

## **First Committee 2012 civil society presentations -- Outer Space Security**

Mr. Chairman, Distinguished delegates:

Since the dawn of the space age more than 50 years ago, humankind has become increasingly reliant on outer space for a wide range of benefits. The end of the Cold War, the emergence of a highly profitable space services industry, and a sharp decrease in the financial and technological barriers to entry have all contributed to a dramatic growth in the number of actors with space-based assets and in the types and availability of space-based applications. It is incumbent upon the international community to ensure that current use and access to outer space do not compromise the ability of present and future generations to benefit from this domain.

Despite the rapid advancement and expansion of space activities, however, the international legal regime for outer space has stagnated for over four decades. It has become apparent that the 1967 Outer Space Treaty, although still valuable, is not sufficient to address the plethora of space governance challenges that have emerged since its adoption.

Today, nearly one thousand satellites provide concrete social, scientific, and economic benefits to billions of individuals. From satellite navigation to weather forecasting, from treaty verification to news and entertainment broadcasts, international dependence on the benefits derived from outer space has steadily expanded and will continue to grow. But the continued enjoyment of the benefits of space is anything but guaranteed. As the number of space users and applications has increased, so too have the threats to the long-term sustainability of the space domain.

There is an ever-growing risk of unintentional harm to space assets, which may collide with one another or with a piece of orbital debris. As outer space becomes more congested, the likelihood of such events increases, making all spacecraft vulnerable, regardless of the nation or entity to which they belong.

In this regard, we applaud several initiatives aimed at codifying transparency and confidence-building measures for space activities. Their intent is to reduce misperceptions and miscommunications and to forge much needed agreements on the sort of responsible behavior that will contribute to a sustainable space environment.

A proposal such as the International Code of Conduct for Outer Space Activities, championed by the European Union along with other international partners, constitutes a welcome development. We encourage the drafters of the Code to facilitate transparent and inclusive consultations with various stakeholders—including advanced and emerging spacefaring nations as well as civil society—so that the input and concerns of all interested actors are reflected in the final version of the Code, thereby increasing the likelihood of widespread adoption.

As well, we view with optimism the establishment of groups specifically tasked with examining measures and recommendations for best practices in the conduct of outer space activities. Two notable examples are the Group of Governmental Experts on space TCBMs established by the UN General Assembly and the Working Group on the Long Term Sustainability of Outer Space, established by the UN Committee on the Peaceful Uses of Outer Space.

Mr. Chairman,

Although the multilateral processes on space TCBMs just mentioned should be welcomed and supported, the international community cannot and should not be content with addressing only some of the challenges facing the space domain, while turning a blind eye to others just as critical. We are greatly concerned that discussions related to space weaponization and the prevention of an arms race in outer space (PAROS) have yet to gain sufficient traction. In the past decade alone, ground-based anti-satellite weapons (ASATs) have been tested; several communications satellites have been deliberately jammed; missile defense systems have been used as ASATs; and precursor technologies that would allow space-to-space offensive capabilities have been developed. In addition, nations that have not yet employed ASATs have openly expressed an interest in developing them.

PAROS is neither an unfounded concern nor a naïve diplomatic proposition. It is a fundamental prerequisite for the long-term sustainability of outer space, which merits the attention of international policymakers. Initiatives like the proposed Code of Conduct are undoubtedly valuable. But addressing the issue of space weapons and the

concomitant prevention of an arms race in outer space was not the intent of the drafters of the Code, which focuses on issues such as debris mitigation, collision avoidance, and data sharing—all important in their own right.

The reality is that some space actors believe that orbital debris should command the most urgent international attention, because of the indiscriminate nature and immediacy of the threat. Others, however, see the prevention of an arms race in outer space as the most important issue to tackle, given the destabilizing effect that space weapons would have for all spacefaring nations. Neither should be dismissed out of hand.

We recognize that the pursuit of TCBMs for space activities can contribute to a climate of trust and common understanding that is favorable for tackling the complex issue of PAROS. However, while various diplomatic processes that deal with various challenges related to peaceful space activities are advancing, efforts to address PAROS head-on have unfortunately been relegated to a diplomatic limbo. At the UN General Assembly, the annual PAROS resolution has not once been supported by the most advanced spacefaring nation in history. At COPUOS, any efforts to discuss PAROS are routinely dismissed as falling outside the jurisdiction of this body. And at the Conference on Disarmament, where PAROS is a core agenda item, member states have been unable to agree on even a Program of Work for over a decade.

The development and deployment of missile defense systems with ASAT capabilities is also highly troubling as they could be employed against space assets. To be sure: the ability to use missile defense systems as anti-satellite weapons is not dormant, potential, or eventual. It is an actual and proven capability. Relying upon the unilateral restraint of states not to use ASATs is not a viable long-term solution. Furthermore, the development of such systems may hinder progress in other areas of disarmament and international security. The fact that the deployment and expansion of missile defense systems could prevent further nuclear arsenal reductions has been repeatedly emphasized by civil society and national governments as recently as this First Committee session.

Mr. Chairman,

Several obstacles are routinely cited in discussions relating to the development of an effective arms control mechanism that prevents the weaponization of space. Of particular note is the notion that, since there is no agreement on a precise definition for a space weapon, it is not possible to develop international norms to protect space assets from hostile interference.

Notwithstanding this lack of definitional precision, a viable approach to start addressing these challenges is to regulate certain conduct in outer space in order to prevent intentional harmful interference with space assets. From this perspective, spacefaring nations could pledge, at a minimum:

*Not to use any space- or ground-based capabilities to physically damage or destroy space assets.*

Such a pledge—which should be codified in a multilateral policy arrangement—would not require a precise definition of space weapon. The primary focus would be on protecting the physical and operational integrity of space assets. Verification of compliance, which is also a typical stumbling block in space security discussions, would be resolved with existing technical means that would make the destruction of space assets without clear attribution virtually impossible. Regrettably, the unwillingness to embrace such a pledge may signal an ongoing desire to maintain the option of attacking space assets.

Mr. Chairman,

The challenges facing the space domain are multifaceted, but they are not mutually exclusive. Just as there are clear benefits to advancing multilateral initiatives to tackle congestion and collision avoidance in outer space, addressing PAROS should be understood as being in the best interest of all spacefaring nations. With this belief, we strongly urge international policymakers to pursue parallel processes that fully take into account all threats—actual and potential—to the security, stability, and sustainability of the space domain. There will be hurdles along the way, of course. But that is all the more reason to promptly move forward to develop robust space governance mechanisms. The consequences of inaction could be dire.

Thank you.