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Missile Control: An Interview With Deputy Assistant Secretary Of State Vann Van Diepen

Interviewed by Kelsey Davenport, Daniel Horner, and Daryl G. Kimball

Vann Van Diepen has been principal deputy assistant secretary of state for international security and nonproliferation since June 2009. He has worked for 30 years on issues relating to nuclear, biological, and chemical weapons and their delivery systems. For more than 14 years, he directed the Department of State's Office of Chemical, Biological and Missile Nonproliferation.

Arms Control Today spoke with Van Diepen in his office on June 18. The interview covered missile programs in countries such as Iran, North Korea, India, and Pakistan, as well as the impact and future of the Missile Technology Control Regime (MTCR).

The interview was transcribed by Lauren Weiss. It has been edited for length and clarity. The text of the full interview is available at www.armscontrol.org/interviews.

ACT: *Thank you for doing this. We really appreciate it.*

Estimates of the threat to the United States from ballistic missiles fluctuate over time, as new evidence emerges on different countries' programs. How would you describe the current trends, and in particular, is the threat to the United States growing or shrinking?

Van Diepen: Strictly speaking, these threat assessments are really the job of the intelligence community [IC] rather than the policy community. But certainly what we've seen over time is that, for those countries that continue to be in the ballistic missile business and who are potential adversaries to the United States, they are working to expand their missile programs both quantitatively and qualitatively. And so you've seen increases over time in the range capability of, say, Iranian missiles from 300-kilometer Scuds to 500-kilometer Scuds to 1,300-kilometer-range Nodongs, and now obviously they're working on longer-range systems. You see the same kind of thing with North Korea. So that's on the one hand. On the other hand, over the past 20 years, we've gotten a number of countries out of the business of [pursuing] missile programs capable of delivering WMD [weapons of mass destruction], and we've gotten yet other countries out of the business of supplying missile proliferation programs. So overall, there have been pluses and minuses on the historical track record, I would say.

ACT: *Iran, which you mentioned, possesses the largest ballistic missile inventory in the Middle East, and ballistic missiles are considered to be a likely delivery vehicle for nuclear weapons that Iran might acquire. Estimates vary as to when Iran may deploy a long-range ballistic missile. Currently, Iran's longest-range ballistic missile under developmental testing seems to be the Sajjil medium-range ballistic missile, with a range of about 2,200 kilometers. And they have a large space launch vehicle that contains technology that could be used for an intercontinental ballistic missile [ICBM], but it hasn't been flight-tested. So what's the current U.S. government assessment for the most likely time frame for the appearance of an Iranian ICBM threat to the United States?*

Van Diepen: Again, those types of questions really are intelligence community questions rather than policy community questions, so I think I'd really have to refer you to whatever the latest public IC assessment may be on that question.[1]

ACT: *But could you just summarize what the basic assessment is from the IC, that we have, the policy assessment?*

Van Diepen: No, only because I don't know what it is. I know what the classified assessments are, but I'm not in a position to provide those.

ACT: *A similar question with North Korea but maybe we could ask it a little bit differently: Has the most recent North Korean missile flight-test failure altered the U.S. government's assessment of North Korea's ability to deliver a weapon of mass destruction on a long-range ballistic missile?*

Van Diepen: Not that I'm aware of. Remember, for example, in roughly the same time frame that that failed test occurred, the North Koreans rolled out, literally, a road-mobile ICBM. So one can't simply look at that one program and its checkered flight-test history to draw conclusions about the overall North Korean missile threat.

ACT: *You mentioned the road-mobile ICBM. Is there anything you can say about that in terms of how you're viewing that?*

Van Diepen: Well obviously, that's very serious. That portends the ability to have a usable, militarily effective, survivable system that can reach the United States with a significant payload. So that's obviously a very serious and significant development.

ACT: *Are you referring to the missiles that a number of nongovernmental experts have said were mock-ups?*

Van Diepen: I am referring to the mobile ICBM program, of which the paraded mobile launchers and missiles are a part.2

ACT: *If I can just follow up on Iran and North Korea: When Secretary [of Defense Robert] Gates spoke about these issues back in 2009, he mentioned in testimony to the Hill that the threat of potential Iranian ICBM capabilities has been slower to develop than anticipated in 2006. The same might be said for North Korea, which has had these long-range flight tests, most of which have been considered to be failures. What are the factors that you see as being essential to further slowing the ability of both these countries to successfully test and field these systems in the years ahead? What kinds of barriers can we be putting in the way and the international community be putting in the way?*

Van Diepen: First of all, we need to continue to find ways to make it politically uncomfortable for them to engage in this type of activity. I think it's pretty clear that the North Koreans certainly don't seem to be conducting their test activity on a technically driven schedule. It clearly appears to be a politically driven schedule. So the extent to which we the international community can continue to make it clear to them that that kind of behavior is unacceptable and there are consequences for that—hopefully, that will slow the pace of at least the flight-test portion of those programs. Likewise, we've got to continue our efforts to ensure robust implementation of UN Security Council sanctions, of restrictions like those of the Missile Technology Control Regime, and do what we can to try to make it harder for [the countries] to get better technology, force them to have to settle for less effective and less reliable technology, interdict shipments, et cetera, et cetera. So continue the ongoing efforts that we've been doing for really the past several decades to impede these programs, to make them take longer, cost more, be less reliable, less effective than would otherwise be the case.

ACT: *Moving on to India and Pakistan: In April, India flight-tested the Agni-5 ballistic missile, which the Indian government claims has a range of some 5,000 kilometers. In reference to that test, the U.S. government "urged all nuclear-capable states to exercise restraint regarding their nuclear and missile capabilities" while recognizing India's "solid nonproliferation record." So, in the view of the U.S. government, why is such restraint important, particularly with respect to the Agni-5 program?*

Van Diepen: Well, I'm not sure I'd single out any particular program, but obviously you know South Asia is one area where one could actually conceive of the unfortunate possibility of a nuclear war occurring between neighboring states. So for a long time, we have been counseling restraint both on the nuclear side and the missile side of both countries, to try to do whatever we can from the outside to encourage behaviors and practices that would make things more stable and make it less likely you could have such a war.

ACT: *We'll get back to that point about the arms race dynamic in a minute, but I also wanted to ask, what is the U.S. government's assessment of India's interest in acquiring long-range ballistic missile capabilities that would extend the range of its nuclear arsenal beyond the border of its two nuclear-armed neighbors, China and Pakistan?*

Van Diepen: I'm really not in a position to comment on what we might be assessing for the future.

ACT: *Then going back to the point about the reaction to the Indian missile test, is there concern in the administration that Pakistan may take the U.S. response to the India test as a green light to go ahead with testing on its own longer-range ballistic missiles?*

Van Diepen: Other people may have their own assessment, but I don't see this being a sort of action-reaction phenomenon. I think that these two countries' programs respond to different kinds of dynamics. You know there are substantial internal dynamics on both sides that aren't directly dependent on the other, certainly for longer-range systems. I'm sure Indian strategists would be pointing to China rather than Pakistan, so I don't see it as literally that kind of a tit-for-tat dynamic.

ACT: *But I think some people saw the U.S. reaction to the Indian test as very muted, so would other countries use that as sort of a justification or sort of a signal that there wouldn't be a strong U.S. response if they went ahead?*

Van Diepen: Again I think that overstates the impact we as an outsider could have and understates the impact of these internal factors that drive these programs.

ACT: *This year marks the 25th anniversary of the MTCR, which was created to limit the spread of ballistic missiles and other unmanned delivery systems that could be used for chemical, biological, and nuclear attacks. How is the MTCR still relevant to U.S. efforts to curb the spread of ballistic missile technology?*

Van Diepen: The main reason it's relevant is that it's really the only multilateral institution we have, with 34 members, that comprehensively combats the proliferation not just of ballistic missiles but of cruise missiles capable of delivering WMD. We relatively recently evolved the Hague Code of Conduct Against Ballistic Missile Proliferation, but that's very much focused on ballistic missiles and is more of a sort of mild, normative institution rather than something that has the teeth that the MTCR has in terms of export control requirements, in terms of information sharing, policy coordination, cooperation. So the MTCR has much more of an active ability to really have a bite on the proliferation problem.

ACT: *So how does the United States believe the MTCR needs to evolve or can evolve over time to address future missile proliferation challenges?*

Van Diepen: Well, we have to move simultaneously on a number of different fronts, which in fact is what we've been doing. First of all, we've got to continue to try and update the regime's technology controls to take account of evolutions in technology, take account of what we see in proliferant procurement activity.

ACT: *So updating the list—*

Van Diepen: Updating the list, but also augmenting that sort of export control focus with other counterproliferation tools, with cooperation in interdiction, in work on intangible technology transfers, brokering, transit, transshipment, looking at all the ways that proliferators try to evade standard export-from-country-A-to-country-B export controls and add on things that can help deal with that. Then also to do what we can to get cooperation from countries that are not members of the regime, and there the regime has been very successful in establishing itself as the global standard for missile-related export behavior. Most of the major repositories of missile technology in the world now are either members of the MTCR or are avowed adherents to the MTCR or adopt practices that are very, very close to those in the MTCR.

ACT: *As you mentioned, since the MTCR was established in 1987 it has had some notable successes, but some countries, such as India, Iran, North Korea, and Pakistan, continue to advance their missile programs. And all four have deployed medium-range ballistic missiles and are exploring missiles with greater ranges. So how can the MTCR affect further missile development in these and other countries that developed indigenous capabilities or formed networks for importing the necessary technology from supplier countries that are not part of the MTCR?*

Van Diepen: Again, I think fundamentally what we end up doing in those cases is impeding those programs and making them take longer, be less effective and less reliable than what would otherwise be the case, and making them cost more. That does inhibit the missile proliferation problem, but the fact is that it is very difficult to prevent someone from pursuing a missile program if they're bound and determined to do so.

ACT: *Going to some specific countries and their interactions with the MTCR: Under a 1979 agreement with the United States, South Korea restricted its ballistic missile range to 180 kilometers. In 2001, when South Korea joined the MTCR, the United States agreed to a South Korean request to extend the capability to 300 kilometers [with a*

payload of 500 kilograms] for its ballistic missiles. South Korea reportedly has been in discussions with the United States about the range limit. Has the United States agreed to grant South Korea an exemption to develop longer-range missiles?

Van Diepen: South Korea joined the MTCR in 2001, based in part on understandings of the range/payload capability of its missile systems—not just range. There is an interactivity, ability to trade off range and payload, so it's not just range in the picture. I think it's pretty clear that we are in discussions with the South Koreans about their interest in being able to have more-capable missile systems. Basically all I can say is that we are in those discussions, and in those discussions we have to take account of both the legitimate defense requirements of our treaty ally, who is under very substantial threat, as well as our interest in upholding global nonproliferation standards. That's kind of what's going on right now.

ACT: *So how are you weighing those? In particular, if there are exceptions made, how do you make sure that the exception doesn't become a precedent for weakening the regime?*

Van Diepen: Again, I really can't get into the dynamics of this issue, but clearly South Korea has some distinguishing features in terms of the threat it faces from North Korea that clearly would have to be taken into account.

ACT: *And on that point, what effect might an exception have on North Korea's missile activities?*

Van Diepen: North Korea's already testing ICBM-class systems. I'm sure it can use as an excuse whatever the South Koreans do, but they're already the world's biggest missile proliferator. They have very extensive missile deployments of their own. They are already flight-testing ICBM-class systems. So I'm sure they could use for rhetorical purposes whatever they want, but realistically, whatever the South Koreans are doing is unlikely to be an actual driver.

ACT: *The United States has launched an effort within the MTCR to accept India as a member. Given that India has already pledged to conform with the MTCR as part of the deal to exempt it from certain Nuclear Suppliers Group [NSG] restrictions,[3] what benefits to missile nonproliferation would Indian membership provide?*

Van Diepen: I'm not sure about this [connection to the] NSG and whether that's actually accurate or not—

ACT: *The week before the NSG exemption was made, on September 6, 2008, the Indian government made a statement outlining the nonproliferation commitments it was making in conjunction with that, and MTCR guideline conformance was part of that. So that's what we're referring to.*

Van Diepen: All right. Again, I'm not sure there was, strictly speaking, a linkage between those two, but basically India is a country that's a major repository of missile technology. They've tested and demonstrated systems across the entire spectrum, including cruise missile systems. So bringing that repository of technology under control and taking steps to make sure it doesn't go elsewhere is a major contribution to the missile proliferation picture. The Indians, you know, have a lot of information that could be of use to the regime. So basically, our belief is that the regime and missile nonproliferation would be better off having them in the regime rather than out of the regime.

ACT: *But the question is, basically, if India has already committed to conform with MTCR guidelines, how does membership alter its behavior? How does it improve its behavior?*

Van Diepen: Well, I think, from our standpoint, it's not a question of improving their behavior. I think, from our standpoint, their behavior is such that they warrant membership in the regime. You don't bring somebody in and hope that because they become a member, they behave better; you only bring into the regime countries whose behavior is such that it's supportive of the objectives of the regime and thereby strengthens the regime. And we think India falls into that category.

ACT: *How would you handle the issue of the range limits that countries normally have to abide by when they come into the MTCR, that is, they agree to restrictions on their own systems comparable to what the MTCR range limits are for export?*

Van Diepen: Well, none of that is a regime restriction. Oftentimes, [the United States] in particular, as a condition of our agreeing to permit a certain country to enter the MTCR, will require that that country forgo Category I systems. But sort of apropos of our attitude on their membership in the NSG—it would certainly be nice if they signed up to

the [nuclear Nonproliferation Treaty], but realistically that's not going to happen any time soon—in recognition of that, we believe we're better off having them in than having them out. It's sort of the same thing with the delivery systems.

ACT: *Given that India already has ballistic missile systems that are beyond the 300-kilometer range and the payloads outlined in the MTCR guidelines, would Indian membership in the NSG in any way affect the behavior of MTCR member states in denying transfers to India that could aid its missile program in missiles beyond those ranges? That's one of the things we're getting at here because that is a concern among some about Indian membership in the MTCR.*

Van Diepen: The regime is very clear in including on its website that membership in the regime does not confer an entitlement to receive technology from another member or confer a responsibility to provide technology to another member. And the MTCR guidelines are not denominated in terms of members and nonmembers. So just as we currently control MTCR annex items to essentially all countries, we would continue doing that for India just as we have continued to deny exports to a variety of programs that we don't support in member countries. We would apply that exact same policy to India.

ACT: *Moving on to China: China applied for membership in the MTCR in 2004 after pledging that it would voluntarily follow the export control guidelines laid out by the regime. Its membership, however, was rejected by the United States due to concerns that China's participation would weaken the regime, as certain Chinese companies were believed to be supplying sensitive technology to countries such as North Korea. Would accepting Chinese membership now put more pressure on that country's government to rein in violators?*

Van Diepen: Well first of all, "rejected by the United States" sounds like we were the only country that felt that China did not currently meet the MTCR membership criteria, and I can assure you that's not the case.

Now, China's the kind of country where if they were following the rules, their membership would strengthen the regime, just as I laid out in the discussion on India—sort of the same thing. Unfortunately, as is manifestly clear, including in numerous U.S. sanctions impositions, right now there's a substantial problem of Chinese entities providing missile technology to programs in places like Iran and North Korea, and until that problem is substantially addressed—right now China does not meet the membership criteria. We expect them to meet the same criteria that everyone else has met to become a member, and we would very much like them to be able to meet those criteria because that would also then mean there would be few if any missile proliferation problems emanating from China, which unfortunately is not the case right now.

ACT: *On China, you mentioned the ongoing problems with regard to exports to Iran and North Korea. Do you see progress the United States and other countries are making in modifying that behavior, or how would you characterize the discussions and efforts on that topic?*

Van Diepen: I think if you look at this issue on kind of a Chinese time scale, over the past 20 or 30 years, I think you can say there's been progress on the issue in the sense that we no longer see China selling complete MTCR-class missile systems like we did in the '80s and '90s.

We don't see China selling complete production capabilities for MTCR-class missile systems like we did in the '80s and '90s. I think most observers would say that the issue is no longer one of China, the country, the government, deliberately supporting programs of proliferation concern.

Where we continue to have problems is the ability of Chinese entities to be approached by proliferators and to provide them with equipment and technology that they need for their programs, a lot of which is dual use, a lot of which is not even necessarily listed on the MTCR annex but nonetheless is of value to these programs. From our perspective, we don't see sufficient priority, resources, and effort being put by the Chinese authorities in bringing that under control.

ACT: *But so in your view, it's an inability of the Chinese government to control things that they're not necessarily supporting, as opposed to these companies doing these activities with the support or complicity of the Chinese government?*

Van Diepen: Right. I think most observers would say that these are not activities that are being done at the behest of the Chinese government. That said, the Chinese government has the ability to decide to devote more resources,

efforts, and priority to crack down on these activities; and for whatever reason, thus far they have not chosen to do that.

ENDNOTES

1. The most recent U.S. unclassified intelligence estimate assessing Iran's ballistic missile capabilities does not indicate a time frame in which Tehran is likely to develop an ICBM. It says that Iran continues to "move toward self-sufficiency" in its production of ballistic missiles but "certainly remains dependent on foreign suppliers" for components that are "key" to missile production. See Office of the Director of National Intelligence, "Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, Covering 1 January to 31 December 2011," 2012, pp. 3-4, www.odni.gov/reports/2011_report_to_congress_wmd.pdf.

2. This question was asked and answered in writing as a follow-up to the interview.

3. In the July 18, 2005, "Joint Statement Between President George W. Bush and Prime Minister Manmohan Singh" outlining the terms of their joint civil nuclear cooperation initiative, Singh pledged that India would be ready to assume a number of "responsibilities and practices" that "other leading countries with advanced nuclear technology" had. Among the practices Singh said India would follow was "ensuring that the necessary steps have been taken to secure nuclear materials and technology through comprehensive export control legislation and through harmonization and adherence to Missile Technology Control Regime (MTCR) and Nuclear Suppliers Group (NSG) guidelines."

On September 5, 2008, in the run-up to the NSG decision on the proposed exemption for India from certain NSG guidelines, External Affairs Minister Pranab Mukherjee issued a statement on the "Civil Nuclear Initiative" in which he said that "India has taken the necessary steps to secure nuclear materials and technology through comprehensive export control legislation and through harmonization and committing to adhere to Missile Technology Control Regime and Nuclear Suppliers Group guidelines."

Selected Export Control and Nonproliferation Regimes

- **Missile Technology Control Regime (MTCR).** Established in 1987, the MTCR is a voluntary association of countries that coordinate national export control licensing to prevent the proliferation of unmanned delivery systems capable of delivering weapons of mass destruction. Member countries are asked to adhere to common export policy guidelines on lists of controlled items, including completed missile systems and dual-use technologies, that would enable countries to produce systems capable of delivering nuclear weapons. The MTCR specifically aims to prevent the proliferation of missiles capable of carrying a 500-kilogram payload at least 300 kilometers. The MTCR now has 34 member countries.
- **Hague Code of Conduct Against Ballistic Missile Proliferation.** The Hague Code of Conduct is a voluntary association of countries that formed in 2002 as a supplement to the MTCR and existing disarmament and nonproliferation mechanisms. It provides a means for promoting the nonproliferation of ballistic missiles. Member countries are asked to make annual declarations of their policies on ballistic missiles and space-launch vehicles and to provide notifications prior to launches or test flights. The regime has 134 member countries.
- **Nuclear Suppliers Group (NSG)**. The NSG was founded in 1974 as a group of countries seeking to prevent the proliferation of nuclear weapons by implementing shared guidelines on the export of nuclear and nuclear-related technologies. The aim of the guidelines is to allow trade in nuclear technology for peaceful purposes without contributing to weapons proliferation. In determining export applications, each participating government applies the guidelines in accordance with its national laws. Currently, the NSG has 46 member countries.
- **Proliferation Security Initiative (PSI).** Launched in 2003, the PSI is a nonbinding effort by member countries to stop the trafficking of weapons of mass destruction, their delivery systems, and related materials to and from countries and nonstate actors that pose proliferation concerns. Countries that are a part of the PSI are asked to endorse the "Statement of Interdiction Principles," which commits them to establish more-coordinated efforts to impede and stop the transfers of weapons of mass destruction and their delivery systems based on existing national and international laws. It currently has 99 participating countries.
- **UN Security Council Resolution 1540.** The UN Security Council passed Resolution 1540 in April 2004. It designates the proliferation of nuclear, biological, and chemical weapons and their means of delivery as a

threat to international peace and security and obligates countries to enforce domestic controls over such items and related materials. Under the resolution, countries also are prohibited from providing any form of support to nonstate actors seeking to acquire weapons of mass destruction and are required to criminalize the possession or attempts to finance the purchase of such items by nonstate actors.

• **Wassenaar Arrangement.** The Wassenaar Arrangement grew out of a Cold War export control regime called the Coordinating Committee for Multilateral Export Controls. It was formally established in 1995. Participating states pledge to use national policies to promote transparency and the responsible use of conventional arms and dual-use technologies transferred to other countries. The group decides on the scope of the export controls, but implementation is determined by each country's national procedures. Forty-one countries currently participate.—KELSEY DAVENPORT

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