

specify how to determine whether a defense is strategic-capable or has been tested in an ABM mode.

Following the Gulf War, the US started investing more heavily in developing new and more capable theater missile defenses. It became clear that some of these systems fell into a gray zone thus prompting the US into entering negotiations with Russia to clarify the ABM Treaty's restrictions on theater missile defenses and to establish a demarcation between permitted theater defenses and prohibited strategic defenses.

Under the provisions of the lower-velocity agreement, theater missile defense systems [other than the US so called Navy Upper Tier] can be tested and deployed with any architecture, including space-based cuing, as long as interceptors are never tested against a target with a velocity greater than 5km per second or a range greater than 3,500km. The higher velocity systems are subject to the same test standard. However, the determination of compliance with the Treaty is a unilateral national responsibility. Thus, the US Administration has determined that all theater missile defense systems are Treaty compliant and has certified this to the Congress.

The new agreements also explicitly prohibit space-based interceptors for theater missile defense applications.

Joint Early Warning Center Agreement 2000²⁷

This Memorandum of Agreement (MOU) established a Joint Data Exchange Center (JDEC) in Moscow for the exchange of information derived from each side's missile launch warning systems on the launches of ballistic missiles and space launch vehicles. The warning systems in this case are the space-based satellites, infrared systems, and the early warning radars each possesses. The JDEC is also intended to serve as the repository for the notifications to be provided as part of an agreed system for exchanging pre-launch notifications on the launches of ballistic missiles and space launch vehicles.. The system is to be set up in phases, and by the end of the third phase, it will include information on ballistic missile and space launches of third parties.

A space launch vehicle shall be considered as "belonging to" a Party if it owned, possessed or controlled by the Party or by any corporation, partnership, joint venture, association or other legal or natural person (either government or private, including international organizations) organized or existing under the laws of the Party.

Parties will use the following parameters launch time, launch location, generic missile type, launch azimuth, impact area, estimated time of payload impact, indication of single or multiple launch. Each Party is to provide processed launch information in a time frame that is near real time, if possible.

At its discretion, each Party can also provide information on other launches and objects capable of disrupting the normal operation of equipment of the warning systems of the Parties.²⁸

²⁷ Memorandum of Agreement Between the Government of the United States and Government of the Russian Federation on the establishment of a Joint Center for the Exchange of Data from early Warning Systems and Notifications of Missile Launches.

²⁸ Article 3 (2) "...may also provide information on other launches and objects, including de-orbiting spacecraft, and geophysical experiments and other work in near-earth space..."