

Preventing the placement of weapons in outer space

A backgrounder on the draft treaty by Russia and China

On 12 February 2008, the Foreign Minister of Russia introduced a draft treaty, submitted by Russia and China, to the Conference on Disarmament (CD), the UN's primary body for negotiating disarmament treaties. The draft treaty is called the “Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects”—also known as PPWT.

The draft PPWT is the first draft treaty on outer space formally introduced to the CD, though it is based on elements proposed in a working paper to the CD in June 2002 by Russia, China, Viet Nam, Indonesia, Belarus, Zimbabwe, and Syria.

Overview of the draft treaty

The preamble of both the 2002 paper and the draft treaty emphasizes the need to keep outer space free from “military confrontation” and open to peaceful uses and exploration for the “development of humankind”. It also notes that while existing arms control and disarmament agreements relevant to outer space “play a positive role ... in regulating outer space activities,” they are insufficient to “effectively prevent the placement of weapons and an arms race in outer space.” It argues for “examination of further measures in the search for effective and verifiable bilateral and multilateral agreements in order to prevent an arms race in outer space.”

The draft treaty’s articles expand upon the elements contained the 2002 working paper. It defines certain terms, such as “outer space,” “outer space object,” and “weapons in outer space.” It specifies that the latter means

any device placed in outer space, based on any physical principle, specially produced or converted to eliminate, damage or disrupt normal function of objects in outer space, on the Earth or in its air, as well as to eliminate population, components of biosphere critical to human existence or inflict damage to them.

It subsequently explains, “a weapon will be considered as ‘placed’ in outer space if it orbits the Earth at least once, or follows a section of such an orbit before leaving this orbit or is stationed on a permanent basis somewhere in outer space,” and describes “use of force” or “threat of force” as meaning any hostile action against outer space objects including, inter alia, those aimed at their destruction, damage, temporarily or permanently injuring normal functioning, deliberate alteration of the parameters of their orbit, or the threat of these actions.

The draft goes on to explain that states parties to the treaty undertake not to place in orbit “any objects carrying any kind of weapons,” not to install them on celestial bodies or other space structures, not to use or threaten to use force against outer space objects, and not to encourage any other parties to do so. It emphasizes the treaty will not impede the rights of states parties “to explore and use outer space for peaceful purposes in accordance with international law.” For matters of transparency and compliance, the draft provides for voluntary confidence-building measures. On verification and compliance enforcement, the draft provides for the possibility of subsequent negotiation of an additional protocol and for the establishment of an executive organization for the treaty, which will consider complaints of treaty violations, organize and conduct consultations with states parties, and “take measures to put an end to the violation of the Treaty by any State Party.”

Analysis of the draft treaty

The draft treaty does not settle all of the questions government and non-government experts have asked

over the years, such as:

- What implications will the current militarization of space have for this treaty? Space has been militarized since the earliest communication satellites were launched; today, militaries all over the world rely heavily on satellites for command and control, communication, monitoring, early warning, and navigation. Most states accept that “peaceful purposes of outer space” include military uses, even those which are not at all peaceful—such as using satellites to direct bombing raids or to orchestrate a “prompt global strike” capability. The use of space objects to conduct war on Earth is not addressed by this treaty.
- The militarization of space also presents many problems of “dual use technologies”—some space objects can be used for commercial or military purposes or as weapons. The draft treaty does not address how it will deal with dual-use space-based objects. Would any space object that can be maneuvered to intentionally crash into another space object be considered a space weapon? It is advertised as an autonomous rendezvous space-based object intended to fix other space objects, but its capacity to maneuver around another satellite also allows it to disable or destroy its target.
- Many experts have asserted a treaty should also ban ground-based weapons aimed at attacking space assets, including ground-based ballistic missile defense systems. However, intercontinental ballistic missiles and missile interceptors, which could be used to attack space objects, travel on a sub-orbital trajectory. While some might travel through space, they never maintain sufficient velocity to achieve orbit. The draft treaty says states parties shall not “resort to the threat or use of force against outer space objects,” but it does not restrict the development, testing, or deployment of missile defense systems or other ground-based anti-satellite systems, only systems placed in orbit or installed on structures or bodies in outer space.
- The draft treaty does not ban development or testing of space weapons, only their use. So then, would China’s test in January 2007 of an anti-satellite weapon or the US shoot-down of a failed satellite in 2008 be considered a violation of the treaty? If states are allowed to continue developing and testing weapons, won’t this defeat the stated purpose of the treaty—which is ostensibly “strategic stability” and “political equilibrium”.
- There are many diverging opinions on verification of a PPWT: some have argued for a normative treaty without verification provisions, others say it cannot be effectively verified, and some argue that verification should not be separated from other aspects of the treaty and that it should be addressed in the course of negotiations. The indication that verification “may” be covered by an additional protocol suggests the possibility of no or limited verification measures.

Media reaction

The mass media presented the introduction of the draft treaty as a “showdown” between the United States and Russia/China over “competing international treaties, one banning the production of nuclear materials and the other trying to prevent an arms race in space.” The *Washington Times* quoted an unidentified US official as saying, “We put our FMCT [fissile materials cut-off treaty] draft forward in May 2006 and have been pushing it all along, before there was any talk of a treaty on outer space.” This statement is incorrect, because an ad hoc committee on PAROS was established in the CD in 1985, the UN General Assembly has adopted annual resolutions on PAROS with an overwhelming majority for over twenty years (according to China’s Foreign Minister Yang Jiechi), and Russia and China introduced possible elements for a PAROS treaty in 2002 (see above).

The *Washington Times* further (mis)reported, “Now Russia and China have linked negotiations on the FMCT” to the PPWT. Russia and China actually used to link the two items, and if they did so now it would be nothing new, as the *Times* suggests it is. However, in 2007 Russia agreed to adopt the compromise programme of work proposed by the CD's rotating presidents, which called only for negotiations on an FMCT, thus dropping its linkage to PAROS. The Chinese delegation rejected this programme of work, and continues calling for a “balanced and comprehensive programme of work,” though it has not specifically demanded simultaneous negotiations this year.

The Associated Press reported that Washington called the introduction of the draft “a diplomatic ploy by the two nations to gain a military advantage,” and said Russian Foreign Minister Sergey Lavrov’s introduction of the treaty “came with an implied threat.” It noted Minister Lavrov’s comment “that the nuclear arms race was started with a view to preserving the monopoly to this type of weapons [sic], but this monopoly was to last only four years,” implying Lavrov meant Russia would “catch up” to the United States in developing space weapons just as it did with nuclear weapons. However, unreported by the Associated Press, Lavrov went on to lament the waste of material and other resources on weapons “at the expense of finding solutions to the problem of development.”

In addition, the Associated Press reported, “Washington rejects the [draft treaty] because it feels it is only directed at U.S. military technology and allows China and Russia to fire ground-based missiles into space or use satellites as weapons of war.” This statement exemplifies the spin put on issues that challenge US military dominance—the draft treaty would prohibit the use of space-based weapons by all states parties, not just the United States, and does not limit any state party’s use of ground-based missiles, not even the United States’.

The Associated Press article goes on to report, “The U.S. says it is committed to ensuring the use of space for peaceful purposes, but insists that it will pursue programs to ensure that its satellites and other spacecraft are protected.” However, the US delegation stood alone in voting against the annual PAROS resolution in the UNGA in 2005–2007, and released a National Space Policy in October 2006 opposing “the development of new legal regimes or other restrictions that seek to prohibit or limit US access to or use of space,” and arguing it will continue to “dissuade or deter others from impeding [its right to operate in space] . . . and deny, if necessary, adversaries the use of space capabilities hostile to US national interests.” In addition, its programs to “protect” its satellites and other spacecraft include some of the most aggressive technologies yet to be unleashed on the international community. Minister Lavrov noted in his introduction

It is well known that there is inseparable relationship between strategic offensive and defensive armaments ... The desire to acquire an anti-missile “shield” while dismantling the “sheath”, where the nuclear “sword” is kept is extremely dangerous. And if one also places on the balance pan the “global lightning strike” concept providing for striking with nuclear and conventional strategic means targets in any point of the Globe in a matter of an hour after a relevant decision has been made, the risks for strategy stability and predictability become more than obvious.

Response to the draft treaty in the CD

Response to the draft in the CD has been limited, though several delegations have publically offered their perspectives in plenary meetings:

Argentina: On 3 March, Argentina's Foreign Minister Mr. Jorge Taiana welcomed the draft treaty. He suggested it could be fruitful to establish an ad hoc committee on the issue to explore it further.

Algeria: On 14 February, Algeria's Ambassador Hamza Khelif took note of draft PPWT, and indicated his delegation has communicated it to their capital for consideration. He said he would like discussions on the issues of outer space to provide sufficient time to examine the proposal. However, the draft PPWT is based on elements proposed in 2002 and on substantive discussions that took place in the CD in 2006 and 2007—it should not be new information for capitals.

Brazil: On 14 February, Ambassador Paranhos of Brazil welcomed the draft PPWT. In the past, the Brazilian delegation has been a strong proponent in the CD of preventing the weaponization of outer space, and in his farewell statement, Ambassador Paranhos said, “It is of utmost importance that this negotiating forum takes the lead in ensuring that the outer space remains a peaceful domain.”

Canada: On 12 February, welcoming “Russia’s efforts to energize discussions” on PPW, Canada’s Ambassador Grinius said his delegation had “submitted detailed comments” on the draft. He also highlighted the Hague Code of Conduct (HCOC) as “a valuable and existing” transparency and confidence-building measure (TCBM) and suggested it would be unrealistic to create TCBM ones when “existing ones ... are regrettably falling into disuse.” Ambassador Grinius also argued, “the dividing lines between civil and military issues in space are increasingly irrelevant in practical terms,” and called for greater cooperation among the UN’s space-related institutions and between the UN Committee on the Peaceful Uses of Outer Space and the CD.

European Union: On 28 February, Mr. Jerman of Slovenia, on behalf of the European Union, said work is needed to achieve consensus on definitions and an “effective and robust verification system” for an outer space security treaty. He argued, “it is not sufficient to only refer to a possible future additional protocol” as suggested in the draft PPWT. In the meantime, Mr. Jerman said, the EU “wishes to focus on a pragmatic and incremental approach,” through transparency and confidence-building measures. The EU plans to present these measures to the CD for discussion. They will presumably be based on the concrete proposals that the EU submitted to the Secretary-General, which were included in his report of 17 September 2007.

Germany: On 19 February, Ambassador Bernhard Brasack of Germany welcomed the draft treaty. He argued, “Clear delimitations between purely peaceful uses and distinct military uses have become a meaningless fiction. Just as an example: Space tracking and surveillance capabilities for monitoring debris, following satellites for avoiding potential collisions, inherently also have a potential for offensive space applications.” With this in mind, Ambassador Brasack suggested elaboration through discussion on three issues “not yet sufficiently covered by the draft”: the relationship between a potential new instrument and the existing ones, particularly the Outer Space Treaty; the dangers posed by the development and testing of anti-satellite weapons; and compliance and verification mechanisms. He also remarked, however, that “meaningful discussions” in the CD on space security issues “will only be possible if the CD agrees to a Programme of Work.”

Group of 21: On 28 February, speaking on behalf of the Group of 21, Syria’s Ambassador Faysal Khabbaz Hamoui raised concerns over the inadequate existing legal instruments “to deter further militarization of outer space or prevent its weaponization” and emphasized the necessity of further measures that effectively provide for verification. He further lamented the development of missile defense systems and other “advanced military technologies ... which have, inter alia, contributed to the further erosion of an international climate conducive to the promotion of disarmament and the strengthening of international security.” Ambassador Hamoui argued, “it is time to start negotiation in the Conference on Disarmament on matters related to the Prevention of Arms Race in Outer Space,” and referred to UNGA Resolution 62/20, which recommends the establishment of an ad hoc committee

in the CD in 2008. He said the draft treaty submitted by Russia and China “is a good basis for further discussion toward adopting an international binding instrument.”

Kazakhstan: On 4 March, the Foreign Minister of Kazakhstan welcomed the draft treaty in the CD.

Malaysia: On 14 February, Malaysia's Ambassador Hsu King Bee said the draft PPWT is “a positive step,” and expressed hope “that the CD would set an objective to approach the issues in a comprehensive manner, engaging in structured substantive discussions with a view for an early commencement of negotiations, for an international legally binding treaty.” She also proposed the “establishment of Ad Hoc Committee with the appropriate mandate agreeable to all,” and called for a “moratorium on the testing of all kinds of weapons and on the deployment of weapons in outer space.”

Netherlands: On 4 March, the Foreign Minister of the Netherlands welcomed the draft treaty in the CD.

Romania: On 4 March, the Foreign Minister of Romania welcomed the draft treaty in the CD.

Sri Lanka: On 12 February, Sri Lanka’s Ambassador Dayan Jayatilleka congratulated China and Russia’s collaboration on the draft PPWT and “did not see why a fissile material treaty should take priority over the draft treaty submitted.”

Switzerland: On 14 February, Ambassador Jürg Streuli of Switzerland welcomed the draft treaty, though he said, “a number of technical and legal points still needed to be worked out,” and recognized the need to overcome “significant political obstacles.”

Ukraine: On 4 March, the Foreign Minister of Ukraine welcomed the draft treaty in the CD. Minister Khandogiy suggested that substantial discussion on outer space in the CD should focus on providing greater transparency of space programmes; expanding the scope of information about space objects in orbit; and developing rules of behaviour while performing activities in space, including establishing a Code of Conduct.

More information

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