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TOWARD U.S.-RUSSIAN STRATEGIC DEFENSE: BAN THE ABM TREATY NOW

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INTRODUCTION

Boris Yeltsin and George Bush agreed on June 17 to develop and deploy a jointly controlled global protection system against ballistic missile strikes. Three teams of Russian and American experts now are studying the Bush-Yeltsin idea, called the Joint Defense Program (JDP). The drive to develop a U.S.-Russian defense system, however, faces a formidable obstacle—the 1972 Anti-Ballistic Missile (ABM) Treaty, which prohibits not only the deployment of territorial defenses against strategic missiles but the creation of an infrastructure (or "base") for such a defense. If America and Russia hope to build a common defense against ballistic missiles, they first will have to remove ABM Treaty obstacles to expanded U.S.-Russian cooperation and missile defense.

Washington and Moscow have four options in dealing with this problem. They are:

Option #1: Ignore the ABM Treaty. Simply overlooking the restrictions of the ABM Treaty on defense deployments—by reinterpreting treaty language, for example—could allow both sides to cooperate in fielding anti-missile defenses. But this approach is dishonest. It would be better that both sides openly acknowledged that the treaty no longer serves their interest.

Option #2: Adjust the Joint Defense Program to the ABM Treaty by limiting sharply the scope of cooperative testing and deployment of ABM systems. While the U.S. and Russia could cooperate on defenses within the confines of the ABM Treaty, doing so would limit the scope of development and deployment of anti-missile systems. The result: neither side would obtain real protection against missile attacks.

Option #3: Propose and accept amendments to the ABM Treaty which will remove some restrictions but leave others. This approach will only prompt a return to the lengthy, and ultimately fruitless, Defense and Space Talks undertaken by Washington and Moscow between 1985 and 1991. A return to this style of negotiation will revive old controversies and delay expanded U.S.-Russian cooperation.

Option #4: Abandon the ABM Treaty and replace it with another agreement. This is the only realistic option for improving Russian-American relations, bilateral cooperation, and mutual trust. A new agreement should contain a statement that Russia and America are not enemies. It would be the first arms control agreement between the two countries based on this perception.

If Washington and Moscow choose option #4, they should declare that:

- ✘ **The ABM treaty is no longer binding, and that a joint declaration to this effect need not await the completion of a new strategic defense agreement.** By agreeing to work toward a global protection system, Washington and Moscow already have violated Article X of the Treaty, which requires them "not to assume any international obligations which would conflict with this treaty."

- ✘ **The new Russian-American strategic defense agreement should not include strict quantitative and qualitative limitations on ABM systems or activities, which may impose artificial restrictions on further cooperation.** Moreover, it should be an executive agreement on measures to enhance confidence and predictability, and not a formal treaty. An executive agreement of this kind would require each side to keep the other informed about its ballistic missile defense programs.

- ✘ **The abandonment of the ABM Treaty and the deployment of the defenses against ballistic missiles will not increase the likelihood of nuclear war.** Rather than undermining stability, as Soviet leaders used to argue, strategic defenses will strengthen stability by allowing both sides to rely on non-threatening defenses to deter aggression.

- ✘ **The existing concept of strategic stability should have no place in Russian-American relations.** The old concept of strategic stability was based on the assumption that Russia and the U.S. were strategic adversaries who deterred war by threatening each other with destruction. If America and Russia are no longer enemies, they should act like it and drop the adversarial assumptions of Cold War strategic thinking.

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A COMMON U.S.-RUSSIAN APPROACH TO THE ABM TREATY: FOUR OPTIONS

America and Russia cannot develop and deploy a global protection system against ballistic missiles unless the ABM Treaty is modified or abandoned. In approaching the ABM Treaty, Washington and Moscow have four options. They are:

Option #1: Ignore the ABM Treaty.

The First Deputy of the Ministry of Foreign Affairs of Russia, Grigory Berdennikov, argued in July that the ABM Treaty restricts only national missile defenses, and not such international cooperative efforts as the U.S.-Russian Joint Defense Program. Berdennikov's position has become, in effect, the official Russian policy. Berdennikov simply ignores the ABM Treaty, acting as if it does not pertain to a jointly controlled, internationally based missile defense system.

Under this approach, Washington and Moscow would establish mutual control over the research, development, and deployment of BMD systems and components in America and Russia. There also would be joint command and control of operational ABM systems. This way there would be no way either side could undertake independent strategic defense projects and programs, with the possible exception of the one fixed land-based system permitted by the ABM Treaty.[1]

There is a problem with this approach. It risks establishing a dangerous precedent for other arms control treaties, implying, for example, that the legally binding obligations of a treaty can be ignored. The ABM Treaty prohibits the deployment of ABM systems and components, regardless of whether they are national or international, beyond the one site explicitly allowed by the treaty. The transfer of ABM systems or their components to other states, as outlined in Article IX, and the transfer of technical descriptions or blueprints (as required by Agreed Statement G), are likewise prohibited. The parties also are prohibited from deploying these systems or their components outside their national territories (as stated in Article IX).

America and Russia should not bypass the ABM Treaty, and thereby set a precedent of violating an important principle of international law. Once they have accepted bilateral obligations, nations should fulfill them or mutually abandon them, in accordance with internationally accepted and approved procedures. If both signatories of the ABM Treaty find that the treaty jeopardizes their supreme interests, the treaty contains a provision in Article XV that allows either or both sides to withdraw after a six-month warning. Exercising their rights under Article XV is the appropriate way for the U.S. and Russia to remove ABM Treaty obstacles to expanded cooperation in ballistic missile defense.

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1 The ABM Treaty, as amended by the 1974 protocol, allows each side to deploy one ABM complex containing 100 fixed, land-based interceptor missiles. While the U.S. has chosen not to maintain an operational ABM complex, Russia has deployed one near Moscow.

Options #2: Adjust the Joint Defense Program to the ABM Treaty by limiting sharply both the testing and deployment of strategic ABM systems.

This option, like the first one, also is part of Moscow's official position. The statements by President Yeltsin and a number of Russian senior officials suggest that the Russian government considers the ABM Treaty as a "bulwark of strategic stability."[2] The idea is to build the Joint Defense Program around the testing and other restrictions of the ABM Treaty.

This approach is practically identical to the position held by the Soviet Union during the more than six years of non-productive space and defense talks in Geneva. Thus, the primary goal of the Russian negotiating team would be to remove ambiguities in the language of the ABM Treaty and to establish what activities would be allowed, all for the avowed purpose of strengthening the treaty. Russia and the U.S. would work together in all the spheres of ballistic missile defense not prohibited by the ABM Treaty. These would include air defense, global defense, global warning systems, and fixed, land-based ABM systems. The ABM Treaty would remain in force, and Russia would remain committed to the so-called narrow interpretation of this document that prohibits the deployment and even testing of ABM interceptors in space.

No amendments to the ABM Treaty would be proposed by the Russian side. But this does not mean that American proposals automatically would be rejected. In fact, they could become the subject of prolonged discussions. Russia might try to stall the negotiations by demanding the restriction of testing and deployment of certain anti-missile systems. Or they could revive old arguments raised during the Cold War. For example, they could claim that deploying more defenses than allowed by the ABM Treaty will weaken the mutual vulnerability to attack that supposedly deters first strikes. Delaying tactics such as these were used by the Soviets during the Soviet-American Defense and Space talks, and they would be as counter-productive now as they were then. Reviving this old approach could easily consume another six years of U.S-Russian negotiations.

Option #3: Propose and accept amendments to the ABM Treaty which will remove some restrictions but leave others.

The Russian government is still haunted by the nightmare of "space-strike weapons," which was a common slogan in Moscow during the 1980s. Fearing a further "militarization of space," Russia may propose a trade-off of agreements on expanding ground-based interceptor sites in exchange for a ban on space weapons. Specifically, Moscow could propose amendments to the ABM Treaty that increase the permissible number of ABM sites from one (as allowed by the 1974 Protocol to the ABM Treaty) to four or five. Or it could recommend boosting the number of fixed, land-based ABM interceptors and their launchers deployed at each site from 100 to 400 or 500. Or Moscow could suggest that all limitations and restrictions on land-based ABM radars and space-based ABM sensors be removed. All tactical ABM and air defense development programs (except for those involving space-based interceptors) could remain in place

2 G. Berdennikov, July 17, 1992, press conference in Moscow.

and even be expanded subject to Russian-America cooperation. These programs also are open to the participation of other states.

The *quid pro quo* for these Russian concessions: America and Russia agree not to develop, test, and deploy a number of specific devices, which could be considered as "space-strike weapons." Such devices would include space-based ABM interceptors, laser, particle beam, or kinetic energy devices. An agreement such as this also could prohibit all existing and future anti-satellite (ASAT) systems, since these could be called space weapons.

This option could allow Washington and Moscow to claim that they have kept space free of military weapons. But from the practical point of view, even if the U.S. and Russia agree to set up such limitations, both countries would face very difficult and comprehensive problems. First, they would be involved in prolonged and complicated technical negotiations to define which systems or devices would be considered as a weapon or a weapon component. For example, would space-based mirrors used to deflect lasers be considered a weapon? And how powerful must a laser be to be defined as a weapon? Even negotiators acting in good faith may find it impossible to answer these questions.

Even if U.S. and Russian negotiators managed to agree on these definitions, it would be necessary to develop effective procedures for verifying compliance with the treaty. How, for example, could each side know that a laser test supposedly for peaceful purposes is not in reality a weapons test? Because space is so immense, and the technical nature of the devices so complicated, it would be virtually impossible to verify whether space tests are for peaceful or military purposes.

Another verification problem involves knowing whether an anti-satellite weapon, whose deployment is permitted by the ABM Treaty, can also be used as an anti-ballistic missile weapon. If so, it would violate the ABM Treaty. Likewise, attempts to limit ASAT while furthering cooperation in the ABM area will face severe technical problems. An ABM system may destroy a satellite easier than an ASAT weapon because the satellite would be more vulnerable to attack than a strategic missile warhead. Satellites fly in predictable orbits, while ICBMs can be launched with little or no warning and fly varied trajectories. Easier to track, satellites (whether used for peaceful or military purposes) would become easy prey for an ABM system designed to destroy ballistic missiles.

Finally, this "amendment option" undermines the stated purpose of the treaty and violates its underlying principle. The ABM Treaty is based on the assumption that ballistic missile defense undermines strategic stability. Therefore, if the U.S. and Russia agree to expand land-based systems throughout their territories, they would violate a key restriction in Article I of the ABM Treaty: "Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense.... " Trying to have it both ways, advocates of this option end up championing a position that makes a mockery of the strategic philosophy of the ABM Treaty.

Option #4: Abandon the ABM Treaty and replace it with another agreement.

The Russian government rejects this idea because it wants to avoid undermining strategic stability and because it fears an arms race in space. But this may not be Russia's final position because not all officials in the government share this view. For example, on July 20, 1992, after Berdennikov's statement, a group of high-ranking representatives of the Russian Defense Ministry visiting the International Security Council in Washington, D.C., approved a resolution stating that "... whatever its ultimate disposition, the ABM Treaty should not be interpreted or invoked to constrain or otherwise hamper the development or deployment of ground- or space-based defense to protect against the global threat of limited strikes."[3] This statement is a promising one. At least it indicates that there is not unanimity inside the official Russian establishment on the ABM Treaty.

If these voices of dissent grow, Russia may wish to abandon the ABM Treaty altogether and try to replace it with a new agreement. This new agreement should be devoted to assuring predictability, transparency, and confidence in the strategic relations between the two countries. It should not try to impose strict control and verification limitations on strategic defense systems. The basis for such an agreement already exists —in the negotiating record of the Soviet-American Defense and Space talks in Geneva, where prolonged discussions took place on so-called confidence-building measures. Since so much work already has been done, it would not take very long to work out a final document. In the meantime, the ABM Treaty would have to be abandoned at the outset, before the negotiations on a new agreement began. Continued observance of the ABM Treaty would only slow progress on a new treaty. The reason: Negotiations would be consistently confused and constrained by legal issues raised by the ABM Treaty.

If this notion of strategic stability is not dropped in the negotiations, there will be little chance that a new agreement would be reached. Detailed negotiations on new, quantitative restrictions on ABM systems and components, backed up by a sophisticated control and verification system, would take years to complete. Moreover, it would not be all that different from the ABM Treaty. Both agreements would be based on the same fear of first strikes and retaliatory strikes, or the Cold War notion of strategic stability.

BEYOND STRATEGIC STABILITY: TOWARD STRATEGIC DEFENSE

To choose among these options is to choose a strategic philosophy. The philosophy of the Cold War was strategic stability, of which there are two types:

3 Included in this group were Major General Ghely V. Batenin, chief of the personnel staff of First Deputy Minister of Defense A. Kokoshin; Lieutenant General Viktor I. Samoilov, Deputy Chief, Personnel Department, Russian Armed Forces; Dr. Viktor V. Shlykov, Deputy Chairman, State Committee on Defense, Russian Federation; Dr. Stepan S. Sulakshin, President Yeltsin's personal representative in the Tomsk region.

1) **Arms race stability is the degree to which one country tries to offset (or "stabilize") the nuclear advantage of another by expanding its own strategic arsenal.**

2) **Crisis stability is the condition in which two nuclear opponents try to avoid being attacked by the other during a crisis.**

The main purpose of expanding nuclear arsenals during the Cold War supposedly was to preserve or even strengthen crisis stability. If both sides were vulnerable to a retaliatory strike, then the strategic relationship during a crisis was said to be "stable."

According to the logic of strategic stability, both nuclear antagonists could best achieve "stability" by exercising self-restraint in modernizing their nuclear arsenals. Hence the preoccupation with arms control. By the same token, strategic defense is considered to be destabilizing. When both sides are armed with defenses, they both supposedly have a greater incentive to strike first in a crisis. Emboldened by its invulnerability to a retaliatory strike, the aggressor may strike first against his enemy, knowing that his defenses will protect him afterwards.

The problem with this theory is that it is just that—a theory. It had very little to do with the reality of the strategic competition between the Soviet Union and the United States. If both countries had followed the theory of arms race stability, they never would have deployed strategic ballistic missiles armed with large numbers of warheads or Multiple Independently-targeted Re-entry Vehicles (MIRVs). Nor would they have built fixed, land-based intercontinental ballistic missiles (ICBMs). If they had been serious followers of this strategic philosophy, they would have built smaller, nuclear arsenals—just enough to destroy a potential enemy with a retaliatory strike. But this never happened because of the driving force of U.S.-Soviet nuclear competition was not to achieve arms race stability or crisis stability, but to achieve other, more concrete objectives. They were:

- ✔ **To increase war-fighting potential with the aim of waging and winning a nuclear war if deterrence failed.** Thus, in the 1970s and 1980s, America and the Soviet Union deployed nuclear weapons capable of destroying each other's nuclear arsenals.

- ✔ **To build cost-effective and technically reliable strategic weapons, not "stabilizing" ones.** Cost-efficiency was achieved by the Soviets deploying ICBMs with multiple warheads, while the U.S. did the same by deploying large numbers of sea-launched missiles (SLBMs) with multiple warheads. Both sides improved the technical reliability of their strategic command and control systems.

- ✔ **To achieve superiority or at least equality in warhead numbers and warfighting capabilities.** This was called "parity," which is far different from the idea of "stability." The effort to achieve superiority, or at least parity, affected only the size and sophistication of U.S. and Russian nuclear forces. The extent to which the competition resulted in a stable balance of terror was purely coincidental.

✔ **To reap the political benefit of large nuclear arsenals, which was also a driving force of the arms race.** Overwhelming strategy superiority would allow one side to gain political leverage over the other.

If both countries throughout the Cold War never really practiced the theory of strategic stability, and nevertheless managed to preserve peace, why should they not continue to adhere to it today? The answer is rooted in history. It makes little sense for America and Russia to adopt a strategic concept born in a time when they treated each other as adversaries, and that in any event was all but ignored by the weapons builders during that time.

The New Promise of Strategic Defense. What makes strategic defenses all the more promising in the post-Cold War era are the expected deep cuts in U.S. and Soviet nuclear arms. The START I Treaty, which is signed but not yet ratified, would reduce the number of deployed strategic warheads on each side by roughly one-third. It limits Russia and the U.S. each to 1,600 strategic delivery vehicles (ICBMs, SLBMs, and long-range bombers) and 6,000 accountable warheads.[4] Further, it reduces the number of warheads deployed on ICBMs and SLBMs by each side to 1,540. Finally, START permits each side to deploy no more than 1,100 warheads on truck-mounted or train-mounted ICBMs. The framework START II agreement was signed by Presidents Bush and Yeltsin on June 17, 1992. It commits each side to reduce warhead numbers even further, to between 3,000 and 3,500. It would also eliminate all ICBMs with multiple warheads and limit SLBM warheads to no more than 1,750.

If these deep cuts are made, a first strike by either the U.S. or Russia would be highly unlikely. To destroy all the ICBM forces of an opponent, the aggressor would have to attack each missile silo with at least two warheads, and even more if it wished to destroy mobile ICBMs. To launch such an attack with a reduced number of forces would disarm the attacker: He would have to use most or all of his offensive missiles to destroy the forces of the other side. Under these circumstances, the remaining offensive arsenals, which will be reduced dramatically on both sides, would be too small to inflict a successful first strike.

If strategic defenses are employed, the task of a "disarming" first strike becomes even less practical. The reason: With defenses the other side's retaliatory forces will be even more survivable. It would take even more offensive warheads to overwhelm the defense of the other side. A first strike, therefore, would be even more risky for an aggressor. He would have to throw everything at his opponent, knowing nonetheless that his enemy could strike back with some surviving warheads.

Under these circumstances, no nuclear planner could rationally plan for a successful nuclear first strike. Moreover, with both America and Russia constrained by START and possible follow-on agreements drastically reducing offensive forces, neither side could build a large offensive nuclear arsenal capable of overwhelming a large-scale strategic defense system.

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4 Actual warhead numbers will be somewhat higher because START accounting rules permit a bomber carrying more than one gravity bomb to count as one warhead.

In sum, strategic defenses would:

- ✔ **Dramatically tilt the balance of forces in favor of the defender.** An aggressor would have to deploy an impossibly large offensive arsenal to threaten a disarming first strike. Unable to launch an arms race because of cost and arms control constraints, both sides would concentrate on building defenses, which would stabilize the strategic relationship.

- ✔ **Make the idea of a "limited nuclear war" impractical.** A global protection system would effectively counter small-scale strikes. Most Third World and other non-Russian nuclear powers will have arsenals smaller than that of the Soviet Union. The U.S. Global Protection System could provide a near-perfect defense against those lesser threats.

- ✔ **Become a powerful stimulus for further reductions in strategic offensive forces.** With smaller offensive arsenals, and deployed defenses, neither Russia nor America would base its nuclear planning on the threat of retaliation. This could open the way for the complete elimination of nuclear weapons, which could not be promised by proponents of strategic stability or Mutual Assured Destruction (MAD). MAD demands that each side retain at least some offensive missiles to threaten a retaliatory strike. This is not necessary when both sides emphasize strategic defenses.

- ✔ **Dramatically reduce the risk of unauthorized or accidental nuclear launches.** The defense would destroy the incoming missiles, thereby obviating the need for any retaliation.

- ✔ **Reduce the threat of ballistic missile proliferation.** If Third World countries know that the major nuclear powers had defenses against missiles, there would be less incentive for them to acquire nuclear missiles.

The opponents of strategic defense often argue that the threat of nuclear blackmail cannot be countered by defensive systems. They say that some outlaw regime could easily send a freighter into an American harbor carrying a nuclear explosive, or place a "suitcase" bomb in some large U.S. or Russian city. These people, however, fail to understand that the ballistic missile is a much more flexible weapon than a "suitcase" bomb or even a nuclear weapon delivered by aircraft. A long-range nuclear missile capable of hitting a U.S. or Russian city is a constant and very real threat, no different really than an armed nuclear device already sitting in a harbor. The difference is that the nuclear missile is always on alert, and does not require any risky or aggressive act to threaten, as would the placement of some "suitcase" bomb. Thus the nuclear missile is a terror weapon that cannot be ignored.

CONCLUSION

The ABM Treaty should be abandoned as soon as possible. It is a Cold War relic whose time has passed. If America and Russia continue to adhere to this treaty, both will miss an historic opportunity to improve U.S.-Russian relations and build a more

secure world. So long as the ABM Treaty exists, both America and Russia will cling to a strategic idea that security can be maintained only by threatening nuclear retaliation with ballistic missiles. The sooner American and Russian leaders realize that this idea is outdated and that the ABM Treaty is an obstacle to peace, the sooner they can work together to reduce the threat of nuclear war.

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