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NATIONAL DEFENSE UNIVERSITY

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**SPACE LAUNCH VEHICLE EXPORT POLICY
AND
THE STRUGGLE BETWEEN
NATIONAL SECURITY POLICY & FOREIGN POLICY**

“We are not going to turn into a space launch supermarket,” one official said¹

CORE COURSE 5603 ESSAY

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THE STORY IN BRIEF In the spring of 1992 several U S commercial aerospace contractors informed the U S Department of State (DOS) that Italy, Spain, and Australia were independently initiating small space launch vehicle (SLV) programs. Furthermore, that these countries wanted the assistance of U S aerospace contractors to build these SLVs. Thus, the contractors desired U S government approval to assist these countries build their unrelated indigenous SLV programs. Over the period from April to December 1992 U S contractors followed up their inquiries by filing 14 specific export license requests with the DOS, Defense Trade Center (DTC). These export license requests were for the sale of hardware, technology, and services, to support the SLV programs in these countries. U S contractors submitted these license requests with the knowledge that existing U S national security and foreign policy prohibited U S firms from supporting the development of foreign SLV programs. In accordance with standard procedures, the DTC referred these SLV export requests to a formal interagency working group established to approve or deny all rocket related exports from the United States.

For six months this interagency group struggled to reach a consensus on these export cases but remained deadlocked. One faction led by the Department of Defense (DoD) advocated denial of the export licenses based on existing policy and another faction led by DOS argued for a change in policy and approval of the licenses. By December it was clear that neither side would yield and the issue was raised to the National Security Council (NSC). However, the battle lines were drawn and in the context of the 1990 Gulf War SCUD missile attacks, and the missile proliferation threat, the NSC was unable to reach a consensus decision. The issue was decided the night of 19 January 1993 by President Bush in the White House private residence². On 20 January 1993, the NSC recorded the approval of the entire slate of export cases for these three specific SLV programs as the last act of the Bush Administration. In approving these exports, the President reversed the long standing U S policy against support of SLV programs in foreign countries. Examining the reason why and how this change in U S SLV policy took place provides a case study in the U S interagency bureaucratic policy making process. This essay chronicles an SLV policy shift resulting from the struggle to balance two components of the

policy triangle of U S national security policy, foreign policy, and economic policy It concludes that the near term political foreign policy desire to maintain good relations with international friends and allies will often take precedence over rational but nebulous long term national security threats To weave this story I will first review the background of U S policy prohibiting support of foreign SLV programs, and second, I will review why and how this policy was modified in 1992-1993 Lastly, the conclusion offers some possible lessons for future bureaucratic policy decision makers

BACKGROUND Understanding U S policy toward foreign SLV programs and why the DoD objected to a shift in this policy, begins with the post WW II proliferation of nuclear weapons Second, from this nuclear starting point, and the utility of coupling these weapons with Intercontinental Ballistic Missiles (ICBMs), emerged the 1987 Missile Technology Control Regime (MTCR) The MTCR explicitly prohibited the transfer of SLVs and their technology, and as the MTCR evolved so did the concept of weapons of mass destruction (WMD) By the end of the 1990 Gulf War the definition of WMD expanded to include not only nuclear weapons but also chemical and biological weapons (NBC) Third, by 1993 analytical studies showed emerging foreign space launch programs were not commercially viable Thus DoD based its position to retain existing policy on a series of analytical arguments dating to 1949

In 1949 the Soviet Union tested its first nuclear weapon ³ While this event shook the Truman Administration, the only Soviet means of nuclear delivery were medium range TU-4 bombers on one way missions ⁴ The United States, fresh from WW II, was confident in its ability to stop a Soviet nuclear air attack Through the mid-1950's the United States remained confident in its air defenses despite Soviet development of long range bombers However, all this changed in August and October 1957. In August the USSR tested its first 5,000 mile range ICBM In October, this same Soviet ICBM used as an SLV placed Sputnik, the world's first satellite, into earth orbit ⁵ For U S policy decision makers, the launch of Sputnik raised grave national security concerns U S policy makers realized that if the USSR could place a satellite into earth orbit,

they could also launch nuclear weapons against the United States. While WW II allied air superiority prevented any air attacks against U S troops after 1944, the same is not true for German V-2 rocket attacks. The V-2 rocket was unstoppable, and thus the Eisenhower Administration took this new missile threat very seriously. As a result the U S. accelerated its own long range missile programs to deter the Soviet threat. Five years later, President Kennedy faced the very real possibility of nuclear war in the 1963 Cuban Missile Crisis. Following the peaceful resolution of the crisis, the United States and USSR engaged in a Cold War missile race that covered the spectrum from military ICBMs to the SLV race to the moon.

Through the mid 1960's nuclear weapons and the capability to deliver them was controlled by of the five major powers that emerged from WW II. Namely, the U S , UK, France, USSR, and China. However, all nation-states realized the implications of nuclear weapons for national power. By the mid 1960's, nuclear proliferation was a concern for the U S , USSR, and their allies. As a result, the 1968 Nuclear Non-Proliferation Treaty (NPT) "committed all members of NATO and the Warsaw Pact, not already armed with nuclear weapons, to forego their manufacture and possession" ⁶ By 1992, most nations of the world had signed the NPT. Meanwhile, by the 1980's many nations also realized the value in obtaining "cheap" missile delivery systems for WMD and some nations began to pursue ballistic missile programs. Complicating this was the dual use nature of ballistic missiles and their technology. The same technology needed for peaceful SLVs also builds offensive missiles. The American SLV experience reflects the dual use nature of rocket technology ⁷ By 1982 the growing missile proliferation threat concerned the Reagan Administration. Out of this missile threat the Administration built the 1987 Missile Technology Control Regime (MTCR).

By the end of the Gulf War, MTCR membership had grown from its original seven members (the United States, United Kingdom, France, Germany, Italy, Japan, and Canada) to 18 countries with four additional countries (Russia, Switzerland, Israel, and China) agreeing to abide by the MTCR Guidelines ⁸ These Guidelines expressed the objective of the MTCR, to prevent the proliferation of any missile capable of delivering a 300 Kg payload a distance of 500 Km ⁹ Here a

"missile" is any rocket with the above capabilities, including SLVs. However, the MTCR also states that it is "not designed to impede national space programs or international cooperation in such programs as long as such programs could not contribute to nuclear weapons delivery systems."¹⁰ In a 1993 RAND study on *Emerging National Space Launch Programs*, the author draws the following conclusion on space launch programs:

"Since (in light of the MTCR) it is difficult to argue that space launch programs 'could not contribute to nuclear weapons delivery systems,' namely ballistic missiles, Should the United States provide technical assistance to a space launch program, if the recipient country promises to forgo its ballistic missile program? We don't think so. We also find it important to inform top government officials of the direct connection between a space launch program and a ballistic missile program. Ironically, a sequential strategy -- space launch program first, ballistic missile development later -- might turn out to be the best tactic (to obtain offensive missiles)."¹¹

With the Iraqi Scud attacks during the Gulf War the MTCR underwent an additional change. It became apparent that rogue states such as Iraq, were not averse to using chemical weapons¹² against their enemies as they had done in their 1980 war with Iran. Further, the Iran-Iraq war included extensive use of SCUD missile by both sides. The potential coupling of "poor mans nucs" with long range missiles posed direct national security threats to the U.S. and its allies. Thus, in 1991 the MTCR expanded to cover rockets capable of delivering WMD.¹³

Concurrent with these MTCR changes was the U.S. post-Challenger return to unmanned SLVs. While this was an internal U.S. issue, it reflected a large increase in international capacity to meet demand for access to space. The DoD, Under Secretary of Defense Policy, commissioned the RAND *Emerging National Space Launch Programs* study to evaluate the viability of foreign SLV programs and safeguards against the possibility of worsening the missile proliferation threat. The study concluded that new foreign space launch programs for commercial profit are ill conceived. The high cost of entering this market and an excess capacity of launch providers by 1993, prohibits the viable pursuit of space launch for commercial gain.¹⁴ The report,

drafted by 1992, also finds that safeguard regimes are ineffective in stopping “technology transfers from space launchers to ballistic missile”¹⁵ Lastly, the study also concludes

“That all major launch suppliers are either members or abiders of MTCR provides an unprecedented opportunity to form a unified position and refrain from providing space launch assistance to others The United States and other MTCR members should not give up prematurely They should discourage emerging national space launch development instead of hoping that it can be safeguarded Otherwise, the MTCR members might end up promoting missile proliferation instead of slowing it”¹⁶

SPACE LAUNCH VEHICLES & THE POLICY TRIANGLE Should national security policy, foreign policy, or economic policy dictate control of SLV technology and hardware exports? In 1992-1993 the interagency process struggled with this issue From the start of the post WW II period, security concerns dominated the U S government position on controlling SLVs U S national security concerns to prevent the spread of offensive missiles began when Von Braun and V-2 rocket scientists surrendered to the U S Army in 1945¹⁷ However, in the new post Cold War world of 1992 the existing policy was in question The outcome of this debate was influenced by the MTCR, the filing of 14 export cases, the bureaucratic decision making process within the DOS and DoD, and ultimately an NSC recommendation for a Presidential decision The President's decision changed 47 years of policy on support for foreign SLV programs and controls on dual use SLV technology

It is the dual nature of rocket technology that accounts for the vague language in the MTCR describing the regime's willingness to support "national space programs" of member nations U S national security and foreign policy interpretation of this language prohibited support of foreign SLV programs The MTCR partners shared this view after five years of diplomacy This policy had existed implicitly since the Atlas rocket program began in 1946 and explicitly since the 1987 MTCR There were three exceptions to the U S (and MTCR) policy of international non-support of SLV programs First, the United States (and MTCR) did not oppose rockets for use by NATO Second, it did not object to support of SLVs for the European Space

Agency. Third, it supported the NASA-Italy scientific Scout SLV program. The French tested this policy in the late 1980's when they considered helping Brazil on their indigenous SLV program. In the face of stiff U.S. policy objections and intense diplomatic consultations, the French decided not to support the Brazilian SLV program. However, while this policy was tested for non-MTCR members it was not tested for trade within the MTCR until 1992.

In the spring of 1992 three MTCR partners, Italy, Spain, and Australia, began indigenous small SLV programs. Italy was interested in building a space launch variant of the U.S. NASA Scout rocket. Spain sought U.S. assistance to build a small SLV it named Capricornio. Australia initiated a small SLV called the Southern Launch Vehicle. These three countries contacted U.S. commercial contractors, who in turn submitted 14 export licenses to the DOS DTC for the three SLV programs.¹⁸ This set the stage for a test of U.S. SLV policy, and the balance between the competing interests of U.S. foreign and national security policy.

By late 1992 the interagency committee responsible for reviewing rocket exports, the Missile Technology Analysis Group (MTAG), had not acted on the cases. Furthermore, by this time foreign governments and U.S. contractors were asking for status on the cases. Inquiries ranged from the working level MTAG to the Under Secretary of State for International Security Affairs, Ambassador Frank Wisner. For example, in October 1992 the Italian Ambassador met with Ambassador Wisner and asked about the delay in approval of export licenses for the Italian Scout SLV program.¹⁹ The reason for the indecision was the struggle between two elements of the policy triangle of foreign policy, national security, and economic interests. Specifically, the MTAG was deadlocked over policy differences between DoD and DOS. DoD took the position the cases should be denied in accordance with the existing national security policy. DOS took the position the export cases should be approved on foreign policy grounds.

STATE "A senior official who is prepared to devote substantial energy to a problem can exert influence far beyond his ordinary performance. The same is often true of a junior official who has the confidence of his principle."²⁰ This was the situation in the DOS when the director of the Office of Weapons Proliferation Policy, with the concurrence of the Assistant Secretary for

Politico-Military Affairs, determined the U S should approve the pending DTC export cases in support of the Italian, Spanish, and Australian small SLV programs ²¹ The DOS took this position over the objections of virtually all other Executive Branch agencies ²² By November 1992 this issue had moved up the chain of command to the Under Secretary for International Security Affairs Ambassador Wisner, aware of the working level interagency SLV export deadlock, and facing mounting pressure from both U S exporters and international governments for a decision, decided to act Using his delegated Presidential authority over DTC, Ambassador Wisner decided to approve all 14 export cases He made his decision based on the combined basis of rational logic, bureaucratic output, and political resultant

RATIONAL LOGIC The logic of his calculation included several points First, he argued that the MTCR does not cover SLV trade among partners Second, that these were NATO and treaty allies, and members of the MTCR, and thus posed no risk of export diversion or missile proliferation Third, was the belief that as the MTCR matured with iron-clad external proliferation controls, it should relax internal controls ²³

BUREAUCRATIC OUTPUT Bureaucratically, the DOS also wanted to approve the export cases Desk officers for U S policy toward their respective country supported the desires of these allied nations Politico-military affairs officers who deal with their MTCR partners on a personal level did not want to fall out of disfavor over this issue ²⁴ More importantly from their perspective they believed it was important from a foreign policy-national security perspective to keep the MTCR a growing regime To do this some reward was needed for becoming an MTCR member, as a tool to attract new members These officers saw allowing peaceful SLV programs to members in good standing as just such an incentive Further, this incentive was viewed as a good way to leverage international cooperation in the NBC arenas

POLITICAL RESULTANT Finally, politically, at the highest levels, it was difficult to say no These three countries are like-minded allies in foreign, national security, and economic affairs Ambassador Wisner personally believed the United States should be more open in its thinking on exports and he was eager to remain on friendly terms with these government's ²⁵ In

this respect he was more realist than idealist. He did not want to stand in the way of exports to "safe customers" and thus wanted to support the sales if at all possible. This more than any other reason was why Ambassador Wisner decided to approve the cases for export, given the national security threat was abstract and only potential. Thus, the Ambassador approved the exports based on his personal cost-risk assessment. The high cost to foreign policy relations on more important issues by saying no, against the perceived low proliferation risk from these three MTCR partners and allies. DoD did not share Ambassador Wisner's view of the cost-risk calculation.

DEFENSE When the Honorable James Lilley, Assistant Secretary of Defense for International Security Affairs, learned that Ambassador Wisner had made the decision to approve the 14 pending SLV exports, he immediately appealed to the National Security Council (NSC). On 10 December the NSC Non-Proliferation EXCOM met at the Assistant Secretary level. At this meeting DoD presented its case for denial of the export licenses based on rational logic and bureaucratic output. DoD held the position that there was no reason to change existing policy. First, the Gulf War showed the danger of missile proliferation, particularly if combined with WMD. Second, that there were no significant technical differences between offensive missiles and SLVs.²⁶ Third, that foreign SLV safeguards would not effectively prevent missile proliferation. Fourth, that these SLV programs would be in direct competition with fledgling U.S. launch providers such as Orbital Sciences Corporation. Fifth, that these SLV programs demand they could not be economically viable. Sixth, that this change in policy would set a precedent for SLV sales, making it difficult to say no to future SLV export requests, not only to the United States but other MTCR partners as well. Lastly, this precedent was undoing U.S. diplomacy that successfully prevented, deterred, and defeated numerous new SLV programs around the world.²⁷ Yet despite the presentation of DoD rationale and ensuing discussion, the NSC EXCOM remained at an impasse, unable to reach a consensus. As a result this issue was bumped up to a 21 December 1992 meeting of the EXCOM at the Under Secretary level.²⁸

NSC OUTCOME In preparation for the 21 December EXCOM, Paul Wolfowitz, Under Secretary of Defense for Policy, prepared his own position based on strong convictions in

supporting the DoD position²⁹ Wolfowitz views SLVs as the "aerospace equivalent of peaceful nuclear weapons" and was strongly against changing the policy prohibiting support of foreign SLV programs³⁰ Again the NSC reached no decision As a result the issue was added to an 8 January 1993 EXCOM meeting of the Deputies Committee The decision taken at this meeting was to pass the issue to the incoming Clinton Administration on 20 January However, the DOS was not done with this issue, and above the Under Secretary level persuaded the NSC staff to prepare a decision paper for the President³¹ The exact contents of this memo are not known, however, it is likely to have stressed first, that good government required a decision not be delayed Second, that there was considerable pressure from contractors to resolve this issue Third, that there were minimal security concerns in allowing the exports Finally, that Secretary of State Lawrence Eagleburger believed it was more important politically (for foreign policy reasons) to support our NATO and treaty allies by allowing these exports to proceed, than to incur the diplomatic cost of upsetting them³² Thus, in the last hours of the Bush Administration the DOS generated a "procedure leading to a decision so that some potential participants are left out"³³ Specifically, this last minute procedure left DoD out of the final decision The decision paper went to the President in his White House residence on the night of 19 January At 1100 on 20 January, as the inauguration of President Clinton was taking place, the decision approving all 14 SLV related exports to these three countries was recorded

CONCLUSION: President Truman once stated, "The difficulty with many career officials in the government is that they regard themselves as the men who really make policy and run the government"³⁴ In this case, no career official made the final decision to change 47 years of SLV export policy However, it was the conviction of a career official that raised this issue to the Under Secretary of State level Once at this level the SLV export issue caught the attention of Ambassador Wisner Thus, the first lesson from this case is that changing policy often requires an issue of sufficient importance to gain the attention of senior Executive Branch leaders The corollary is that if a mid-level official can raise an issue of enough importance to capture the

interest of Executive Branch leaders, once presented it can lead to a Presidential change in policy. Moreover, dealing with an issue such as setting policy for the export of SLV services often "occurs while participants are dealing with a great many other issues"³⁵ So it was with President Bush when he gave direction to approve the SLV exports to Italy, Spain, and Australia on the last day of his Administration. His approval of this sale was a major coup for the DOS over the objection of all other Executive Branch Departments. Within the Executive Branch some assert that the "single most important determinant of the influence of any senior official is his relationship with the President"³⁶ When Ambassador Wisner, with the support of Secretary of State Eagleburger, raised this issue through the NSC to the President, he did so to the exclusion of all other players. Ambassador Wisner reduced the "circle" of participants, considering this a foreign policy issue within the DOS portfolio alone.³⁷ Who better than Secretary Eagleburger knew the implications of SLVs being potentially misused as offensive missiles in the wake of the Gulf War Scud attacks. This is the second lesson of this case, namely that during a period of transition between Administrations an inspired official who is bureaucratically adept can obtain a decision that might otherwise command a wider audience. This leads to the third lesson of this case, that the foreign policy-national security decision making process is about politics and people. As a former high level official involved in this decision stressed recently to the National War College Class of 1997, the bureaucratic interagency process is important in filling the policy gaps and preparing issues, but it is the President and his advisors who make the decisions on major shifts in policy. Thus President Bush approved the policy shift on the understanding this was an isolated sale and not precedent setting.³⁸ This leads to the final lessons of this case. In the policy triangle struggle between national security and foreign policy interests, the near term foreign policy desire to gain and maintain international allies often outweigh more abstract long term national security threats. Finally, if career officials are bureaucratically and politically adept, despite President Truman's "difficulty" with them, their rational logic can reach the desk of the President and play a major role in influencing the outcome of the interagency process of policy decision making.

ENDNOTES

- ¹ Andrew Lawler, "U S To Maintain Missile Export Control " *Defense News*, September 20-26, 1993
- ² Former National Security Council Official, interview by author, 13 December 1996, Washington D C
- ³ The test of the first Soviet nuclear fusion weapon occurred "years ahead of American predictions " Larry H Addington, *The Patterns of War Since the Eighteenth Century* (Bloomington and Indianapolis Indiana University Press, 1994) p 270
- ⁴ Ibid
- ⁵ Ibid , p 281
- ⁶ Ibid , p 292
- ⁷ For example, the U S Titan, Atlas, and Delta SLVs all evolved from ballistic missiles
- ⁸ Brian G Chow, *Emerging National Space Launch Programs Economics and Safeguards* (Santa Monica, CA RAND, National Defense Research Institute, 1993) p 2
- ⁹ Department of State, "Guidelines of the Missile Technology Control Regime," April 1987
- ¹⁰ Brian G Chow, *Emerging National Space Launch Programs Economics and Safeguards* (Santa Monica, CA RAND, National Defense Research Institute, 1993) p 3
- ¹¹ Ibid
- ¹² And potentially biological weapons
- ¹³ Weapons of Mass Destruction (WMD) include nuclear, biological, and chemical (NBC) weapons
- ¹⁴ Brian G. Chow, *Emerging National Space Launch Programs Economics and Safeguards* (Santa Monica, CA RAND, National Defense Research Institute, 1993) p 66
- ¹⁵ Ibid
- ¹⁶ Ibid , p 67
- ¹⁷ By the mid-1950's this policy debate extended to control of dual use SLVs as the U S. government began work on manned versions of the Redstone rocket and the Atlas ICBM for project Mercury
- ¹⁸ U S DoD Official working for the Assistant Secretary of Defense for International Security Affairs in 1992, interview by author, 26 November 1996, Washington D C
- ¹⁹ Thomas M T Niles, EUR, to Under Secretary of State Frank G Wisner, 22 October 1992, Letter to Italian Ambassador Biancheri on SCOUT Rocket Technology Washington, D C
- ²⁰ Morton Halperin, *Bureaucratic Politics and Foreign Policy* (Brookings Institution, 1974) p 225.
- ²¹ The Assistant Secretary of State during this period was Ambassador Robert Gallucci Vann Van Diepen, Director of Weapons Proliferation Policy, Assistant Secretary of State for Politico-Military Affairs, interview by author, 22 November 1996, Washington, D C
- ²² Ibid
- ²³ Former High Level State Department Action Officer, interview by author, 3 December 1996, Washington D C
- ²⁴ Also, these officers believed that if the cases were approved the programs would die of their own weight anyway since they could not possibly be cost effective.

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- ²⁵ Former High Level State Department Action Officer, interview by author, 3 December 1996, Washington D C
- ²⁶ Fermin Gallego-Serra, "Spain Unveils Rocket Program," *Defense News*, (May 18-24, 1992) p 4
- ²⁷ The results of this DoD concern is seen in a 1995 *Defense News*. However, DOS could also argue that this trend is valuable since Brazil is joining the MTCR -- the SLV incentive works Philip Finnegan, "Brazil Views MTCR as Boost to Space Effort," *Defense News*, (April 24-30 1995) p 6
- ²⁸ Arthur J Rothkopf, Deputy Secretary of Transportation, to Ambassador Frank G Wisner, Under Secretary for International Security Affairs, U S Department of State, 28 December 1992, Washington, D C
- ²⁹ Under Secretary Wolfowitz would likely agree that this SLV policy issue was in line with the comments by The Center For Security Policy when they stated in a 6 June 1992 Decision Brief that President Bush was " subordinating important national interests -- strategic, technological and economic --to ephemeral "foreign policy" considerations " -- A trend is outlined
- ³⁰ Henry Sokolski, former Deputy Director of Non-Proliferation Policy, Office of Non-Proliferation Policy, Assistant Secretary of Defense for International Security Affairs, interview by author, 4 December 1996
- ³¹ Former National Security Council Official, interview by author, 13 December 1996, Washington D C
- ³² Ibid
- ³³ Morton Halperin, *Bureaucratic Politics and Foreign Policy* (Brookings Institution, 1974) p 124
- ³⁴ Ibid , p 245
- ³⁵ Ibid., p. 134.
- ³⁶ Ibid , p 219
- ³⁷ Ambassador Wisner considered this "a matter which concerned only his department and therefore should be settled bilaterally between the President and the Secretary of State (Secretary of Defense) with only minimal consultation with other officials " Ibid , p 125
- ³⁸ Former High Level State Department Action Officer, interview by author, 3 December 1996, Washington D C

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