

UNIDIR SPACE SECURITY WORKSHOP

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THE ISSUE OF THE PREVENTION OF AN ARMS RACE IN OUTER SPACE IS NOT A NEW ONE. INDEED, A LOOK AT THE HISTORY OF PAROS DEMONSTRATES THAT THIS ISSUE EMERGED AROUND THE SAME TIME AS ME, NEARLY FORTY YEARS AGO. I RECENTLY LISTENED TO A BRITISH RADIO PROGRAMME FROM 1978, LETTERS FROM AMERICA, IN WHICH THE HOST ALREADY LAMENTED THE EMERGENCE OF COUNTERSPACE CAPABILITIES AND THE THREAT THEY POSED TO SOCIETY.

AS HAS ALREADY BEEN DISCUSSED, SPACE SECURITY THREATS ARE UNIQUE BECAUSE THE EFFECTS OF CONFLICT IN SPACE CAN QUICKLY SPREAD FROM INTENDED TARGETS TO OTHER NEUTRAL THIRD PARTIES. IT IS AT LEAST ENCOURAGING TO KNOW THAT, BACK IN 1979, THE UN WAS ALREADY CONSCIOUS OF THE DANGERS OF ASATs. UNFORTUNATELY, THIS TIME-PERIOD ALSO MARKS THE END OF WHAT SOME CALL A "GOLDEN AGE" OF SPACE LAW, NAMELY A PERIOD OF LESS THAN 15 YEARS IN WHICH ALL THE MAJOR UN TREATIES RELATED TO SPACE ACTIVITIES WERE ADOPTED. THE LAST SPACE TREATY, THE MOON AGREEMENT OF 1979, WAS THE LAST OF THE SPACE TREATIES, AND IT BARELY SCRAPED THROUGH THE UN PROCESS, ONLY TO FIND ITSELF BY FAR THE LEAST ACCEPTED INSTRUMENT. IT WAS DURING THESE DIFFICULT YEARS THAT THE CONFERENCE ON DISARMAMENT TOOK UP PAROS IN AN ATTEMPT TO ENSURE THAT CONFLICT DID NOT SPREAD TO OUTER SPACE.

IT QUICKLY BECAME EVIDENT THAT OPINIONS WERE DIVIDED ON HOW BEST TO SOLVE THE ISSUE OF PAROS. ONE GROUP OF STATES BEGAN CALLING FOR A TREATY, ONE THAT WOULD PREVENT THE PLACEMENT OF WEAPONS IN OUTER SPACE. THE OTHER GROUP FOUND THAT SUCH AN APPROACH

WOULD NOT BE VERIFIABLE, NOT LEAST OF ALL BECAUSE THE “DUAL USE” NATURE OF SPACE TECHNOLOGY MAKES IT EXTREMELY DIFFICULT TO DETERMINE THE PURPOSE OR CAPABILITIES OF AN OBJECT ONCE IN SPACE. RECORDS SHOW THAT THIS DIVISION OF OPINION HAS PERSISTED WITHIN THE UNITED NATIONS PROCESSES FOR DECADES. DESPITE NUMEROUS DELEGATES ACKNOWLEDGING OVER THE YEARS THAT THE CURRENT LEGAL AND POLITICAL FRAMEWORK FOR SPACE ACTIVITIES IS NOT SUFFICIENT TO PREVENT CONFLICT FROM EMERGING IN OUTER SPACE, DISCUSSIONS HAVE NOT PROGRESSED MUCH BEYOND THE PROPOSAL STAGE.

THERE HAVE BEEN SOME NOTABLE EFFORTS THAT EMERGED OVER THE COURSE OF PAROS’ (AND MY) LIFETIME. ONE IS THE PROPOSAL IN 2008 BY OUR CHINESE AND RUSSIAN COLLEAGUES FOR A DRAFT TREATY ON THE PREVENTION OF THE PLACEMENT OF WEAPONS IN OUTER SPACE, AND THE PREVENTION OF THE THREAT OR USE OF FORCE IN OUTER SPACE (PPWT). THIS PROPOSAL SOUGHT TO DEFINE “SPACE WEAPONS” AND TO PROHIBIT THEIR DEPLOYMENT. THIS DRAFT, HOWEVER, WAS MET WITH OPPOSITION FROM COUNTRIES WHO MAINTAIN THIS DRAFT IS NOT VERIFIABLE. THE CHINESE AND RUSSIANS AMENDED THE PPWT AND RE-INTRODUCED IT IN 2014, BUT THE CHANGES HAVE NOT WON OVER THE PPWT’S CRITICS.

ANOTHER NOTABLE EFFORT TOOK PLACE WHEN A GROUP OF GOVERNMENTAL EXPERTS WAS FORMED TO EXAMINE TRANSPARENCY AND CONFIDENCE-BUILDING MEASURES FOR SPACE ACTIVITIES. THIS GGE, LED BY THE RUSSIAN CHAIR AMB VICTOR VASILIEV, MANAGED TO ADOPT A CONSENSUS REPORT IN 2013 THAT MADE NUMEROUS RECOMMENDATIONS FOR TCBMS THAT MIGHT BE ABLE TO STRENGTHEN SECURITY IN SPACE. THESE MEASURES ARE VOLUNTARY IN NATURE AND WERE DESIGNED WITH A DEGREE OF FLEXIBILITY SO THAT THEY WOULD BE EASIER TO IMPLEMENT. UNFORTUNATELY, TO DATE, IMPLEMENTATION HAS BEEN RELATIVELY LOW, AS HAS BEEN EVIDENCED IN REPORTS TO THE UN

SECRETARY GENERAL. NEVERTHELESS, THE WORK OF THIS GGE REPRESENTED A CONSIDERABLE STEP FORWARD, TOGETHER.

IN THE INTERIM, THERE HAS BEEN LITTLE NEW WORK DONE ON SPACE SECURITY. EACH YEAR, THE UN ADOPTS A SERIES OF RESOLUTIONS, INCLUDING A RESOLUTION ON THE PREVENTION OF AN ARMS RACE IN OUTER SPACE AND ANOTHER ON TCBMs. THESE HAVE BECOME VIRTUALLY ROUTINE. A NEW RESOLUTION WAS PUT FORWARD RECENTLY BY OUR RUSSIAN COLLEAGUES ON THE COMMITMENT NOT TO BE THE FIRST TO “PLACE WEAPONS IN OUTER SPACE”. THIS PROPOSAL HAS RECEIVED SUPPORT FROM MANY STATES IN THE GENERAL ASSEMBLY. HOWEVER, SEVERAL COUNTRIES STILL SEE THIS PROPOSAL AS PROBLEMATIC BECAUSE IT ALSO DOES NOT DEFINE “WEAPON” SATISFACTORILY, AND BECAUSE IT MIGHT ENCOURAGE STATES TO BE THE SECOND OR THIRD TO DEPLOY WEAPONS IN SPACE. DESPITE BEST INTENTIONS, THIS RESOLUTION HAS ALSO BEEN CAUGHT IN THE POLITICAL TUMULT OF COMPETITION IN SPACE. SOME THINGS NEVER CHANGE.

YET SOME THINGS DO CHANGE, AND NOT ALWAYS FOR THE BETTER. THE GEOPOLITICAL LANDSCAPE HAS BEEN CHANGING DRAMATICALLY OVER THE LAST FEW YEARS. AS WE HAVE HEARD ALREADY, THERE ARE AMPLE SIGNS THAT BIG-POWER COMPETITION IS SPREADING QUICKLY INTO SPACE, WITH MORE AND MORE ACTORS SEEKING TO PROTECT THEIR SPACE CAPABILITIES, AS WELL AS SEEKING NEW WAYS TO DENY SUCH CAPABILITIES TO RIVALS. IT IS NOT HARD TO CONCLUDE THAT MAJOR MILITARY CONFLICTS IN THE FUTURE WILL CONTAIN A SPACE COMPONENT.

IT IS PERHAPS FOR THIS REASON THAT THE LAST YEAR OR SO HAS SEEN SO MUCH ACTIVITY AT THE MULTILATERAL LEVEL TO DIFFUSE THE CURRENT TENSION IN SPACE. INDEED, THERE ARE SEVERAL ONGOING INITIATIVES THAT SEEK DISTINCT PATHS TOWARDS GREATER SECURITY IN SPACE. *(FOR REFERENCE, PLEASE SEE THE TABLE IN ANNEX).*

FIRST, IN 2017, THE UN DISARMAMENT COMMISSION HELD INFORMAL DISCUSSIONS ON WHETHER TO TAKE UP THE ISSUE OF VOLUNTARY TCBMs FOR SPACE ACTIVITIES. IT WAS DECIDED THAT THE UNDC WOULD ADD SPACE TCBMs TO ITS PROGRAMME FOR THE 2018-2020 CYCLE, SEEKING TO MAKE RECOMMENDATIONS ON THE EFFECTIVE IMPLEMENTATION OF TCBMs, AS RECOMMENDED BY THE GGE IN 2013. WORKING GROUP II OF THE UNDC MET LAST YEAR TO DISCUSS SPACE SECURITY FOR THE FIRST TIME. THE CHAIR OF THAT WORKING GROUP ISSUED A SUMMARY IN THE FORM OF A NON-PAPER, WHICH CAPTURES MANY ASPECTS OF THE DISCUSSIONS. IMPORTANTLY, THE WORKING GROUP WAS ABLE TO IDENTIFY A NUMBER OF BROAD PRINCIPLES THAT WOULD BE PRACTICAL IN THE IMPLEMENTATION OF TCBMs. THIS INCLUDES THE SHARING OF INFORMATION BETWEEN GOVERNMENTS TO REDUCE THE POSSIBILITY OF MISCALCULATION OR MISPERCEPTION IN SPACE. IMPORTANTLY, THIS WORKING GROUP IS FOCUSED ON VOLUNTARY MEASURES THAT ARE NOT LEGALLY BINDING. THE UNDC WORKING GROUP WILL BE MEETING ONCE MORE IN APRIL. UNIDIR WILL BE PUBLISHING A BRIEFING PAPER FOR THE UNDC SHORTLY AND WILL ORGANISE SOME ADDITIONAL BRIEFINGS DURING THE UNDC SESSION.

NEXT, IN FEBRUARY OF 2018, THE CONFERENCE ON DISARMAMENT MADE AN EXTRAORDINARY ACHIEVEMENT BY PASSING A DECISION, CD/2119. THE DECISION WAS TAKEN IN LIGHT OF AN INABILITY TO ADOPT A WORK PROGRAMME. THE SUBSIDIARY BODIES WERE, THEREFORE, FORMED TO MAKE SPECIFIC RECOMMENDATIONS FOR MOVING FORWARD ON INDIVIDUAL AGENDA ITEMS. SUBSIDIARY BODY 3 WAS TASKED WITH THE TOPIC OF PAROS. COORDINATED BY AMB G. PATRIOTA OF BRAZIL, THIS GROUP SOUGHT TO FIND COMMONALITIES, DEEPEN TECHNICAL DISCUSSIONS AND CONSIDER EFFECTIVE MEASURES ON PAROS. SUBSIDIARY BODY 3 MET SEVEN TIMES THROUGHOUT 2018, FINALLY ADOPTING A CONSENSUS REPORT. THIS REPORT WAS TRANSMITTED TO THE CD PLENARY, WHO ALSO ADOPTED THE REPORT. IMPORTANTLY, THIS REPORT WAS THE ONLY REPORT THAT WAS NOT

STRONGLY CONTESTED AMONG THE CD MEMBERSHIP. UNFORTUNATELY, THE CD WAS UNABLE TO ADOPT A FINAL REPORT LAST YEAR, DUE TO POLITICAL ISSUES NOT RELATED TO PAROS. HOWEVER, THE CD DID MANAGE TO ADOPT A PROCEDURAL REPORT, WHICH HAS FACILITATED THE PUBLICATION OF SUB BODY 3'S WORK. IMPORTANTLY, THIS REPORT NOTED THAT THERE ARE COMPLIMENTARY PATHS FORWARD. THIS IS IN REFERENCE TO THE PURSUIT OF A LEGALLY BINDING INSTRUMENT ON PAROS AS WELL AS VOLUNTARY TCBMs. WE ARE CURRENTLY WAITING TO SEE IF THE CD WILL COMMISSION SUB BODIES ONCE MORE.

THIRDLY, IN DECEMBER OF 2017, THE UN GA VOTED ON A RESOLUTION TO ASK THE SECRETARY GENERAL TO FORM ANOTHER GGE, THIS TIME ON FURTHER MEASURES RELATED TO PAROS. THE MANDATE OF THIS GGE IS TO EXAMINE ELEMENTS FOR A LEGALLY BINDING INSTRUMENT ON PAROS. THIS RESOLUTION ORIGINATED WITH RUSSIA AND CHINA AND WAS INTENDED TO BE A FORUM WHERE THE PPWT CAN BE SERIOUSLY CONSIDERED. THIS GGE IS COMPRISED OF 25 EXPERTS, WITH EQUAL GEOGRAPHIC REPRESENTATION. THE GGE MET FOR THE FIRST SESSION IN AUGUST AND WILL MEET AGAIN IN MARCH TO TRY TO FINALISE A REPORT. THIS GGE REPRESENTS THE FIRST CONSIDERABLE EFFORT TO EXAMINE THE POSSIBILITY OF A TREATY ON PAROS. THE SHEER FACT THAT EFFORTS ARE PRESENTLY ON-GOING IS A SIGN THAT THE FIRST SESSION OF THE GGE WENT WELL. HOWEVER, MUCH REMAINS TO BE SEEN.

THE GGE WAS ALSO MANDATED TO HOLD AN INTERSESSIONAL MEETING IN NY AS AN OPPORTUNITY TO SHARE WITH OTHER UN MEMBER STATES WHAT HAS BEEN DISCUSSED WITHIN THE GGE. TOMORROW, AMB PATRIOTA WHO IS ALSO THE CHAIR OF THE GGE, WILL DELIVER HIS SUMMARY OF THE WORK THUS FAR. IN ADDITION, THE AMB HAS INVITED MEMBERS OF CIVIL SOCIETY, THE COMMERCIAL SECTOR AND ACADEMIA TO PROVIDE SOME INPUT ON THE PROCESS. THIS IS BEING DONE

TO ENSURE THAT ANY INSTRUMENT THAT EMERGES FROM THE GGE DISCUSSIONS ARE RESPONSIVE TO THE NEEDS OF ALL SPACE STAKEHOLDERS.

FINALLY, I WOULD ALSO LIKE TO MENTION THAT THE UN COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE HAS ALSO BEEN WORKING ON GUIDELINES FOR THE LONG-TERM SUSTAINABILITY OF SPACE ACTIVITIES. A WORKING GROUP WAS SET UP NEARLY TEN YEARS AGO TO IDENTIFY AREAS OF CONCERN, PROPOSE MEASURES AND DEVELOP SOME VOLUNTARY GUIDELINES. THE WORKING GROUP MET UNDER THE LEADERSHIP OF DR PETER MARTINEZ OF SOUTH AFRICA AND WAS ABLE TO AGREE UPON 21 GUIDELINES. UNFORTUNATELY, NO FINAL REPORT COULD BE AGREED UPON, AND SO WE MUST WAIT AND SEE WHAT WILL HAPPEN WITH THE 21 GUIDELINES. NEVERTHELESS, THEY REPRESENT AN IMPORTANT COMPENDIUM OF TCBMs THAT CAN STILL BE IMPLEMENTED BY INDIVIDUAL STATES.

AND THIS IS WHERE WE ARE AT PRESENT. WHILE RELATIONSHIPS BETWEEN MAJOR SPACE POWERS ARE BECOMING INCREASINGLY FRAYED, THERE IS A REAL SENSE OF URGENCY AT THE MULTILATERAL LEVEL THAT CONCRETE STEPS NEED TO BE TAKEN BEFORE CONFLICT ERUPTS IN SPACE, WITH IRREVERSIBLE CONSEQUENCES. AS SUCH, THERE ARE NUMEROUS PATHWAYS BEING EXPLORED TO FIND THE RIGHT COMBINATION OF MEASURES TO ENSURE STABILITY AND SECURITY IN SPACE. THESE EFFORTS HAVE CONSIDERABLE HURDLES BEFORE THEM, BUT THEY ARE NOT NECESSARILY INSURMOUNTABLE. INDEED, THE VERY NATURE OF THE ACTIVITIES THAT ARE THE SUBJECT OF THESE PROCESSES, NAMELY SPACE ACTIVITIES, DEMONSTRATE THAT PEOPLE ARE CAPABLE OF EXTRAORDINARY THINGS. LET US HOPE THAT POLITICIANS AND DIPLOMATS ARE AS EQUALLY CAPABLE AS OUR ENGINEER AND SCIENTIST COUNTERPARTS.

Initiative	Scope	Working Method	Status	Rec's
UN Disarmament Commission – Working Group II	Recommendations to promote the practical implementation of TCBMs with the goal of PAROS.	-Universal membership. -Discussed during 2018 session. -Chair's summary (non-paper).	Will meet again in 2019.	None yet.
Conf. on Disarm: Subsidiary Body 3 (CD/2119)	Advance substantive work on PAROS by: -finding commonalities; -Deepening technical discussion; -Consider effective measures.	-Open to all CD members -Met 7 times throughout 2018. (CD/2126)	-Sub Body 3 adopted a consensus report (CD/WP.611); -Report adopted by CD to be incorporated into annual CD Report; -No CD Report, only procedural report. -Could resume work in 2019.	-Identified complementary paths forward (treaty/voluntary); -Identified issues for consideration.
UN GGE on PAROS (A/Res/72/250)	Consider and make recommendations on substantial elements for a treaty on PAROS, and the prevention of placement of weapons in space	-Kickoff meeting in Beijing (July 2018) -First Session in Geneva (August 2018)	-Intersessional meeting (Jan/Feb 2019) -Second session in March 2019.	None yet.
COPUOS Long-term Sustainability Working Group	-Identify areas of concern; -Propose measures; -Produce guidelines.	-Worked for eight years, -Agreed on 21 guidelines, -Unable to adopt a final report.	Wait and see.	21 guidelines exist and are a valid compendium.