

# COEP MODEL UNITED NATIONS '18

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## **DISARMAMENT & INTERNATIONAL SECURITY STUDY GUIDE**

EO - Discussion of militarization of outer space

## **1. Committee introduction:**

The Disarmament and International Security Committee was established in 1993. It is the First and one of the main committees of the General Assembly. The committee deals with the global challenges and threats to peace that affect the international community and seeks out solutions to the challenges in the international security regime. The role of DISEC is outlined in Chapter IV, Article 11 of the United Nations Charter which states, “The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments and may make recommendations with regard to such principles to the Members or to the Security Council or to both”.

As per this article, the mandate of DISEC is highlighted as, “to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources.” The Committee works in close cooperation with the United Nations Disarmament Commission and the Geneva-based Conference on Disarmament.

## **2. Agenda introduction:**

The right of all states to explore and use the outer space, this unique shared environment, for the benefit and in the interest of all humankind is a universally accepted legal principle. It is the concern and responsibility of all states to ensure that these rights

can be exercised in the interest of maintaining international peace and security.

The prevention of an arms race in outer space, also known as PAROS, is one of the most important issues currently under consideration. One of the reasons this issue is critical is that satellites that are sent to orbit in the space are vulnerable to damage/ destruction by almost anything even as small as space debris. This issue is also largely prevailing because of the lack of general consensus upon the nations around the globe as to which of these outer space elements should be included in the category of “space weapons”.

The issue could be divided into two major categories:

- Militarization of Outer Space
- Weaponization of Outer Space

**Militarization of Outer Space:** Militaries all over the world rely on satellites that have been put into the space since the earliest communication satellites were set free to orbit it. Global Positioning Systems (GPS) all over the world are used for so called “peaceful purposes” while their peacefulness remains profoundly doubtful. There are satellites which could be used for controlling bombing raids and other malicious purposes. Therefore, the issue of militarization of space is a very deep and important area for discussion to ensure the safety and security of all the nations around the globe.

**Weaponization of Outer Space:** Transporting potentially destructive satellite devices into the space orbit is generally referred to as Weaponization of Outer Space. Although not agreed upon largely, the weapons which use space as a medium

to travel before hitting their targets such as hypersonic technology vehicles are also considered a part of weaponization of outer space. In addition, missiles which carry dual characteristics, meaning that they could destroy space assets, as well as other ballistic missiles could also be deemed part of the problem.

### 3. **History:**

The history of space weaponization goes back to the late 1950s, when first anti-satellite systems went through tests. As yet, however, weapons have not been stationed in space. Nuclear and other weapons of mass destruction are banned from space under the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, which is usually called the Outer Space Treaty. The treaty barred signatories from launching into Earth's orbit any nuclear weapons or any other types of weapons of mass destruction, as well as banned the installation of such weapons on celestial bodies and the use of any other method to put such weapons in space. But the Outer Space Treaty mentions no restriction on conventional weapons in space.

### 4. **Current Scenario:**

PAROS is a UN resolution that reaffirms the fundamental principles of the 1967 Outer Space Treaty and advocates on banning on the weaponization of outer space. The resolution also advocates on the need of further advancements in protecting the outer space from being weaponized. It also called upon the

Conference on Disarmament (CD) to advance into further proceedings to confirm a weapon free space. In 1981, the CD led to begin talks on the issue and established an ad-hoc committee on PAROS in 1985. However, due to opposition, it was dissolved in 1994. In 2005, the UNGA adopted further measurements to ensure the solution of the PAROS issue and approved an annual resolution on “Transparency and Confidence Building Measures in Outer Space Activities”. This issue has been unsolved due to opposition by countries like the U.S who claims that there is no arms race in outer space and therefore see no need for such treaties. On the other hand, China and Russia have produced various draft treaties reiterating the need of a weapon free outer space. Some of the suggestions made by them include exchange of information.

In the 21st century, the role of outer space environment has become more important than ever. Outer space resources today are utilized in all developmental aspects, ranging from weather forecasts to navigation and surveillance. Outer space activities play a vital role in social, economic, scientific and technological development all over the world. Today, there are more than 1,000 operational satellites in orbit around the Earth. More than 60 States, government consortiums and other entities own or operate those space assets and more and more States are becoming spacefaring nations and/or increasing their space-based capabilities and resources.

In the previous decades, the number of space actors and space users has increased significantly, resulting in a more clogged outer

space. If this increase continues, the risk of threats to outer space objects would increase in an alarming manner, too.

PAROS and arms control in reference to nuclear disarmament

If the weaponization of space occurs in the current scenario, not only would it be extremely destructive to the strategic balance and stability of international peace, but also disrupt the existing arms control instruments. This would further force nations across the globe to take initiatives to leave other nations behind, behind thus starting an altogether never ending space race. It is evident by history that initiatives like these do nothing else than just disrupt international peace efforts. The withdrawal of the U.S from the Anti-Ballistic Missile Treaty in 2001 and the development of US ground- and sea-based “missile defences” raised the tensions with the Russian Federation and caused an increased missile proliferation. Deploying technologies like this would result in the nuclear weapon states refusal to sign new treaties that allow for a regulation on nuclear weapon technology.

### **Outer Space and Missile Defence**

Missile defence is a shield that has been used by various states against the threats of possible outer space missile attacks. To avoid such attacks, countries like the U.S have been focusing on developing ballistic missile defence shields. Under the impression of defence, countries may use belligerent technologies such as the Kinetic Energy Interceptors which are missiles that can destroy enemy missiles by hitting them when launched in the space. Even if used for the purpose of defence, these missile technologies may start an unstoppable and extremely destructive chain of missile attacks in the outer space. This specially poses a great threat since

the space debris which may result by this could further destroy potential civil and commercial space infrastructure like satellites.

### Outer Space and Space Debris

With an increasing number of space objects, the space environment is becoming more and more congested which means there is an increased risk of collisions resulting from space debris in the outer space. With more than 5 decades of space activity, the space debris could alarmingly reach out to a point where it might not be possible to deploy space weapons around them, pushing for a need to deploy these space weapons in Low Earth Orbit (LEO). This would further worsen the situation as there will be less or even no room for satellites and other objects used for civilian purposes. According to scientists, if a space race was to start and a number of satellites were destroyed, the space debris could increase to an extent where it might be impossible to deploy new satellites from being stationed.

### **Current status of deployment of arms in the outer space**

At present, there is no authenticated proof of any known weapons being deployed in the outer space. However, China, in the year 2007, and the U.S, in the year 2008, has successfully demonstrated anti-satellite capabilities. The U.S is also believed to have been working on the development of a ballistic missile defence shield.

Ironically, the idea of developing the missile defense itself could be an offense under the deception of defense. This evidently puts the nations across the globe to be alarmed and cultivate a

possible arms race which could lead these nations to indulge in a never ending competition of equipping themselves with better, more suitable and technologically advanced space weapons to take the lead in getting full spectrum dominance over each other. Major defence contractors are actively developing their aerospace capabilities, and smaller aerospace corporations are competing to prove their technical innovation in making satellites smaller and launch vehicles less expensive. There are many reasons to be concerned about the development of missile defence and space weapon technology, including the increased conventional military dominance by the US, the vast waste of resources that accompanies any arms build-up, whether it is a race or an asymmetrical surge, and the physical results of fighting in outer space—especially space debris, which can destroy civil and commercial space infrastructure such as satellites.

### **The role of existing treaties in resolving the issue**

According to a report of the General Assembly, the GGE “recognized that the existing treaties on outer space adopted by General Assembly especially the 1967 treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies have played an invaluable important role in consolidating a strengthened environment of international peace and security regarding the outer space. The group also recognized that there should be a continued supervision of all space activities by all states to ensure a safe outer space for all.”

The role of international law with regards to the PAROS issue

It is a concrete reality that in order to maintain the international peace and security, abiding by international law is necessary. To ensure that, a greater international cooperation is needed where all states have to act responsibly and make intimations in a timely manner in case of any unforeseen incident regarding the safety and security of all states whenever they are carrying out any outer space activities. It is also necessary that these activities be in the best interest of all the states and not pose a threat to any nation in any possible way. In order to prevent any mishaps, failures or security threats related to outer space activities, all states should be well aware of the international law and must adhere to the safety and security measurements that have been set by the concerned agencies or bodies. Such cooperation is needed to prevent all states from facing any possible threat related to the outer space objects.

5. **Un actions and laws:**

**1963** [Treaty Banning Nuclear Weapon Tests In The Atmosphere, In Outer Space And Under Water](#)

**1967** [Outer Space Treaty](#) (formally titled as the Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.)

**1968** [Rescue Agreement](#) (formally titled as the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space)

**1971** [Agreement Relating To The International](#)

[Telecommunications Satellite Organization "Intelsat"](#) (with annexes and Operating Agreement)

**1972** [Liability Convention](#) (formally titled as the Convention on International Liability for Damage Caused by Space Objects)

**1975** [Registration Convention](#) (formally titled the Convention on the Registration of Objects Launched into Outer Space)

**1979** [Moon Agreement](#) (formally entitled the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies)

**1985** [Convention On The International Maritime Satellite Organization \(INMARSAT\)](#) with Annex and Operating Agreement (1976); as amended 1985; with Protocol (1981)

The existing legal framework has undoubtedly prevented the deployment of weapons and use of force or military activities in the outer space. However, as seen by some states, the scope is still limited and there yet need to be more efforts to avoid arms race in the outer space. With the new technologies in this regard, the legal framework can be strengthened to make these treaties more effective.

#### **6. Country stances:**

Nations across the world have been showing immense cooperation in taking steps to prevent any threats from outer space activities. The international community has taken concrete steps and advancements in making effective and fruitful initiatives and agreements for safeguarding the space environment. Various transparency and confidence building measures have been

proposed and taken by a major consensus by the member states. These measures include working papers on transparency and confidence building measures in outer space, treaty proposals for the safety and security of the space and various other related proposals. In June 2012, the European Union presented a draft of a non-legally binding international code of conduct for outer space activities to the international community in Vienna followed by open ended consultations in Kyiv in May 2013. A large number of UN member states are of the opinion that a multilateral treaty is the only solution to prevent an arms race in outer space. In 2006, the Russian Federation insisted on prohibition of weaponization and the Russian Federation, along with the People's Republic of China, has been strongly supporting the prohibition of use or threat of use of force against space objects. On the other hand, "The United States systematically argues that an arms race in outer space does not yet exist, and it is therefore unnecessary to take action on the issue. The rest of the international community agrees that, because there is not yet an arms race, now is the time to prevent weaponization of space." Many member states have now developed policies that prevent them from being the "first" state to put weapons (any objects possessing destructive capacity) in the outer space.

#### Bloc Positions

The majority of UN states are concerned that the weaponization of space will lead to an arms race, indeed they also believe that a multilateral treaty is the only way to prevent such an arms race. This treaty should not limit space access but would prevent the deployment of weapons in space. The General Assembly each

year a resolution on the prevention of an arms race in outer space is introduced and adopted by an overwhelming majority of member states. As a matter of fact, every country in the world votes in favour of the PAROS treaty, except the United States and Israel - which abstain.

## **7. Possible solutions:**

### Transparency and confidence-building measures in outer space (TCBMs)

In 2007, the UN Secretary-General issued a report compiling the views of member states on the issue of TCBMs in outer space, as requested by a General Assembly resolution.<sup>28</sup> The report was issued in two parts: A/62/11429 and A/62/114/Add.1.

Prevention of the placement of weapons in outer space (PPWT) PPWT 31 is a joint Russia-China draft treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force against Outer Space Objects. The draft treaty was presented by The Russian Federation's Foreign Minister, Sergey Lavrov on February 12, 2008. The draft treaty is the only treaty by that has been formally introduced to the CD. According to Minister Lavrov, the draft treaty is designed to "eliminate existing lacunas in international space law, create conditions for further exploration and use of space, preserve costly space property, and strengthen general security and arms control."

Overview of the draft treaty

- Both 2002 paper and 2008 draft emphasize the need of a “military confrontation” free outer space
- The existing arms control and disarmament agreements play a positive role but are insufficient to address the issue of disarmament
- Further measures must be taken to prevent the placement of weapons in the outer space
- The draft explains the terms “outer space,” “outer space objects,” and “weapons in outer space.”
- The draft calls for the state parties not to place any weapons in the outer space, not to install any weapons on celestial bodies, not to use or threaten to use any kind of force against outer space objects
- The draft further calls upon the member states to use the outer space strictly for peaceful purposes and follow the guidelines under the international law
- The draft also calls upon establishment of an executive organization which shall regulate additional protocols needed and record complaints against treaty violations and take measures to prevent violation of the treaties.

#### Group of Governmental Experts (GGE)

The GGE is a small group comprised of international space experts from space faring states. The main objective of the GGE is to make possible an atmosphere of international cooperation to solve the issue of PAROS and to reduce the possibility of misunderstandings or miscommunication regarding activities in the outer space. The GGE was supposed to carry out investigations and observations and prepare a

report making conclusions and recommendations on the current developments of the issue of PAROS. The first GGE was formed in 2004 comprising of 15 members but could not prepare a substantive report. The second GG was formed in 2009 comprising of 15 members and successfully concluded a report.

Following were the recommendations made in this report:

- Dialogue on norms for state use of information and communications technologies (ICTs), to reduce risk and protect critical infrastructures
- Confidence-building and risk reduction measures, including discussion of ICTs in conflict
- Information exchanges on national legislation and national ICT security strategies, policies and technologies
- Capacity-building in less developed countries
- The elaboration of common terms and definitions on Information Security. The General Assembly in 2011 unanimously approved a resolution (66/24) calling for the formation of the last (third) GGE. The first meeting of GGE took place in New York in August 2012; the second took place in Geneva in January 2013, and the last in June of 2013 in New York. The GGE concluded its work on 16 July 2013

### International Code of Conduct for Outer Space Activities

The International Code of Conduct for Outer Space Activities (ICoC) was initiated by the European Union in 2008. The primary function of the code was to formulate a set of principles and guidelines agreed upon by the states on a voluntary basis. It was also decided that the code will not have any authoritative or enforcement mechanism. The two major

reasons behind this idea were the development and implementation of transparency and confidence building measures. The three main principles of the ICoC are:

- A right of all countries to use the outer space for peaceful purposes
- Protection of security and reliability of space objects in orbit
- Consideration for states' legitimate defense interests

ICoC was formulated to be applicable to all outer state activities including states, corporations, universities and others. The code was intended to address the safety and sustainability of space environment as well as stability and security in outer space. Since it addresses both of the above mentioned aspects, it was decided that the ICoC will also include those member states that are not members of the CD or COPUOS. The main purpose of formulating the ICoC was not to contradict any on-going discussions, but to “find an agreement on a text that is acceptable to all interested States and that thus brings effective security benefits in a relatively short term.”

Support from the international community

- The ICoC has been endorsed by Australia, Canada and Japan
- Brazil, Russia, India and China on the other hand have shown disappointment based on the fact that they were not consulted properly in this development.
- Some countries have reservations, especially those with little presence in space, that the ICoC could play a role in limiting their future capacities in carrying out space activities

- India has raised concern that the code will not be effective without legally binding obligations
- The United States, having had a national debate about this issue, endorsed the ICoC
- Some countries have raised concerns that the ICoC may be interfering with some of the countries' domestic policy making
- Despite disagreements or reservations, the code has also received positive endorsement since it deals with both environmental protection as well as arms control
- The first consultations in Kiev in May 2013 turned out to be the first multilateral meetings held and the EU announced that it would include all the participating nations' concerns while incorporating views in the code
- The second consultations that took place in Bangkok in 2013 focused on the "body" of the proposed text and the EU announced that a revised draft would be presented in early 2014 and that one more consultation meeting might be necessary before concluding the ICoC initiative in 2014.

#### 8. Qarma:

- What do we define as outer space?
- What can be characterized as a space weapon and what is its limitation and value?

- What can be inferred from previous conferences and treaties about outer space, and to what extent does it apply to the contemporary society?
- What are the main points about outer space that ought to be safeguarded, if any?
- What would the overall effect be on the global community? Potential Operative Clauses
- What could be the potential culminations of PAROS?
- To what extent will monitoring activity in space, if any required, be limiting spatial activity?
- How will the monitoring of space or any other measure proposed, be financed? The main issue is that everything that is stated in your preambulatory clauses ought to be substantiated or tackled in the operative clauses.

