Nearly six decades into the space age, it is increasingly clear that the precepts and underlying assumptions of existing space law fall short of addressing the drastically changed reality of outer space activities today.

While there is widespread agreement to pursue measures that minimize the likelihood of unintentional interference with space assets during peaceful operations, 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. We 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.

The international community must work to ensure that the right of all countries to access space and the obligation to ensure that space is used with due regard to the interests of others and for peaceful purposes are maintained. International space law, as well as a unilateral, bilateral and multilateral Transparency and Confidence Building Measures can make space more secure by regulating activities that may infringe upon the ability of actors to access and use space safely and sustainably, and by limiting space-based threats to national assets in space or on Earth.

The reality, however, is that no clear norms are in place today to address the possibility of an arms race in outer space. The risks associated with such a prospect may not be as apparent during peacetime, when nations exercise self-restraint in the deployment and use of weapons against space assets. But self-restraint is no substitute for effective governance mechanisms, codified in international law, especially when tensions are running high.

The need for policy discussions and legal instruments specifically related to the need for space arms control should be self-evident. Ground-based anti-satellite weapons (ASATs) have been tested, communications satellites are deliberately and routinely jammed; missile defense systems have been used as ASATs; and precursor technologies that would allow space-to-space offensive capabilities have been, and continue to be, developed.

At the same time, the United Nations General Assembly votes annually on a resolution on the Prevention of an Arms Race in Outer Space (PAROS) resolution, which notably states, among other points, that:

- The “prevention of an arms race in outer space would avert a grave danger for international peace and security”; and,

- The legal regime applicable to outer space does not in and of itself guarantee the prevention of an arms race in outer space

Yet the annual PAROS resolution has not once been supported by the most advanced spacefaring nation in history, despite overwhelming support from the rest of the international community. The Conference on Disarmament—which has the primary responsibility for negotiations related to PAROS—has been deadlocked and unable to conduct any substantive negotiations for over 15 years. And any efforts to discuss arms control issues at the UN Committee on the Peaceful Uses of Outer Space (COPUOS) are routinely dismissed as falling outside the jurisdiction of this body.
In the end, efforts to address PAROS head-on have unfortunately been relegated to a diplomatic limbo.

We believe it is in the interest of international security and the sustainability of the space domain if all states commit, at a minimum, not to use any space- or ground-based capabilities to deliberately damage or destroy space assets.

Such a commitment—which can and should be codified under international law—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.

Beyond this minimum commitment, there is a clear need to formulate national and international security policies that do not rely on, or give a veil of legitimacy to, the weaponization of outer space as a means of advancing political and strategic objectives.

Multilateral arms control efforts have typically occurred only after certain categories of weapons have already been used in conflict. With PAROS, the international community now has the unique possibility to act proactively before outer space becomes weaponized—and the social and economic benefits derived from this domain are put in jeopardy. Let us seize this opportunity and act decisively to prevent an arms race in outer space.

* Endorsed by the following organizations:

- Project Ploughshares
- Lawyers Committee on Nuclear Policy
- Western States Legal Foundation
- Acronym Institute for Disarmament Diplomacy
- Nuclear Age Peace Foundation
- Institute for Security Studies
- Women's International League for Peace and Freedom