

“The Diplomatic Context: what prospects for progress?”

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If an extra-terrestrial was to land on planet earth and inquire after what was being done about ensuring outer space security, he/she/it would be struck by a seeming paradox. On one hand there would appear to be a strong, almost universal consensus that states should reinforce the existing legal regime applicable to outer space to enhance its effectiveness. On the other hand, there has been no real progress by these same states in achieving this goal. There is a stress on the necessity of further measures to prevent an arms race in outer space and yet this “necessity” has not resulted in any further measures being agreed. Your extra-terrestrial or even your informed citizen here on earth might rightly ask “why” this is the case.

I am drawing of course on the prevailing declaratory policy of states, as manifested most notably for this subject, in the resolution of the UN General Assembly on the “Prevention of an arms race in outer space” or PAROS which has been a perennial feature of UNGA’s First Committee on Disarmament and International Security for some thirty years. In its most recent iteration, A/RES/67 /30 of December 2012 the resolution was passed with no opposing votes and only two abstentions which is about as close to universal support as you can get at the General Assembly. Yet despite the consistently upbeat tone of this resolution which *inter alia* recognizes “the growing convergence of views on the elaboration of measures designed to strengthen transparency, confidence and security in the peaceful uses of outer space” (OP7) and even in a fit of optimism “invites the Conference on Disarmament to establish a working group under its agenda item entitled “Prevention of an arms race in outer space” as early as possible during its 2013 session”(OP6), there has been scant tangible realization of its policy direction.

The cynical amongst you might simply put this down to the tendency of states to say one thing and do something else. But I think this would be too simplistic a response. It is correct that outer space security is one of those foreign policy files where states seem content to join in a collective expression of concern and intent to ameliorate the situation and then do little or nothing about it until next year comes around. It is indeed a failing of the multilateral arms control and disarmament system that many states believe it is sufficient to sign up to a resolution like that for PAROS and having checked that box to forget about doing anything to advance its goals. This ritualized pattern of policy affirmation and practical neglect is not of course limited to the space security file and one can readily point to other examples from the agenda of the CD and the First Committee. Its repetition year after year however can detract from the credibility of the institutions that indulge in this charade as well as diminishing the significance of the underlying international security problem that is the subject of these hollow declarations.

Parts of the explanation for this disconnect between word and deed in the outer space security realm has been the absence of overt conflict and direct damage to the interests of states. Recent developments have however served to shake up a bit this complacency about the outer space security situation and prompt some diplomatic action. There are three particular developments that I believe are behind this renewed interest in the outer space security issue and which will continue to influence the future behaviour of state and non-state actors alike. The first is the revival of the long dormant threat of anti-satellite weapons (ASAT) being developed and potentially deployed against space-based assets. The ASAT tests or demonstration of capabilities conducted by China in 2007 and the United States in 2008, regardless of their true motivation, has been a rude reminder that a direct-ascent ballistic missile interception of a satellite in orbit is not an especially difficult technological feat and it has essentially due only to the self-restraint of states that ASAT systems have not been deployed hitherto.

The second development I would flag is the increased accumulation of space debris and the recognition of the risk that such debris poses for the safe operation of space assets in certain orbits. The accidental collision in 2009 between the Cosmos and Iridium satellites served to underscore the debris problem and the inability of existing space surveillance arrangements to prevent such occurrences in the future.

The third development is the expansion of what I would call the “stakeholder” group for outer space security with some 60 states now possessing satellites and a dozen demonstrating autonomous space launch capabilities. An ever increasingly array of services and functions on which the world has come to rely are in turn dependent on the unmolested operation of a growing constellation of spacecraft.

I am tempted to add a fourth development, which is the emerging awareness of cyber threats and the vulnerability of the communications between satellites and the ground stations that control them to cyber attack, but this would represent a digression that would merit a session of its own so I will put this issue aside for the time being.

All these developments have shaped the diplomatic context in which outer space security is being considered and may lead us into a new era of revived multilateral cooperation in line with the “peaceful purposes” aims of the Outer Space Treaty. Let me now take up some specific proposals that I suggest have been generated by the above developments and provide an assessment on their prospects.

The first item would have to be the PPWT, the treaty on the prevention of placement of space weapons, formerly tabled at the CD in February 2008 by Russia and China. This proposal has suffered on two fronts, procedurally and substantively. The procedural problem has been the sponsors’ insistence on negotiating the treaty in the CD despite this forum’s inability to agree a program of work. The substantive problem has been the choice of the treaty form with related issues of definitions, coverage gaps and verification at a time when a significant number of states prefer more flexible political arrangements. The sponsors have not really been able to transcend these problems and seem to have given up on trying.

A second approach, which was put forward by Canada with a set of working papers in 2007 and 2009 was to suggest a series of politically-binding security “pledges” that states could make unilaterally to refrain from attacking any satellite or placing any weapons into space, Canada however has backed

away from promoting its own proposal and indeed, I regret from any proactive role on space security including ceasing to be an official sponsor of this conference. While some states, notably the Russian Federation, did make an official no space weapon pledge, this has not elicited similar commitments from other states and there doesn't appear to be a current state champion for such an approach although civil society has expressed interest in this kind of proactive commitment.

The third concrete proposal is the EU draft Code of Conduct on Outer Space Activities, first presented in 2008 and on which we have heard an update by Ambassador Bylica this morning. Although I think all concerned will acknowledge that the handling of this initiative has not been a model of diplomatic accomplishment, the draft Code remains a potentially promising contribution to reinforcing the current regime for outer space security. In my view, this potential contribution lies mainly in the Code's provision for the institutionalization of consideration by states of this subject matter. This provision for regular discussion and information exchange is something that the 1967 Outer Space Treaty, for all its normative importance, has lacked and which has limited the ability of states to interact on developments relevant to the Treaty and its goals. Some of this discussion has taken place in the context of COPOUS, but the crucial security dimension has not been able to be adequately addressed. This is a situation that the paralysis of the CD, which has outer space security on its agenda, has only exacerbated.

The fourth initiative to highlight is the UN Group of Governmental Experts that is currently underway and for which again we have had the privilege of receiving an authoritative read-out from its Chair. It is important to recall that the GGE emerges from a series of carefully constructed UNGA resolutions authored by the Russian Federation and which drew attention to the potential of Transparency and Confidence Building Measures (TCBMs) to provide some of that substantive reinforcement of the outer space security regime which the PAROS resolution was repeatedly calling for. I hope I will not be jinxing the GGE endeavour to underscore that the recommendation later this summer of a set of specific TCBMs on the part of the GGE would constitute a major step forward in multilateral work on outer space security. It would also position the General Assembly at this fall's First Committee to follow up on its professed admiration for CBMs in principle and actually endorse some in practice. As indicated earlier I believe that such a shift by the General Assembly to some real action as opposed to repetitive rhetoric on outer space security is overdue and would help restore some credibility for the forum.

In conclusion, I think the prospects for making some progress on the outer space security issue is better now than it has been for some years. I hasten to add however that the realisation of this progress is far from assured and initial results may remain modest in content. The press of external realities, as described above, should continue to nudge states along the right path, but it will require some sustained effort by concerned states (and civil society) to bring these diplomatic labours to some fruition. Thank you.