

“Space Security and Diplomatic Disconnects: A Canadian Perspective”

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Any observer of the international system’s treatment of the subject of outer space security would have to be struck with the contrast between word and deed in this sphere of multilateral activity. On the one hand the “grave danger for international peace and security” represented by an arms race in outer space and the consequent “importance and urgency” of preventing such a calamity has been espoused for years. On the other hand, very little has been done to respond to this identified threat and even less by means of the steps specified in the guidance provided by the international community.

That guidance has primarily come in the form of a resolution of the UN General Assembly. One that has been adopted annually since the early 1980s and, in most recent years, with near universal support (no negative votes and only two abstentions). By now most in this room will know that I am referring to the resolution entitled “Prevention of an arms race in outer space” or PAROS to its friends. This resolution (A/RES/68/29 in its most recent iteration) constitutes the expression of a consensus concerning the situation of outer space security and what needs to be done to safeguard it. The resolution represents the international community’s declared policy on the subject.

Besides its characterization of the importance and urgency to prevent an arms race in outer space already cited above, the resolution is very action oriented, and in several places, quite prescriptive as to what should be done. Take for example its preambular paragraph “Convinced that further measures should be examined in the search for effective and verifiable bilateral and multilateral agreements in order to prevent an arms race in outer space, including the weaponization of outer space”. It clearly indicates that further measures are needed, that bilateral and multilateral agreements are a part of such measures and that the non-weaponization of outer space is a core element of the prevention of an arms race there. A subsequent preambular paragraph recalls “the importance of confidence-building measures as a means conducive to ensuring the attainment” of the PAROS objective.

This prescriptive character continues in the operational section of the resolution with OP2 reaffirming the need to “consolidate and reinforce” the existing legal regime for outer space security “and enhance its effectiveness” and OP3 emphasizing “the necessity of further measures with appropriate and effective provisions for verification to prevent an arms race in outer space”. Ops 5 and 6 refer to the Conference of Disarmament, noting its “primary role in the negotiation of a multilateral agreement or agreements” and inviting it to establish a working group under its PAROS agenda item early in its 2014 session.

So the direction of the international community seems clear enough – but what about the implementation record? Here one must acknowledge that there is a major disconnect between what states collectively say what they want to happen and what actually gets done. Obviously the bilateral and multilateral agreements envisaged have not transpired. The stress on verifiable accords suggest a content of real security significance and no agreements of that nature have been forthcoming. For those based in Geneva, I needn’t point to the surreal aspect of the appeal to the CD to establish “as early as possible in its 2014 session” a PAROS working group – something the CD has been unable to do in any of its sessions since the termination of the previous WG in 1995. Needless to say that the CD’s exercise of its primary role in the negotiation of PAROS agreements has not been noticeable for its exertions to date, let alone delivering any product.

Now some in civil society might point to this disconnect and simply attribute it to the cynicism of states, equally content to sign up to various declarations and then proceed to act at variance with them. This is an appealing if not fully satisfying hypothesis. Is it that states are being consciously insincere when endorsing the PAROS resolution or does it represent a set of goals and steps that ideally they would like to see realized but for a variety of reasons this has not occurred? And is there a further explanatory factor of institutional inertia, that in the peculiar universe of the UN and the resolution-factory that is the General Assembly, it seems easier to repeat constantly past formulations which have developed a patina of frequent use, regardless of whether they are now outmoded?

While you are pondering this, let me flag that the general background of diplomatic inaction on this security file is not uniform. Over the last decade we have seen a handful of diplomatic initiatives regarding space security that have broken with the prevailing pattern of neglect. Several of these flow from actions taken by Russia, which in turn reflects the relative and sustained priority this subject has had for that country. Russia alongside China were the sponsors of the draft treaty on the Prevention of Placement of Weapons in Outer Space that was formally tabled at the CD in 2008 (although elements were introduced as early as 2002). If we consider the PPWT against the criteria of the PAROS resolution it certainly aligns with a substantive multilateral agreement with a major security focus, although it manages the verification criterion in an indirect “could be added latter” manner. Providing for verification would entail some expenditure, but given how much we have invested in what is up there and the costs that would be occurred if these space assets are threatened or attacked, spending something to monitor a ban would be a fiscally responsible act.

Although the draft text has received some feedback from states, the PPWT has not been the subject of a dedicated session or conference. I note with interest the statement by Russian Ambassador Alexey Borodavkin that an updated version of the PPWT is shortly to be submitted to the CD. It would be necessary in my view that any new text is accompanied by a procedural plan that ensures actual consideration of the proposal. A workable process is as important as the product itself.

Russia has been the initiating force behind a series of UNGA resolutions promoting consideration of transparency and confidence-building measures (TCBM) for outer space. Russia also initiated and chaired the UN Group of Governmental Experts that studied TCBMs and produced a consensus report in July 2013. This report outlined a variety of transparency, notification and consultative measures which it commended to states for their consideration and implementation on a voluntary basis. Russia has also encouraged states to make political commitments to the effect that they would not be the first to place weapons into outer space. It is noteworthy that in his January statement already referred to, Ambassador Borodavkin expressed Russia’s intention to introduce a resolution at this fall’s UNGA session relating to such unilateral pledges. I am troubled by this particular formulation, because while it would be terrible to have a state be the first to weaponize space, it would be just as bad to have a second, third or fourth follow suit. The ‘no first placement’ proposition could be seen as an invitation to develop space weapons in order to be in a position to retaliate in kind. Much preferable in my opinion would be a pledge not to weaponize outer space period.

While I think it is fair to describe Russia as the leading diplomatic actor on this file in recent years, it doesn’t mean that others have not contributed in some fashion as well (China most notably). The EU, starting in 2008, has championed an International Code of Conduct on Outer Space activities. The Code now in a third version after several rounds of multilateral consultation also can be seen as an attempt to respond to the UNGA space security resolutions espousing TCBMs. The Code indeed identifies itself as a regime of TCBMs “with the aim of creating mutual understanding and trust, helping both to prevent

confrontation and foster national, regional and global security and stability,”(1.3). Some proposals for individual TCBM have also originated with other states. Canada, for example, proposed in 2007 and 2009 a triad of security pledges aimed at preventing the weaponization of outer space and attacks against satellites from any environment.

All of these diplomatic steps have been taken within (and perhaps motivated by) a space security situation which was seen to be deteriorating. In particular the demonstrations of ASAT capabilities by China and the US in 2007 and 2008 respectively, contributed to renewed concerns that the peaceful operating environment of outer space could be readily threatened by terrestrial systems. As the growth of space users and the number of stakeholders continues apace, we should expect a commensurate increase in the attention being paid, inside and outside of governments, to the security of outer space. This in turn should yield more engagement, than we have witnessed in several years, in the admittedly demanding work of analyzing and debating the PAROS-related proposals that have come forward.

A major impediment to such consideration is the absence of an appropriate, functioning multilateral forum for addressing this subject matter. The CD, would of course be the preferred forum, for such official PAROS relevant work, but it has been out of action for 15 years. COPOUS can deal with some sustainability and safety-related aspects, but is not mandated to take up the security aspects. The UN General Assembly’s First committee can continue to consider the topic of outer space security at its annual deliberations, but needs some more operational entity to undertake on-going work. The EU, in relation to its draft Code of Conduct, has said it intends to convene an ad hoc diplomatic conference to adopt eventually this document. This may be the diplomatic vehicle that other proponents of space security initiatives should consider utilizing if they truly wish to see a debate on their specific proposals take place. Perhaps it is time for a meeting of the states parties to the 1967 Outer Space Treaty to review its implementation and the prospects for reinforcing its core legal regime for outer space with additional measures as foreseen in the PAROS resolution. If the international community is ever going to be able to overcome the diplomatic disconnect embodied in the PAROS resolution, it will need to find the means to channel its policy direction into practical results. States cannot continue to hide behind the pretext of the CD’s claim on the file, if they value their credibility and the preservation of a secure operating environment in outer space.

The international community, including the expanding group of non-governmental stakeholders, can ill afford further delay and prevarication regarding taking action to enhance space security. As the UN Secretary General noted, in his forward to the GGE report on TCBMs, “Outer space is an inherently multilateral domain. If we are to continue to take advantage of the invaluable resources that outer space provides, it is critically important for all nations to work collectively to keep it free from destabilizing conflict and to make it safe, secure and sustainable in the long term for the benefit of all humankind”.

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