



SCHOOL FOR
INTERNATIONAL STUDIES

Diplomacy: The Missing Ingredient in Space Security

Paul Meyer



Simons Papers in Security and Development

No. 67/2018 | November 2018

The **Simons Papers in Security and Development** are edited and published at the School for International Studies, Simon Fraser University. The papers serve to disseminate research work in progress by the School's faculty and associated and visiting scholars. Our aim is to encourage the exchange of ideas and academic debate. Inclusion of a paper in the series should not limit subsequent publication in any other venue. All papers can be downloaded free of charge from our website, www.sfu.ca/internationalstudies.

The series is supported by the Simons Foundation.

Series editor: Jeffrey T. Checkel

Managing editor: Martha Snodgrass

Meyer, Paul, *Diplomacy: The Missing Ingredient in Space Security*, Simons Papers in Security and Development, No. 67/2018, School for International Studies, Simon Fraser University, Vancouver, November 2018.

ISSN 1922-5725

This paper is slated to appear as Chapter 11 in the forthcoming volume *The Weaponization of Outer Space*, edited by Matthew H. Hersch and Cassandra Steer (Oxford University Press).

Copyright remains with the author. Reproduction for other purposes than personal research, whether in hard copy or electronically, requires the consent of the author(s). If cited or quoted, reference should be made to the full name of the author(s), the title, the working paper number and year, and the publisher.

Copyright for this issue: Paul Meyer, pmeyer(at)sfu.ca.

School for International Studies
Simon Fraser University
Suite 7200 - 515 West Hastings Street
Vancouver, BC Canada V6B 5K3



Diplomacy: The Missing Ingredient in Space Security

Simons Papers in Security and Development
No. 67/2018 | November 2018

Abstract:

A disturbing trend in the contemporary approaches of states to space security has been the decline in diplomacy and the consideration of diplomatic options to achieve national security goals. The official characterization of outer space as “congested, competitive and contested” has ignored the legacy and potential for “cooperation” in this unique if vulnerable realm. The authority of the foundational Outer Space Treaty of 1967, with its stipulation that space is to be used for “peaceful purposes”, is being eroded by neglect and unilateral assertions that space is a domain for “war-fighting”. The champions of space peace will have to become as active as the exponents of space war if a benign environment for space operations is to be preserved for future generations.

About the author:

Paul Meyer is a Senior Fellow in Space Security at The Simons Foundation Canada as well as Adjunct Professor of International Studies at Simon Fraser University in Vancouver. A former career diplomat with Canada’s Foreign Service, he served as Ambassador and Permanent Representative to the United Nations and Conference on Disarmament in Geneva (2003-2007) and as Director-General of the Security and Intelligence Bureau of the Canadian Department of Foreign Affairs until his retirement in 2010. He serves on the Governance Group for “Space Security Index”, an annual publication covering developments in outer space relevant to space security.

About the publisher:

The School for International Studies (SIS) fosters innovative interdisciplinary research and teaching programs concerned with a range of global issues, but with a particular emphasis on international development, and on global governance and security. The School aims to link theory, practice and engagement with other societies and cultures, while offering students a challenging and multi-faceted learning experience. SIS is located within the Faculty of Arts and Social Sciences at Simon Fraser University. Our website is www.sfu.ca/internationalstudies.

Diplomacy: The Missing Ingredient in Space Security

Outer space has long held a special place in humanity's imagination and ingenuity. It has also enjoyed a unique status under international law as "a province of all mankind" (in the language of the day) in which national appropriation or sovereign claims are prohibited and the use and exploration of which shall be "for peaceful purposes" and in the interests of all. These provisions are contained in the foundational Outer Space Treaty of 1967, which with 105 states parties, has for decades enabled the pursuit of a wide array of interests within an environment free of man-made threats.¹

As a result of this relatively benign operating environment the development of space activity has increased enormously in the half century since the Outer Space Treaty was concluded. Today some 1500 satellites are active in earth's orbits furnishing a myriad of services from telecommunications to remote sensing on which global society is increasingly dependent. Space is no longer a "rich men's club" dominated by a handful of space powers, but has democratized extensively with over 60 countries, representing both developed and developing states, now possessing their own satellites.² Technological advances in terms of increased payload capacities, miniaturization and reduced launch costs have opened up prospects for mega-constellations, comprised of several thousand satellites, to be launched in the next few years, permitting transformative leaps in space-enabled functionality across a wide spectrum of applications.

Much of this new satellite capacity will be placed in low earth orbits (LEO) that represent a diminishing free resource and which are vulnerable to damage from space debris. This enduring detritus of earlier space activity and misadventure has reached such proportions (some 23,000 items larger than 10 cm are tracked by the US Space Surveillance Network) as to pose a significant threat to future LEO operations.³ While guidelines for debris mitigation have been developed and adopted by the UN's Committee on the Peaceful Uses of Outer Space (COPUOS) it remains to be seen how effective they will prove in curbing the exacerbation of the debris problem.

The above short-hand description of the outer space environment is meant to convey the growing importance of space for our well-being and as well as one of the key constraints on future use that is a legacy of past actions which took a more cavalier approach to debris creation. A far greater threat to the future exploitation of outer space resides in the potential for the “peaceful purposes” of the Outer Space Treaty regime to be challenged by states intent on extending earthly conflict into this environment and by means of “weaponization” transform it into just another domain for “war-fighting”. It is my contention that such a challenge is beginning to be mounted by leading space powers and unless counter-vailing diplomatic efforts are made to preserve the special, pacific legal regime established for outer space half a century ago, we could witness a rapid degradation of this vital if vulnerable environment at great loss for humanity. A revival of diplomatic activism on behalf of space security is required, not only by concerned states, but also on the part of the wider stakeholder community including the private sector and civil society that benefits from the current regime.

The downplaying of diplomacy in national approaches to space security has been a gradual if steady process. This paper will first examine the various developments over the past decade that have contributed to the current impasse in international space security cooperation and then proceed to consider several recent diplomatic initiatives that may hold forth some promise for improving the situation. The paper concludes with an assessment of the prospects for these initiatives, plus offering some suggestions for how best to proceed in the near term to forestall the extension of conflict into the outer space realm.

As noted above outer space enjoys a special status under international law as a form of “global commons” beyond sovereign claims and the use of which is to be for peaceful purposes and in the interests of all. The peaceful orientation of the treaty is reinforced by specific prohibitions on the stationing of weapons of mass destruction in space and on any militarization of the moon and other celestial bodies. The international community has however long expressed the view that “the legal regime applicable to outer space does not in and of itself guarantee the prevention of an arms race in outer space” and that therefore “there is a need to consolidate and reinforce that regime and enhance its effectiveness”.⁴ This view has been reiterated since the early 1980s in the annual resolution entitled “Prevention of an arms race in outer space”

(PAROS) that has been adopted with overwhelming support (in its 2017 iteration with a vote of 182 in favour, no objections and three abstentions, of which the United States was one).

The motivation for preventing an arms race in outer space is made clear in the resolution's preamble, which recognizes that such prevention "would avert a grave danger for international peace and security".⁵ The preamble also expresses the conviction that "further measures should be examined in the search for effective and verifiable bilateral and multilateral agreements in order to prevent an arms race in outer space, including the weaponization of outer space".⁶ This last phrase is significant in that it makes clear that the intent of the resolution is to oppose weaponization of outer space and not just to prevent an arms race in that environment.

Despite this unequivocal policy direction, progress towards realization of the "further measures" and enhanced "effectiveness" of the existing legal regime has been scant. While no single factor can explain this situation, several developments over the last decade have had a detrimental impact on cooperative space security. I would note in particular: i) revival of ASAT (anti-satellite weapon) testing; ii) blockage in the Conference on Disarmament (CD) especially with respect to the Sino-Russian draft treaty on "The Prevention of Placement of Weapons in Outer Space" (best known by its acronym PPWT); iii) the lack of follow-up to the successful Group of Governmental Experts report on Transparency and Confidence Building Measures (TCBMs) in Outer Space; iv) the failure of the EU-initiated proposed International Code of Conduct for Outer Space; v) the introduction of divisive resolutions on outer space at the UN General Assembly (UNGA); and vi) escalating and hostile official rhetoric regarding space security.

Revival of ASAT Fears

Although both superpowers had engaged in research and development of anti-satellite weapons during the Cold War period, these systems were essentially moth-balled by the mid-1980s. For more than a quarter of a century the ASAT threat remained dormant and the world was able to increase its activity in outer space free from concerns about ASAT threats. This positive situation was rudely disrupted with the conduct in January 2007 of an ASAT test by China against one of its own satellites. The action was undertaken in an irresponsible manner in

that the interception occurred at a high altitude that created a major debris cloud endangering other spacecraft and which prompted an outcry from concerned spacefaring nations. A demonstration of an ASAT capability of the SM-3 ballistic missile defence interceptor aboard a US Navy cruiser carried out in February 2008 raised once again the spectre of an ASAT competition arising among leading space powers with its attendant risks and uncertainties for the peaceful use of outer space.⁷

PPWT Impasse

Although the CD has had a PAROS agenda item since 1982 and had actually realized an Ad Hoc Committee on the subject during the 1985-1995 timeframe, it has not been able since then to undertake official work on this item. This unproductive situation is a function of a broader disagreement among the 65 member states of the CD over the priority and scope to be accorded its agenda issues that has prevented the adoption and implementation of a program of work for twenty years. The protracted impasse has had a particularly adverse impact on consideration of the Sino-Russian proposed treaty on the “Prohibition of Placement of Weapons in Space”. The PPWT was originally tabled at the CD in 2008 with a revised version being submitted in June 2014. Its sponsors have repeatedly said that they would welcome discussion of the draft, but given the lack of an agreed program of work at the CD, there has been no authorized subsidiary body at the CD to take up this proposal. China and Russia have been reluctant however to take the draft treaty outside the CD for consideration, given their broader position that only the CD should be entrusted with the negotiation of multilateral agreements regarding arms control and disarmament.

To a degree the deadlock over the PPWT has also been a proxy battle with respect to the acceptability of legally binding arms control accords for outer space. The US, while theoretically open to new legal instruments, has in practice only been willing to support politically binding measures. China and Russia in proposing the PPWT reflect their longstanding preference for legally binding instruments when addressing international security issues. The sharply opposing views on the contents of the PPWT and the absence of any working body for engaging the protagonists in an effort to reconcile these views is an impediment to progress on space security

and the elaboration of new multilateral agreements whatever their status. A recent development that will be discussed later is the first indication that China and Russia may finally seek to have the PPWT considered in another diplomatic context although they maintain their insistence that any eventual negotiation would be the preserve of the CD.

Failure to Implement the 2013 GGE report on TCBMs in Outer Space

A highpoint in inter-governmental consideration of space security issues was the UN Group of Governmental Experts (GGE) on Transparency and Confidence Building Measures in Outer Space Activities which met over three sessions in the 2012-2013 timeframe and produced a consensus report in the summer of 2013. The GGE report was a substantive one with a broad set of recommended TCBMs as well as an expression of criteria that should be applied to any new TCBM proposal. The fact that a broadly representative group of 15 states had, despite the difficulties already evident in the space security field, agreed on a series of practical TCBMs to propose was considered a positive development. The GGE even managed a degree of self-congratulations when it included in the report the statement “The Group was of the opinion that its establishment, work and consultative function serve as transparency and confidence-building measures in their own right”⁸.

Whatever hopes the GGE members may have had that the positive momentum generated by their consensus report would be translated into rapid adoption of their recommendations were shortly dashed against a background of a chilling diplomatic climate and state indifference. The only recommendation of the 2013 GGE report that was promptly acted upon was the proposal for a joint meeting of the two UNGA committees that have responsibility for outer space affairs. Hence a joint session of the First (Disarmament and International Security) and the Fourth (Peaceful Uses of Outer Space) was held in 2015 and a follow-up meeting occurred in 2017. Although these half-day joint sessions were a positive innovation, they were essentially a symbolic gesture towards some unity of UN space activity which had been strictly siloed between the security dimension that was the preserve of the CD in Geneva and the civilian facet which was the purview of the UN’s Committee on the Peaceful Use of Outer Space, based in Vienna. Besides the bureaucratic step of the joint sessions the GGE’s substantive

recommendations, remained merely that, with little in the way of any take up by states or impetus for continued work.

Failure of the International Code of Conduct Proposal

In addition to the success of the 2013 GGE in agreeing a consensus report, considerable expectations for progress on space security diplomacy had rested on the EU-initiated proposal for an International Code of Conduct (ICoC) to cover outer space activities.⁹

The proposal, first tabled in 2008, provided an opportunity for the European Union to take an initiative in the often difficult (for the EU) field of international security at a time when the resumption of ASAT testing mentioned earlier had served to attract attention to the subject of space security. The initial text, which took the form of a set of politically binding measures, was the basis for a lengthy if uneven process of EU-controlled consultation and textual refinement. The tempo and extent of these consultations increased in the 2013-2014 timeframe and although some major space powers such as Russia and China made known their concerns about the process, the EU sponsors decided that the project was ready to move into a final round of multilateral negotiations to finalize the text. The meeting the EU convened in New York, in July 2015 was something of a diplomatic debacle and failed to produce the desired endorsement of the EU proposal. At the meeting, significant opposition regarding the basic process was expressed especially from the BRICS¹⁰ grouping of states which issued a joint statement stipulating that “the elaboration of such an instrument should be held in the format of inclusive and consensus-based multilateral negotiations within the framework of the UN”.¹¹

The EU voiced its regret that negotiations to finalize the text of the ICoC had proven impossible, but did not seek a new UN-mandate for an open-ended negotiation process at subsequent UN General Assembly sessions. Although acknowledging the necessity to develop new norms to govern activity in space, the EU appears to be assuming a “hands off” posture towards the ICoC. In its submission in response to a call by the UN Secretary General for views on TCBMs the EU limited itself to calling “for increased international cooperation that should help us to establish agreed standards of responsible behaviour in outer space”.¹² At present the

ICoC initiative is in a kind of diplomatic limbo with no official champion committed to taking the proposal forward.

Divisive Resolutions and the Breakdown of Consensus

The cooling diplomatic atmosphere for space security was also manifested by a change of tack at UNGA that served to highlight new policy divisions on the part of states. Hitherto a positive feature of the international community's declaratory policy on outer space security, as evidenced by the resolutions submitted at the UN General Assembly, has been the high degree of consensus regarding them. The annual resolution on the "Prevention of an Arms Race in Outer Space" for example has had no opposing votes in recent years and only two abstentions. The resolution on TCBMs was adopted last UNGA session without a vote being required. At the 69th session of UNGA in 2014 however this pattern of consensual policy expression was broken with the introduction by Russia of a new resolution on the "No First Placement of Weapons in Outer Space".¹³ This resolution (69/32) encouraged states to adopt a political commitment not to be the first to place weapons in outer space. There was significant resistance to this resolution with some arguing that it did not meet the criteria for TCBMs that had just been arrived at by the GGE. Others thought the "no first placement" phraseology as opposed to a simple "no placement" pledge period to be problematic as it could be seen as providing a justification for the development of space weapons in order to be prepared to engage in space warfare once the first weapon had been introduced.

Despite these misgivings the resolution sponsors did not offer up any modification to the text to accommodate them and opted to press ahead to a vote with the predictably divisive results of 126 in favour, 4 opposed and 46 abstentions.

At the 2017 session the same resolution (72/27) was again adopted with a sizeable minority of states not supporting it (131-4-48). Further discord was initiated with the introduction of a resolution in 2017 that sought the authorization of a new GGE to operate in the 2018-2019 timeframe with a mandate "to consider and make recommendations on substantial elements of an international legally binding instrument on the prevention of an arms race in outer space, including, inter alia, on the prevention of placement of weapons in outer space".¹⁴ Given

the disagreements among states as to the appropriateness of pursuing legally binding instruments on space security at this stage, it was not a surprise that the resolution was not supported by a significant minority of states, being adopted on a vote of 108-5-47. In contrast to the consensual nature of the PAROS and TCBM resolutions these two resolutions have introduced a discordant element into what had been the essentially common viewpoint that had characterized UNGA's pronouncements on space security.

Escalating Threat Perceptions, Bellicose Rhetoric and Diplomatic Decline

A prominent theme recently in official policy statements has been the escalation of threat perceptions and a rise of belligerent narratives in response with allegations of weapon development programs aimed at deploying counterspace systems. Indicative of this trend was the US Director of National Intelligence's recent worldwide threat assessment, which stated "Both Russia and China continue to pursue antisatellite (ASAT) weapons systems as a means to reduce US and allied military effectiveness". The assessment projects that "Russian and Chinese destructive ASAT weapons probably will reach initial operational capability in the next few years".¹⁵ The assessment asserts that Russia and China are being disingenuous in their diplomatic proposals regarding the nonweaponization of space, as "many classes of weapons would not be addressed by such proposals, allowing them to continue their pursuit of space warfare capabilities while publicly maintaining that space must be a peaceful domain".¹⁶

Against this backdrop of a threat assessment that alleges major programs of counterspace capabilities development it is easier to adopt a belligerent posture in response. In the US context President Trump has reflected this new tone in the *National Space Strategy* issued in March 2018. In keeping with what is described as a "peace through strength" stance the new policy "affirms that any harmful interference with or attack upon critical components of our space architecture that directly affects this vital interest will be met with a deliberate response at a time, place, manner and domain of our choosing".¹⁷ Besides this wide-ranging right of retaliation (which implies that even a nuclear response could follow an attack on American space assets) the *National Space Strategy* "recognizes that our competitors and adversaries have turned space into a warfighting domain".¹⁸ This is a dubious assertion given the numerous statements by relevant

US officials that have described outer space as a “warfighting” domain.¹⁹ President Trump in subsequent remarks has proclaimed “We must have American dominance in space” and he has ordered the Pentagon to create a new branch of the Armed Forces to that end: “the Space Force – separate but equal”.²⁰

For many states and other stakeholders, the depiction by leading powers of outer space as a “warfighting” domain (whatever the claims of which state was the first to do this) is incompatible with the “peaceful purposes” of the Outer Space Treaty and the regime it supports. Whatever the reality of the alleged counterspace programs, and this is clearly an area of military activity which would benefit from greater transparency, the ratcheting up of threat-rhetoric works to accelerate arms racing and detract from diplomatic efforts to foster international space cooperation.

There is in fact little trace of diplomacy in the *National Space Strategy*, which is silent on international cooperation or the possibility of diplomatic solutions to the space security challenges being referenced by the US Administration. Some Administration officials have spoken approvingly of norm development to assist the international management of space, but without specificity or a plan to promote them. As one observer has remarked: “given its general aversion to multilateral diplomatic approaches, it’s likely that the Trump administration will focus the majority of its efforts in this area on developing bilateral mechanisms”.²¹

Although the “America First” stress of the Trump Administration may highlight the turning away from diplomatic engagement, there was already evidence of this trend under the Obama Administration. Its *National Security Space Strategy* was issued in February 2011 and introduced the characterization of outer space as “congested, contested and competitive” an alarming depiction of space activity that ignored another “c” word that had figured prominently in past human activity in space: cooperation.²²

The downplaying of diplomacy with respect to national security policy for outer space in official American thinking was already evident in the fact that it was only the Secretary of Defense and the Director of National Intelligence that were tasked with and issued the *National*

Security Space Strategy with no reference to the Secretary of State as an authority that would also be a key actor in formulating such a strategy.

The *National Security Space Strategy* does contain a sentence to the effect that the Department of Defense and the intelligence community “will support the diplomatic and public diplomacy efforts of the Department of State to promote the responsible use of space and discourage activities that threaten the safety, stability, and security of the space domain”²³. There is however no elaboration of these diplomatic efforts nor is any specific arms control or restraint measure endorsed. The State Department and its diplomats are essentially referenced in the document as merely a means of disseminating the new policy abroad. The concept of national security being applied to outer space evidently wasn’t judged to require a diplomatic input on par with that of the military or intelligence communities.

The ascent of bellicose posturing and the decline of diplomatic efforts in the realm of space activity has not gone unnoticed within the international community and has arguably spurred some new initiatives in multilateral forums concerned with space security. It is too early to judge how effective these steps will be in countering the trend towards “warfighting” in space, but they reflect at least a desire to take some corrective action rather than remain passive onlookers as the environment for international cooperation in space deteriorates. The three initiatives to be considered are: i) the UN GGE; ii) the UN Disarmament Commission (UNDC) and iii) the guidelines developed by the Long-term Sustainability Working Group of COPUOS. A likely constraint on these three initiatives is that they are all occurring within multilateral bodies that operate on the consensus rule and hence require unanimous support from their diverse constituencies to take any substantive decision.

UN GGE on Further Practical Measures

As noted earlier, a rare diplomatic initiative relating to space security, although one not free from controversy, was the adoption by UNGA at its fall 2017 session of a resolution creating a new GGE to address possibilities for legal measures. This enlarged GGE with up to 25 members is to meet over a total of four weeks in the 2018-2019 timeframe “to consider and make recommendations on substantial elements of an international legally binding instrument on the

prevention of an arms race in outer space, including, inter alia, on the prevention of the placement of weapons in outer space”.²⁴ The first session of the GGE was held in August 2018 and it is to present its report (if consensus agreement is obtained) to the UNGA session in the fall of 2019.

In part, it would appear that this GGE was motivated by the desire of Russia and China to get around the self-inflicted failure to ensure attention to their PPWT proposal at the CD given that forum’s procedural paralysis. At the same time, while making reference to the PPWT, the GGE’s mandate is not confined to it and the group will be able to consider other possible legally binding measures. Such a discussion is overdue and if nothing else could provide a useful airing of the pros and cons of new legal instruments for space security. Issues such as the definition of space weapons or the nature of verification required to support legally binding agreements are frequently raised as objections to concluding agreements, but rarely debated in depth. The GGE could provide for such discussion even if it will have a difficult task in finding common ground among its members to support substantive recommendations. And like the 2013 GGE before it, even delivering a solid, consensus set of recommendations is no guarantee that they will be taken up by states.

UN Disarmament Commission

The UN Disarmament Commission (UNDC) is an open-ended deliberative body that meets at UN headquarters in New York each spring. At its organizational session in February, 2018 it agreed to establish a new Outer Space Working Group “to promote the practical implementation of transparency and confidence-building measures in outer space activities with the goal of preventing an arms race in outer space”.²⁵ This tasking made specific reference to the recommendations on TCBMs that had been generated by the 2013 GGE. In this way the UN could be seen as trying to salvage the work of the GGE from the diplomatic oblivion it seemed to have fallen into. The UNDC Working Group held ten meetings during its two-week session in April and in accordance with UNDC procedures will have a three-year remit for undertaking its work. The UNDC operates by consensus and it will be necessary to temper expectations as to an

eventual product with the recognition that the UNDC's success rate in recent years has been very limited.

COPUOS: Long-term Sustainability of Outer Space Working Group

The final diplomatic process that holds some promise for improving space security is that of COPUOS Working Group on the Long-term Sustainability of Outer Space. This Working Group of the Scientific and Technical Subcommittee has been engaged in recent years in developing a set of voluntary guidelines for “enhancing the long-term sustainability of outer space activities and, in particular, enhancing the safety of space operations”.²⁶ The Working Group was able to agree on an initial set of 12 guidelines in 2016 and managed to finalize a preamble and nine further guidelines in 2018. As per this preamble, “The development of voluntary guidelines is premised on the understanding that outer space should remain an operationally stable and safe environment that is maintained for peace purposes...”²⁷

While COPUOS has eschewed engagement in space security issues, that are seen as the preserve of the CD and the First Committee of UNGA, its adoption of the guidelines has been generally viewed as contributing indirectly to space security as a form of TCBMs such as those earlier generated by the 2013 GGE. While a positive development, the nature of the measures outlined in the guidelines are tangential to the chief security challenges of space and like all such voluntary measures are dependent for their ultimate significance on the degree to which states actually implement them.

A Way Forward

As the leading space power appears to be bent on unilateral steps regarding space security matters, a challenge is posed to those wishing to uphold the “peaceful purposes” aims of the Outer Space Treaty. Remedial action to promote cooperative security approaches in outer space will require a far more active campaign that is not limited to states, but which also engages all constituencies within the space community. While the three multilateral processes mentioned earlier hold out some prospect of success, they are a thin reed to lean on given their inherent constraints. Any effort to revitalize space security diplomacy will need to feature several,

mutually reinforcing measures. Some possible near-term steps that could be taken to avoid a drift into space conflict and which would help to restore a more constructive atmosphere include the following:

1. All states should practice strategic restraint in their military space programs, offer greater transparency as to their nature and mute the escalating threat rhetoric and belligerent posturing.
2. A representative group of states should initiate a process at the UNGA to establish an open-ended working group to elaborate an International Code of Conduct on outer space activities. Despite its problematic diplomatic roll-out by the EU, this initiative has too much useful potential to be simply set aside and abandoned.
3. Whereas through the creation of the GGE, China and Russia have managed finally to escape the moribund CD and empower a UN forum to initiate discussion of their proposed PPWT and legally binding arms control in space generally, this step needs amplification. The closed-door nature of the GGE process and its dependency on an ultimate consensus for results, makes this a risky vehicle for conducting a discussion of legally binding versus politically binding approaches to space security. The GGE could be supplemented by a series of open-ended consultations hosted by concerned states or NGOs to permit discussion of the important factors of definitions, scope and verification that have not had a thorough or transparent airing in a multilateral context.
4. Similarly, a concerted effort is made to revisit and promote the TCBMs recommended by the 2013 GGE. Greater acceptance and implementation of these TCBMs would be a powerful counter-force to those seeking to depict outer space as a battleground in which inter-state conflict is inevitable. While it would be desirable if a group of like-minded states cooperated on convening a conference to focus on TCBMs this work could also benefit from private sector and civil society involvement as well.
5. A deliberate effort is pursued to re-establish common ground concerning the regime governing outer space. As the Outer Space Treaty is the embodiment of this regime, an effort to raise its profile and remind audiences of its core principles and provisions is

called for. One step of both symbolic and substantive importance, would be to have a champion state or a ginger group of “Friends of the Outer Space Treaty” to convene the first ever meeting of its states parties. As an early multilateral accord the Outer Space Treaty was not provided with follow-up mechanisms and hence lacks the attention that annual conferences of states parties provide for most multilateral agreements. After half a century of being in effect it is overdue to bring together its membership.

Such a diplomatic gathering in honour of this cornerstone treaty could help consolidate support for its key principles and obligations as well as stimulate new cooperative steps for the future. A suitable gathering of states parties could also provide an incentive for further universalization of the treaty as countries outside the treaty will likely want to attend.

These proposed actions could help revitalize diplomacy, that missing ingredient from current considerations of space security and realign the depiction of outer space as a realm of promising international cooperation rather than one of inevitable confrontation and conflict.

Notes

¹ “Treaty on Principles Governing the activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies.” July 1, 1967, www.un.org/disarmament .

² Figures from *Space Security Index* 2017, www.spacesecurityindex.org, 147.

³ Ibid, 19.

⁴ “Prevention of an arms race in outer space.” UNGA resolution A/RES/72/26, 11 December 2017.

⁵ Ibid.

⁶ Ibid.

⁷ For a discussion of the 2008 operation and the ASAT capabilities of US ballistic missile defense interceptors see Laura Grego, “The Anti-Satellite Capability of the Phased Adaptive Approach Missile Defense System.” *Public Interest Report Federation of American Scientists*, Winter 2011, www.fas.org.

⁸ *Report of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities*, UNGA A/68/189, 29 July 2013, 20.

⁹ European External Action Service, “Draft International Code of Conduct for Outer Space Activities.” Version 31, March 2014 http://eeas.europa.eu/non-proliferation-and-disarmament/pdf/space_code_conduct_draft_vers_31-march-2014_en.pdf.

¹⁰ The BRICS label designates five middle-income countries with growing political-economic influence in world affairs: Brazil, Russia, India, China and South Africa.

¹¹ BRICS Joint Statement Regarding the Principles of Elaboration of International Instruments on Outer Space Activities, New York, July 27, 2015, www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/1623220.

¹² See EU reply in “Transparency and confidence-building measures in outer space activities.” Report of the Secretary General, UNGA A/72/65, 16 February 2017, 24.

¹³ Current version of this resolution: “No first placement of weapons in outer space.” UNGA A/RES/72/27, 11 December 2017.

¹⁴ “Further practical measures for the prevention of an arms race in outer space.” UNGA A/RES/72/250, 12 January 2018.

¹⁵ “Worldwide Threat Assessment of the US Intelligence Community.” Daniel R. Coats, Director of National Intelligence, 13 February 2018 (www.dni.gov) 13

¹⁶ Ibid.

¹⁷ “President Donald J. Trump is Unveiling an America First National Space Strategy” White House factsheet, March 23, 2018 (www.whitehouse.gov).

¹⁸ Ibid.

¹⁹ See testimony of General John.E. Hyten, Commander, US Strategic Command, Senate Armed Services Committee, 20 March 2018, https://www.armed-services.senate.gov/imo/media/doc/Hyten_03-20-18.pdf, 11.

President Trump had earlier stated “My new national strategy for space recognizes that space is a war-fighting domain”; Speech to Miramar Marine Corps Air Station, cited by Ian Schwartz, “Trump: ‘Space is a War-Fighting Domain’” March 18, 2018 www.realclearpolitics.com.

²⁰ Remarks by President Trump after signing Space Directive #3, June 18, 2018 (www.whitehouse.gov).

²¹ Frank A. Rose, “Safeguarding the Heavens: the United States and the Future of Norms of Behavior in Outer Space.” Policy Brief, Brookings Institution, June 2018, 7 (www.brookings.edu).

²² “National Security Space Strategy” February 4, 2011 www.defense.gov.

²³ Ibid, 10.

²⁴ See n.13.

²⁵ “Report of the Disarmament Commission.” UN A/73/42, 23 April 2018, 11 (www.un.org/disarmament)

²⁶ Conference room paper by the Chair of the Working Group on the Long-term Sustainability of Outer Space Activities, A/AC.105/C.1/2018/CRP.18/Rev.1, 8 February 2018, 2 www.unoosa.org.

²⁷ Ibid, 2.