Civil society statement to First Committee on outer space
28 October 2014, New York

Today, more than 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.

While there is widespread agreement to pursue measures that minimize the likelihood of unintentional interference with space assets during normal peaceful operations, discussions related to the prevention of an arms race in outer space have yet to gain 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 technologies that would allow space-to-space offensive capabilities have been developed.

The prevention of an arms race in outer space (PAROS) is neither an unfounded concern nor a naïve diplomatic proposition. It is a fundamental prerequisite for the long-term sustainability of the space domain. Initiatives like the proposed International Code of Conduct for Outer Space Activities constitute valuable efforts. But addressing PAROS was not the intent of the drafters of the Code, which focuses on issues such as collision avoidance and data sharing.

Even if the Code is adopted in the near future, a significant governance void will remain. No clear norms are in place to address the possibility of an arms race in outer space. The risks associated with such a prospect may not be apparent during peacetime, when nations exercise self-restraint in the deployment and use of weapons against space assets. However, self-restraint is no substitute for effective governance mechanisms, codified in international law, especially when tensions are running high.

Various states have expressed concerns in this regard at this year’s First Committee. The 120-nation NAM, for example, called for the commencement of negotiations in the CD on “a universal legally binding instrument on the prevention of an arms race in outer space”. Others—including both emerging and established spacefaring nations—have also stressed the need to prevent the transformation of outer space into an arena for military confrontation.

Every year the United Nations General Assembly votes on a PAROS resolution, which notably states that:

- The “prevention of an arms race in outer space would avert a grave danger for international peace and security”;
- The legal regime applicable to outer space does not in and of itself guarantee the prevention of an arms race in outer space

However, efforts to address PAROS head-on have 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 talk of PAROS is dismissed as falling outside the jurisdiction of this body, and at the Conference on Disarmament, substantive negotiations have been effectively deadlocked for more than 15 years.

The pursuit and implementation of TCBMs for space activities are valuable efforts and represent essential steps toward building norms for responsible behavior in space. However, several stakeholders remain concerned that a narrow focus on the development of such soft norms has resulted in a retreat from policy discussions and legal instruments specifically related to the need for arms control in outer space.

In this context, we urge all spacefaring nations to publicly pledge, at a minimum:

*Not to use any space- or ground-based capabilities, whether exclusively military or multi-use in nature, to deliberately damage or destroy space assets.*

Such a pledge would not require a precise definition of space weapon, nor would it disregard the oft-cited need for effective verification of compliance. The primary focus would be on protecting the physical and operational integrity of space assets, as opposed to attempting to define the weapons that might harm them. As well, existing technical means would make the destruction of space assets without attribution virtually impossible.

The many challenges facing the outer space domain can be grouped into two broad categories. On the one hand, there are those related to the risks to space assets that result from ‘normal’ peaceful space operations. On the other, there are clear risks associated with a potential arms race in outer space. The international community would do well to address them both.

*This statement was drafted by Project Ploughshares and has been endorsed by the following organisations:*

Acronym Institute for Disarmament Diplomacy
International Committee for Robot Arms Control
Project Ploughshares
Women’s International League for Peace and Freedom