

## **Global Control System: Too Comprehensive?**

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### **Introduction**

In 1998 missile launches by North Korea and Iran dramatically demonstrated the inadequacy of the international missile non-proliferation regime. Since 1987 it has been mainly focused on the Missile Technology Control Regime (MTCR), established by the seven largest industrially developed nations. The MTCR is a supply side informal export control regime, which sets guidelines for member states to be used for making national export control legislation compatible to the Regime. Besides that, the MTCR limits missile developments by some member states - according to the US policy, no country except Russia and China could become members of the Regime if they possessed missiles with a range of more than 300 kilometers. In 1998 an exception was made for Ukraine, which while joining the Regime maintained the right to possess missiles with a range between 300 to 500 kilometers.

The MTCR had three basic setbacks: absence of universality, legally non binding status and absence of an international body monitoring its compliance. Lack of universality was the main one. From the very beginning, several major producers of missile technologies, including the Soviet Union, remained outside the Regime. Since 1987, the MTCR has been gradually expanded to include such key producers as Russia, Ukraine and Brazil. Two other missile powers - China and Israel - voluntarily accepted MTCR guidelines without joining the Regime formally. They did it, however, through bilateral memorandums with the United States - not via the MTCR contact office established in the French Foreign Ministry. However, missile proliferation took place, at least, as fast as the Regime expanded, and by the early 2000s four major missile producers - India, Pakistan, Iran and North Korea had emerged outside the MTCR. Moreover, it is not a secret that they were the nations against whose development of missile technologies the Regime was established and functioned. Thus, there is a group of important missile producers outside the MTCR that does not accept any obligations restricting their missile development and missile related exports. Their accession to the Regime so far seems not politically feasible.

Since 1998 the international community has conducted and proposed several measures aimed at improving the situation in the missile proliferation area. All those measures were primarily directed at engaging MTCR non members. First, efforts aimed at Ukrainian and Chinese participation in the MTCR were increased, and after five years of discussions Kiev finally acceded to the Regime. China's membership became more problematic and consultations were deferred when their embassy in Belgrade was bombed by NATO in May 1999 during the campaign against Yugoslavia. Second, France proposed measures for improving the transparency of missile launches through making notification on them in advance. In September 2000 the idea received approval, in principle, at the MTCR member states' meeting held in Helsinki. Finally, in June 1999 Russia's President proposed a Global Control System (GSK - from Russian *global'naya sistema kontrolya*) at the G8 summit at Cologne, Germany. Later it shaped a more detailed form during two international conferences arranged for governmental representatives by the Russian Ministry of Foreign Affairs, held in Moscow in March 2000 and February 2001.

## **Main Components of GSK**

One may find the genealogy of GSK rooted in 1992, when then Russian President Boris Yeltsin, in his speech given at the UN Security Council on January 29, proposed a Global System for Protecting the International Community Against Missile Attack. However, by 2001 the idea of the Global Control System has modified into something very profound, which would involve both MTCR as well as various existing notification and confidence building measures.

Contrary to the 1992 GSZ proposal, the GSK does not contain any military enforcement measures. The GSZ called for the establishment of an international non-strategic missile defense system, possibly operated by multilateral military contingents. At the same time, initially the GSK proposed only non-military enforcement measures, although its vagueness permitted the inclusion of military options in some other categories.

### *Non-Proliferation Regimes*

According to the vision circulating inside Russia's foreign policy establishment, the GSK should consist of two large blocks of international regimes and of an implementation mechanism. The first block is represented by missile non-proliferation regimes; the second - by missile transparency regimes. The non-proliferation block includes:

- MTCR;
- Code of Conduct;
- mechanism of incentives;
- mechanism of security assurances;
- national and multilateral measures enhancing missile non-proliferation; and
- diplomatic and economic enforcement measures.

Two of the regimes already exist and four new proposed sets of arrangements should be developed. An important problem of the existing missile non-proliferation regime is that it does not address the incentives stimulating countries' missiles build up. There are two primary motivations for states to develop their missile programs: need for technological development and to deal with security threats. Thus, new mechanisms for incentives and security assurances should be established. They could be used for providing the non-members with incentives not to develop missile technologies and, probably, to give up existing programs.

Nations develop missiles in order to stimulate their scientific and technological development. Although there are no specific proposals on the possible nature of the mechanism to discourage them from missile development for that reason, it is clear that the mechanism of incentives should preserve the interests of non-member countries in their technological development by channeling it into less destabilizing and perhaps more lucrative forms. Britain here might serve as a useful historic precedent. In the early 1960s it decided to abandon its national missile programs and concentrated instead on satellite development - not less high tech activity than the missile related one. For instance, the incentives mechanism may include satellite launches for non-members which abandoned their national missile programs. The launches could be conducted by the MTCR countries at a discounted rate. A similar paradigm lay behind the deal

discussed between the United States and North Korea in late 2000 on freezing Pyongyang's missile program in exchange for three satellite launches provided for the North Koreans from a foreign launch site.

Another important incentive for nations for developing their own missile capabilities is represented by their security considerations. For addressing this, in addition to a mechanism of incentives, a mechanism for security assurances might be established. Probably, here a precedent existing in nuclear proliferation area was taken into account - when the nuclear weapon powers provided negative security assurances for non-nuclear weapon states. In a more informal way, there is an example coming again from the US-North Korean dialogue. To stimulate Pyongyang not to restart its nuclear weapons program, the United States agreed not to conduct large scale military exercises in South Korea, considered by North Korea as threatening to its national security. More recently, in the missile area the DPRK hinted about its possible willingness to abandon its missile program and not to export missile technologies in exchange *inter alia* for full diplomatic recognition by the United States.

These two global mechanisms could be supplemented by national and multilateral measures to enhance missile non-proliferation. For the supplier states- the most important national measure is constituted by export control legislation and a mechanism enforcing its implementation. For instance, by mid- to late 1990s Russia established national export control legislation that met international standards. However, there were problems of its implementation in practice due to two reasons. First, the criminal code contained loopholes and too light punishment for illegal exports of missile technologies. Secondly, law enforcement agencies were too weak to effectively prevent illegal export activities. Since 2000, along with the general stabilization of the situation in the country the authorities have gradually started to solve that problem.

Multilateral measures, besides the MTCR and Code of Conduct, might include new arrangements elaborated by various groups of states with the aim of preventing missile proliferation. For instance, on a regional level countries could come to an agreement limiting their missile capabilities. Or the MTCR members might decide to create consortia facilitating launches of the non-members that decided not to pursue their national missile programs.

The recent Russian idea of a European anti-missile system against non-strategic ballistic missiles (AMD against NSBMs) also might fit into the category of multilateral measures. This system was proposed by the Kremlin in February 2001 to Lord Robertson, NATO Secretary General. The proposal contained a phased approach. On the first stage, Russia, NATO and any other interested European country would initiate an assessment of common missile threats. If such a threat was found, the participants could move to a second stage - discussing practical measures on how to deal most efficiently with the discovered threat. If non military means should be recognized as inefficient, or should fail, the countries could move to the third phase - to elaborate military means aimed at neutralizing the missile challenge, including development of anti-missile interceptors and AMD architecture. For that, Moscow offered its anti-missile research and development facilities and test ranges, as well as existing S-300 and S-400 surface-to-air interceptors.

The sixth element of the non-proliferation block consists of diplomatic and economic enforcement measures. This represents a significant change in the traditional Moscow position in the area of arms control and non-proliferation agreements. In the past, the Soviet Union consistently opposed inclusion of enforcement steps, and Russia only reluctantly agreed to them in the early 1990s. Nevertheless, it could be difficult to find an example of a major existing arrangement permitting the introduction of specific enforcement measures against its members. The incorporation of enforcement measures might be evaluated as a step towards US counterproliferation views.

Phase two of the Russian 2001 proposal on European non-strategic AMD could be considered as an element of the proposed diplomatic and economic enforcement measures.

### *Transparency Regimes*

Like the Non-Proliferation block, the Transparency block consists of six sets of existing and proposed regimes and measures. These include two elements of the Code of Conduct aimed at establishing transparency over ballistic missiles and space launch vehicles launches. The four proposed regimes include:

- notifications;
- technical monitoring on launches;
- international missiles data center;
- additional confidence building measures.

Various bilateral and multilateral notification regimes already exist. As early as September 1971 the United States and the Soviet Union signed an Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War. It was an agreement of unlimited duration-although it has not required parliamentary ratification. *Inter alia*, the Agreement asks each side to notify the other party in advance on missile launches if those launches are targeted outside the national territory and directed towards the other side.

The second notification intergovernmental agreement between Moscow and Washington was concluded in May 1972. It was on prevention of incidents on and over the High Seas. The document entered into force after it was concluded and is effective for successive periods of three years unless either side gives six months notice of its intention to withdraw from it. According to the agreement, the parties notify in advance, "through the established system of radio broadcasts of information and warning to mariners" their actions in the high seas, which might constitute a danger for navigation and air flights. Ballistic missile launches into international waters represent such a risk and therefore require notifications under the document. The notifications announce certain areas of the open sea closed for navigation and flights, but do not require information about the nature of the danger. The notifications are to be provided not later than three to five days before the action in the open sea.

The notification measures were further developed in the 1979 Strategic Arms Limitation Treaty (SALT) II, which was signed between the United States and the Soviet Union. Neither side ratified it, nor has the document ever entered into full legal force. However, both Moscow and

Washington followed the Treaty provisions voluntarily until 1985. According to it, each side had to notify the other side of multiple land based strategic ballistic missile (ICBM) launches, as well as of single ICBM launches aimed outside national territory with a flight trajectory in any direction. The agreement did not call for notifications of submarine launched ballistic missile (SLBM) launches.

In May 1988 Moscow and Washington signed another intergovernmental document-an Agreement on Notifications of Launches of ICBMs and SLBMs. The Agreement represented another step ahead in improving confidence building regime in the area of ballistic missile launches-for the first time the document covered any SLBM launches, as well as all ballistic missile launches taking place completely within the national territory. The agreement was of unlimited duration. According to it, each side should notify the other no less than 24 hours before any ballistic missile launch, including its date, site of launch and place of fall.

In 1991 the Strategic Arms Reduction Treaty (START) I was signed by the Soviet Union and the United States. It entered into force in December 1994 after all five participants-the US and four post-Soviet successor states-Russia, Belarus, Kazakhstan and Ukraine, ratified it. Its provisions required all sides to notify any ICBM or SLBM flight tests, including their launches conducted for launching objects into the upper atmosphere and outer space. In addition to notification in advance of data provided in accordance with the 1988 agreement, the Treaty asked for provision of additional telemetric information.

Besides the United States, Russia enjoys informal confidence building cooperation with other countries, including the United Kingdom and Norway. The latter informs Moscow of launches of meteorological missiles, because they are conducted in areas monitored by Russia's missile early warning system. In 1995 the Russians mistakenly interpreted a Norwegian meteorological missile launch as a launch of a military missile, and the black case of the Russian President was activated for the first time since the end of the Cold War.

Multilateral notification regimes were founded by the Convention on registration of objects launched into outer space, which was concluded in 1975 and entered into force in 1976. It is open for any state. The Convention established a mechanism of registering spacecraft in connection with the UN. The UN provides full and open access to this data. The registration takes place after the satellite is placed in orbit.

Although notification regimes were significantly developed within the bilateral US-Russian framework, there is still a lack of regimes established on a multilateral base. Other missile nations could follow the US and Russian example and voluntarily notify the international community of their missile tests and their major characteristics. Probably, the new notification Convention could be discussed at the Conference on Disarmament in Geneva.

Regimes of technical monitoring of missile launches are much less developed than notification regimes. In a rudimentary form, they were included in strategic arms control agreements concluded between Moscow and Washington. They prohibited the impeding of national technical means of compliance monitoring, and prohibited the encryption of telemetric data from flying

missiles. In the 1990s under the RAMOS project on US-Russian cooperation in joint monitoring the same object was discussed.

The 1992 GSZ proposal contained provisions on international monitoring of missile launches. In September 1998 Russia and the United States made the first step towards cooperative monitoring in practice. They agreed to establish a mechanism permitting the exchange of data from national missile early warning systems with its possible future multilateralization. However, even Moscow and Washington remain very far from true bilateral monitoring of missile launches. Activities in that area could be evaluated as a further development of notification regimes - in bilateral and multilateral frameworks. So far, multilateral missile monitoring exists inside multinational security institutions. For instance, there is extensive cooperation between the air defenses of several former Soviet republics. The early warning facilities of Russia, Ukraine, Belarus, Kazakhstan exchange data in real time.

The concept of an international data exchange center has a more substantial history than multilateral monitoring of launches. In 1987 the Soviet Union and the United States agreed to establish Centers for Reducing Nuclear Danger. The Centers collect notification data on missile launches - as required by existing bilateral agreements and arrangements. Details of provided data are changed in course of time.

In June 2000 Russia and the United States agreed to continue implementation of the Joint Statement from September 1998 and decided to establish a Joint Data Exchange Center (JDEC) in Moscow. The Center will start operation in June 2001. Filtered data from the national missile early warning systems on missile launches of each side will be delivered to JDEC. At a later stage, the exchanged data will be increased by addition of information of third countries launches, which might constitute a threat to the other side. Cruise missiles could be also included in the JDEC operation in the future. On various occasions Russia expressed its interest in establishing an international missile data center, probably on the basis of JDEC. The JDEC was also mentioned as an element of the proposed European AMD.

Additional confidence building measures might include more detailed data on missile launches provided by the states voluntarily. The period between notification and actual launch could be also extended. A launching nation could invite representatives of other states to its launch sites, perhaps, to attend missile launches. Although it would not constitute a strong challenge for the United States and Russia, for some nations like North Korea that would mean a real revolution in transparency over their missile programs.

### *Regime of International Consultations*

The Regime of International Consultations consists of three components:

- GSK coordination body;
- mechanisms of international consultations;
- other various institutional frameworks.

Russia has traditionally been interested in establishing international bodies monitoring compliance with or coordinating activities within various multilateral regimes. In the late 1980s the Soviet Union expressed its interest in establishing an international institute for monitoring compliance with the MTCR. Beyond the understandable interest of Moscow's diplomatic establishment, that could be explained by the fact that such international organizations provide better representation for member states, and enjoy higher authority in dealing with potential non compliance and violations. The GSK international coordinating body might be a forum discussing the phased build up of the system and the functioning of its various components. It would be cheaper to establish a single monitoring institution, rather than several organizations supervising every component of the proposed system - MTCR, Code of Conduct, incentives' or security assurances mechanisms, notification and monitoring regimes, etc.

The coordinating body could be complemented by international consultations, which would address various topics and include a different number of interested participants. For instance, the bilateral US-Russian JDEC dialogue might be complemented by Russia-NATO AMD discussions involving potential multilateralization of the JDEC. Other talks could be implemented on a bilateral basis, like those between the United States and DPRK. Institutional frameworks for international consultations might be also quite numerous. The Russia-NATO Permanent Joint Council could be an appropriate forum for discussing the AMD proposal. MTCR meetings of member states already have become a place for elaborating ideas for the Code of Conduct.

### **Political Evolution**

From the very beginning, the idea of GSK met a clearly suspicious response from the United States. Washington is concerned that the GSK is promoted with the aim of establishing an alternative to its plans for NMD deployment, and to undermine the MTCR. As a result, the United States has participated in neither of the GSK conferences arranged in Moscow in 2000 and 2001. Conversely, the US' closest allies - Western European countries, Japan and Israel decided to attend both meetings together with non allied nations and countries of proliferation concern. In the March 2000 conference 48 states participated. In February 2001 the number of participating states exceeded 70. Therefore, the GSK idea at least helped to establish a new representative forum, where representatives of various countries, including those perceiving each other as a source of missile threat, gained an opportunity to discuss their concerns directly.

Between 1999 and 2001 the GSK was transformed into a very comprehensive concept, including almost everything which occurs in the missile non proliferation area (except, maybe, counterproliferation). Its strong side was an attempt to combine various multilateral, bilateral and national efforts into an integrated international response to missile proliferation. From this viewpoint, the two conferences in Moscow played a generally positive role. At the same time, the profoundness of the concept - notwithstanding the US reaction - represented the major obstacle for elaborating more specific and better focused measures against missile proliferation within the GSK framework.

Initially the GSK was clearly elaborated as an alternative to a purely military and technical approach towards combating the missile threat. But this could be considered as an advantage helping to create a more balanced response. In that, the GSK was clearly a complementary rather

than a competing concept vis-à-vis the Code of Conduct. The fact that it was discussed outside the MTCR framework should not be considered as an attempt to undermine the Regime. While the Code of Conduct represents a platform for a concerted MTCR approach towards non-members, the GSK has helped to build bridges between members and non-members through inviting both the former and the latter to Moscow conferences. Such meetings cannot be gathered within the MTCR.

The US concerns about the GSK as an alternative to Washington's inclination to provide a weaponized response to missile proliferation should be alleviated by the Russian AMD proposal. Like the GSK, the AMD contains a more balanced strategy against the missile threat, but a military response constitutes one of its primary components. Given the GSK's - probably, intended - vagueness and complexity, the AMD could be incorporated into that concept as well.

In sum, the GSK demonstrated itself as a useful mechanism permitting involvement of MTCR non member states in international discussions on missile proliferation and how better to resist it. Need for such a forum will continue in the future, and Moscow conferences have a reasonable chance of being supported to continue. Certainly, all the envisaged elements of the GSK cannot be promoted simultaneously. Instead, the international community might concentrate on such key directions as:

- enhancing MTCR through its universalization and institutionalization;
- increasing transparency on missile launches partially through the Code of Conduct;
- discussing possible mechanism of incentives, maybe, at Moscow conferences;
- developing the multilateral missile data exchange center through a combination of the US-Russian bilateral arrangements, AMD multilateral discussions, and mechanisms of the Code of Conduct.