily available technologies, such as decoy warheads, multiple warheads, chaff, radar-absorbing materials, or low-power jamming technologies. Although

¹³ Statement on ‘International Cooperation in the Peaceful Uses of Outer Space’, at the UN Fourth Committee, 9 October 2002.

¹⁴ Jayantha Dhanapala, ‘The Outer Space Treaty at Thirty Five’, Roundtable at the United Nations, New York, 14 October 2002.

¹⁵ Theresa Hitchens, ‘US Space Policy: Time to Stop and Think’, *Disarmament Diplomacy* No.67, October/November 2002.

¹⁶ Report of the Commission to Assess United States National Security Space Management and Organization, 11 January 2001

¹⁷ For an overview of the technological difficulties and recent developments, see Stan Crock, ‘Star Wars by ’04? Forget It’, *Business Week*, 7 January 2003.

the US testing regime is attempting to overcome some of these measures, Stephen Young of the Union of Concerned Scientists points out that a problem of principle remains: "It is substantially easier and cheaper to deploy simple and effective countermeasures against missile defences than it is for the defence to respond to them."¹⁸ The advantage is always with the attacker, such that even if an operational missile defence system became possible, it could not be reliable. As French President Jacques Chirac has argued: "If you look at world history, ... there's a permanent race between sword and shield. The sword always wins."¹⁹ **BASIC recommends that the Committee ask to receive any existing MOD feasibility studies on missile defence capabilities, particularly assessments given by the Chief Scientific Adviser, and that the Committee scrutinise such studies effectively, where necessary by commissioning independent, external scientific advice.**

How Much Will it Cost?

36. The cost argument, fits into a wider debate over the respective defence budgets of Europe and the United States. European governments are being placed under increased pressure to fulfil a larger number of capabilities with a fairly stagnant pool of resources. However, while missile defence figures on the list of priorities for some European NATO states, there are many other capabilities much higher on the list, including strategic lift, air-to-air refuelling and precision-guided munitions. Europe's ability to commit to an expanded missile defence system will also be hampered by the inability – or unwillingness – of many European NATO states to increase their respective defence budgets. European government's are increasingly unable to significantly raise taxes owing to the constraints imposed by monetary union, while domestic pressures ensure that funding for education and health retain precedence over the armed forces.
37. This dilemma was reflected in recent comments made by the UK Chief of the Defence Staff, Sir Michael Boyce: "There' s no point in completely impoverishing ourselves in order to provide ourselves with a defence against one particular system and not being able to do anything else ... As far as I' m concerned there is no way I' m in the position to suggest we can pay for any missile defence technology from within the existing defence budget and carry on doing what we are doing at the moment."²⁰
38. The US is developing large, readily extendable missile defence using a range of technologies. If all programmes now under development become operational, the Congressional Budget Office has estimated the cost of such a system at \$238 billion by the year 2025.²¹ A recent joint report by the Center for Arms Control and Non-Proliferation and Economists Allied for Arms Reduction concluded that such a system could cost from \$800 billion to \$1.2 trillion.²² Inclusion of Britain within the defensive range of the US system would reportedly cost the UK taxpayers £10 billion, more than 40% of the entire UK defence budget.²³ **BASIC urges the Committee to press the Defence Secretary to provide detailed estimates for the range of missile defence options being considered by the UK Government. However, given the potential magnitude of the UK's financial commitment to missile defence, the National Audit Office should be asked to**

¹⁸ Stephen W Young, 'Pushing the Limits' *Coalition to Reduce Nuclear Dangers*, Washington, 2000, p. 9.

¹⁹ *New York Times*, 17 December 1999.

²⁰ 'Military Chief Casts Doubt on Star Wars', *The Guardian*, 8 July 2001

²¹ *New York Times*, 31 January 2002.

²² Kaufman R.F. (ed), *The Full Costs of Ballistic Missile Defense*, The Center for Arms Control and Non-Proliferation and Economists Allied for Arms Reduction, 3 January 2003.

²³ 'Missile system' s £10bn price tag Richard Norton-Taylor, *The Guardian*, 28 February 2002.

undertake a 'Value for Money Audit' in advance of any major MoD procurement of missile defence capabilities.

Strategic Consequences of UK Involvement in Missile Defence

39. Having reviewed the capability and intent of proposed adversaries and been apprised of the current and emerging threats to the UK, it would seem appropriate to question whether deployed missile defence systems might result in more insecurity, nationally and globally. First, the use of British early warning bases is likely to make Britain more, not less of a target for terrorist attack – with WMD, conventional weaponry or via unconventional methods. This is especially the case when considering missile defence in terms of forward defence or pre-emptive military strikes.
40. Second, one of the possible missile systems under consideration would involve intercepting a missile during its boost phase. The 'boost phase' system is supposed to destroy the booster but may not 'kill' the warhead, which could fall short of its intended target. According to some researchers, a nuclear missile fired from Iraq might strike Britain or mainland Europe.²⁴ The impact of a stray missile would obviously have a devastating outcome causing possibly millions of casualties. Such a risk, although improbable, is easier to conceive of than that posed by the radioactive or chemical fall-out from a collision with a WMD. **The absence of any thorough assessment on the impact for the UK population and others from fall-out after interception warrants a full investigation, especially considering the widely documented health and environmental effects of nuclear weapons and energy.**
41. Third, having sought to reassure its allies that the proposed global missile defence system is purely protective in nature, the new US policy of sanctioning first-strike attacks against terrorists and hostile states suspected of possessing weapons of mass destruction suggests completely the opposite: missile defence as a tool of offensive power-projection. The new US security policy as put forward in the Quadrennial Defence Review (October 2001) and the Nuclear Posture Review (January 2002) therefore places great emphasis on the necessity for flexibility in the Defence organisation; missile defence is one of the key components in the so-called 'New Triad'. The US military will enjoy greater freedom to attack when and where it pleases if it believed the homeland were secure against ballistic missile attack. Diplomacy and multilateral arms controls are likely to take a back seat to unilateral force of arms.
42. This developing US agenda diverges even further from the cooperative security model that most European governments support. To some observers, the UK Government has played a moderating, checking role in its 'special relationship' with the US. To others, the UK reluctance to be caught asking the difficult questions and evasive behaviour on missile defence decision-making, make it appear as if the UK no longer has an independent foreign and defence policy. **There is no reason to reject the non-proliferation regime as such. On the contrary, the system's architecture must be prevented from deteriorating further. Important shortcomings must also be recognised so that the system can be updated and reinforced. The UK Government should make a case for reinforcing what is an effective non-proliferation regime and propagate this view consistently in negotiations, including those with the US.**

²⁴ 'Intercepted missiles could fall on Europe' *New Scientist.com*, 29 August 2001.

Other Approaches to the Threat of Ballistic Missile Proliferation

43. Another clear division between Europe and the United States is Europe's continued faith in the power of multilateral agreements and processes of engagement to check the spread of WMD and their delivery systems. The concern among many Europeans is the extent to which the United States is pursuing the former approach and neglecting the latter.
44. In the field of ballistic missile control, one focus of attention is the Hague Code of Conduct against Ballistic Missile Proliferation agreed in November 2002. The Code establishes both international norms against proliferation and modest confidence building measures, and has garnered a great deal of diplomatic support (the number of Subscribing States to the Code currently stands at 93). The Netherlands was appointed as the first Chair of the Code for a period of one year, and Subscribing States have agreed to regular meetings. A technical meeting is planned for Spring 2003.
45. However, there is no attempt to commit signatories to legal obligations, with the focus remaining on broad principles rather than detailed action plans. The Foreign Secretary, Jack Straw, rightly argues that the Code, while important, represents only "a tentative first step to developing an internationally agreed regime."²⁵
46. There have been many complaints that the Code offers no real enticements to states such as North Korea and Iran to abandon missile development. In short, since the agreement contains neither sticks nor carrots it is unlikely to be very effective. Moreover, some signatory countries, above all the United States, strongly oppose the introduction of such incentives, believing that they would actually encourage continued ballistic development by 'states of concern' to force further concessions and benefits.
47. Nonetheless, the Code offers an opportunity to combat the proliferation of ballistic missiles through a cooperative, multilateral agreement. In creating a Code that is acceptable to MTCR members, and especially the United States, the resulting document is rather thin on substance. However, its importance as a multilateral initiative should not be overlooked, and the opportunity for developing regional or bilateral measures in the spirit of the Code will add to its significance. **The Committee should ask the UK Government to outline its plans for encouraging new Subscribing States and for deepening the scope and nature of the Hague Code.**
48. More broadly, there is a strong contrast between the willingness of the United States and Europe to engage with so-called 'states of concern'. For example, Britain and the EU are currently employing a policy of 'constructive engagement' with Iran, which has included reinstatement of diplomatic relations and dialogue on encouraging democratisation of the country. The Foreign Secretary has visited Iran twice in the last two years, while the EU has recently approved a proposal for a trade and co-operation agreement with Iran. Finally, Chris Patten, EU High Commissioner for External Affairs, has voiced his regret over the decision by US Congress on 27 July 2001 to extend sanctions against Iran for five more years.²⁶

Conclusions

²⁵ 'The Future of Arms Control and Proliferation', Speech by Jack Straw at King's College, London, 6 February 2002.

²⁶ 'EU regrets extension of US sanctions law against Iran and Libya: Statement by Commissioner for External Relations, Chris Patten', IP/01/1162, Brussels, 31 July 2001.

49. Missile defence may be just what its advocates claim it to be, but it would seem that they have not yet convinced enough opinion formers and decision makers of its merits, particularly in Europe where convictions about arms control and international treaties have deeper roots. Undoubtedly, more intrusive verification measures and prohibitions for non-compliance are needed to maintain arms control and non-proliferation regimes, as are stricter controls on the transfer of technology. Additionally, it is increasingly being appreciated that traditional inter-state arms control agreements do not influence the behaviour of certain non-state actors. However, the concentrated drive to deploy missile defence systems is overshadowing the important work of cooperative threat reduction programmes to safeguard WMD materials, the MTCR and the Hague Code of Conduct against Ballistic Missile Proliferation. Meanwhile, the Non-Proliferation Treaty, the Comprehensive Test Ban Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention stagnate in the current climate.
50. It would be short-sighted for the UK Government to pretend that the only issue for discussion and decision is the formal request from the United States for upgrading work at Fylingdales which “would entail installation new hardware and software, but we would not expect it to involve any significant change to the outward appearance of the radar. We would not expect any material environmental impact to be involved ...”.²⁷ While the UK Government might, in the end, decide to accede to this request, **BASIC believes that it has much to do to convince parliamentarians and the public of the merits of missile defence and we trust that the Defence Committee will help to lay the groundwork for a national debate which considers all the issues related to a deployed, multi-layered, missile defence system.**
51. The other major facility in the UK which will be required for a fully operational missile defence system is Menwith Hill which has nearly 30 satellite communications dishes and is run by the US National Security Agency (NSA). In 1997 the UK Government announced that Menwith Hill would become the Ground Relay Station for the Space based Infra Red System (SBIRS). **BASIC believes that proposed developments at Menwith Hill must be included in the public discussion at this stage.**
52. Of the challenges to future peace and security, US Defence Secretary Donald Rumsfeld summarised his assessment to a NATO meeting by saying “We know this much for certain: it is unlikely that any of us here even knows what is likely.”²⁸ The proliferation of ballistic missiles and WMD ought to arouse international concern. However, the US Defence Secretary’s comment shows that what underlies the reaffirmation of nuclear weapons and missile defence includes a fear of the unknown, rather than a ready willingness to tackle insecurity at its source through diplomatic engagement. Nuclear weapons and missile defences are at best a misguided response to a genuine security concern. At worst, they are part of a cynical attempt to maintain US strategic supremacy and disproportionate access to the world’s strained resources.
53. US missile defence ambitions are symptomatic of broken international relationships. They do not fix them. Future security lies in a multilateral approach based on the common international interest, as represented by the proper authority and structure of the United Nations. The US unilateral approach, including its ability “to impose the will of the United States and its coalition partners on any adversaries, including states...”²⁹ usurps the UN in its function and authority.

²⁷ Missile Defence: a public discussion paper, Ministry of Defence, December 2002, p23.

²⁸ Donald Rumsfeld, US Defence Secretary, in a speech to NATO North Atlantic Council, June 2001.

²⁹ Quadrennial Defence Review Report, 30 September 2001, pp12-13.

Appendix 1: US Congressional Concerns on Missile Defence

Includes:

- 1) Sen. Carl Levin, D-Mich., (Ranking Senator Armed Services Committee) ["Untested missile defense setup poses risks"](#) [Detroit News](#), 29 December 2002 (text below)
- 2) Rep. Thomas H. Allen, D-Maine, 1st District, [Representative Allen: Administration NMD Deployment Decision "All Politics, Little Defense"](#) 17 December 2002. (text below)
- 3) Rep. Edward J. Markey D-Mass., 7th District, ["Markey Missile Defense is Expensive Lesson in False Security."](#) 17 December 2002. (text below)

1) ["Untested missile defense setup poses risks"](#) [Detroit News](#), 29 December 2002
By Democratic Senator Carl Levin (Michigan), Ranking Senator on the Armed Services Committee

President Bush' s decision to deploy a limited national missile defense system starting in 2004 before it has been tested and proven to work violates common sense. The Pentagon will spend large amounts of money to deploy an unproven defense, money that could be better used to fight more likely and imminent threats of terrorism.

Many of us have reservations about deployment of a national defense against long-range ballistic missiles because 1) the intelligence community says such missiles are one of the least likely threats to our security (in part because use of such missiles would leave a "return address" that would guarantee a devastating response from the United States); and 2) because deployment of a national missile defense is likely to unleash an arms race with other countries.

However, even ardent proponents of a national missile defense should not support deployment of an untested, unproven system.

The United States may eventually succeed in developing a national missile defense system that will actually work against real world threats, but we have not done so yet. According to the Pentagon, the national missile defense system to be deployed in 2004 requires a new booster rocket that has never been tested against any target.

The 2004 system would rely on a radar in Alaska built in the 1970' s that was never designed for missile defense, that has no capability to differentiate the target warhead from decoys, that has never been tested against a long-range ballistic missile, and that the administration never plans to test against a long-range missile.

No part of the system has been tested against realistic targets, and there are no plans to test the integrated system as a whole before it is deployed. Secretary of Defense Donald Rumsfeld has said that this is just an "initial capability" in a program that "will evolve over time" and will ultimately "look quite different than it begins."

What the Pentagon has tried not to emphasize is that this "initial capability" is likely to be marginally effective, if it works at all. Declaring this untested, marginal system ready to deploy is like declaring a newly designed airplane ready to fly before the wings have been attached to the airframe and the electronics installed in the cockpit.

In his previous tenure as Secretary of Defense, Rumsfeld had to preside over the dismantling of the Safeguard missile defense system which he had inherited and which was operational for less than six months because the technical limitations of the system rendered it ineffective. The development, deployment and dismantling of the Safeguard system cost the taxpayers tens of billions of dollars without enhancing our national security in any. This is an experience that we should not want to repeat.

Since that time, Congress has instituted reforms in the Defense Department to help prevent the premature and costly fielding of unproven systems. Congress established the Pentagon' s Director of Operational Test and Evaluation to oversee major defense programs and ensure they are adequately tested and demonstrated to work before they are deployed -- in other words, that any new system is proven to "fly before we buy."

Congress also established the Joint Requirements Oversight Council, which gives the military services oversight over weapons programs to ensure that they perform well enough to be useful on the battlefield.

The Bush administration, however, has unwisely exempted all missile defense programs from the normal oversight of these important organizations. As a result, these programs are not subject to normal review by senior military and civilian acquisition officials, and they are not subject to the normal operational test and evaluation process.

Instead, the secretary of defense has delegated many of the functions of these offices to the Missile Defense Agency, effectively making that agency responsible for overseeing itself. History shows that without real oversight, major weapon systems don't work well, suffer serious schedule delays and have major cost overruns.

The Bush administration should re-establish effective oversight of missile defense programs by the Director of Operational Test and Evaluation, the Joint Requirements Oversight Council, and other oversight organizations within the Department of Defense. Rather than rushing to deploy an unproven national missile defense system, the administration should focus on completing the development of a missile defense that will be effective against likely threats and that is shown to work through proper testing.

2) [Representative Allen: Administration NMD Deployment Decision "All Politics, Little Defense"](#)

Pentagon has testified key national missile defense components will not be ready by Fall '04

17 December 2002, Tom Allen, D-Maine

"The Bush Administration's announcement today of its plan to proceed with deployment of a national missile defense system by Fall 2004 is all politics and little defense," U.S. Representative Tom Allen said on 12/17. "The Fall '04 date says it all. The Pentagon's missile defense director acknowledged in Congressional testimony last July that key components of the system will not undergo realistic testing and will not be ready by that politically motivated deadline. Our policy regarding this critical national security decision should be based rigorous, successful testing resulting in proven technology, not to meet an arbitrary deadline on the eve of the next Presidential election."

Representative Allen cited testimony by General Ronald Kadish, Director of the Missile Defense Agency (MDA), during hearings before two House Armed Services Subcommittees on June 27, 2002 and then again before the House Government Reform Committee's Subcommittee on National Security, International Relations and Veterans Affairs on July 16, 2002.

Responding to a series of questions from Representative Allen, General Kadish testified that the MDA anticipated capabilities of, the Ground-Based Mid-Course system (also known as national missile defense) by Fall 2004. In response, General Kadish testified that by Fall 2004, the MDA does not plan to have in place an X-Band radar, identified as a key component needed for advanced tracking and engagement of an incoming missile; will not have in place either the SBIRS-High or SBIRS-Low satellite systems, designed to provide improved early warning of missile launches; will not have conducted a flight test from the actual deployment site in Ft. Greely (since the booster segments could fall on populated areas in Alaska); will not have conducted operationally realistic flight tests in which the trajectory, speed, launch time of, or countermeasures accompanying, the target missile were unannounced and unknown to the interceptor; and may not have conducted realistic flight tests with a full range of countermeasures accompanying the target designed to fool the interceptor, including a tumbling re-entry vehicle, a decoy designed to mimic the warhead, radar jammers, and a warhead that divides into sub-munitions.

"It is ironic, but hardly coincidental, that today's announcement came less than a week after yet another notable NMD test failure," Representative Allen said. "I have long said that one test success does not validate the technology, and one failure does not invalidate it. But the December 11th test failure involved the most basic of the overall system's engineering challenges- successfully separation of the interceptor from the booster rocket. With failures at this basic level of system development, it is troubling that the Bush

Administration is basing its defense strategy on a system that has yet to be proven reliable."

"America was attacked on 9/11 by terrorists who crashed civilian airliners into national landmarks, killing more than 3,000 people," Representative Allen said. "Our defense priorities and our decisions on defense spending should reflect the most likely and imminent threats to our nation. The U.S. intelligence community has identified attack by the long range missiles as the least likely threat posed to America' s security. Though NMD may eventually be proven as an effective defense against such a threat, we have many more pressing defense needs that are not dictated by politically transparent election year decisions."

3) Congressman Ed Markey, D-Mass, "[Markey Missile Defense is Expensive Lesson in False Security.](http://www.house.gov/markey/iss_nonproliferation_pr021217.pdf)" 17 December 2002. (PDF File requires Acrobat Reader available at http://www.house.gov/markey/iss_nonproliferation_pr021217.pdf).

Failed System Doesn't Work, Doesn't Protect Americans Against Imminent Terrorist Attacks

Representative Edward J. Markey (D-MA), a senior member of the House Energy and Commerce Committee and Co-Chair of the Bipartisan Congressional Task Force on Non-Proliferation, today released the following statement in response to press reports that President Bush will deploy a national missile defense system:

"The Bush Administration is rushing headlong to deploy a missile defense system that simply doesn't work. It failed a test last week, and it has failed many tests before. How can the Administration claim the proposed system will protect the United States if it doesn't even work?

I will be introducing legislation in the next Congress to require realistic testing of any missile defense system to ensure that it works before it is deployed.

The Administration claims that "we can hit a bullet with a bullet." The record of past missile defense system tests show that we can only hit a bullet if we know exactly when the bullet was fired, exactly where it was pointed, and if the bullet told us exactly where it was at all times.

Finally, the Bush Administration has made the false claim that a missile defense system would protect the United States from terrorist groups armed with weapons of mass destruction. This system is designed to protect against missiles; it does nothing to protect against dirty bombs, anthrax, chemical agents released in a subway, or hijacked planes.

The missile defense system that the Bush Administration plans to deploy will do nothing to increase the safety of the United States. Instead, it wastes taxpayers dollars and lulls us into a false sense of security. I urge the President to reconsider this decision.