

CHAPTER 15

CONFIDENCE-BUILDING MEASURES: PREVENTING THE GREAT FROM STANDING IN THE WAY OF THE GOOD

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With several nations considering the possibility of future war fighting in space, the time is now for the international community to start laying in place the foundation stones of a future space security architecture that will promote continued peaceful exploitation of space and dampen the drivers of conflict that already have emerged.

As options for doing so are being debated among diplomats, non-governmental organizations (NGOs) and other space stakeholders, the question has been raised as to whether efforts to craft a set of confidence-building measures for space would undercut the chances of reaching a treaty to ban weapons from space. For more than two decades, the majority of member nations have been supporting the establishment of negotiations on such a treaty under the auspices of the United Nations. However, such negotiations on the prevention of an arms race in outer space (PAROS) have been a non-starter—with the United States the chief obstacle. Under the administration of President George W. Bush, the US position against any discussions of a space weapons ban has, if anything, hardened—both due to renewed interest within the Defense Department and the Air Force in space weaponry and the administration's deeply held antipathy toward arms control treaties. Meanwhile, some governmental officials in other countries—including China, France, India and Israel—are beginning to consider whether or not their countries should also begin to prepare for what might be the “inevitable” weaponization of space. Given the continued expansion of space access to more and more countries and non-governmental entities, the inherent dual-use nature of space technology, and the increasing importance of space to modern day militaries, the seeds for future conflict in space are beginning to sprout in earnest. Under such conditions, the growing lack of trust between space-faring powers must be

addressed. Until confidence and trust has been rebuilt, it is inconceivable that any progress will be made toward what under even the best of political conditions would be a hard-fought ban on weapons in space.

Indeed, the establishment of confidence-building measures between space-faring countries and the wider international security community is not only a necessary prerequisite for a future weapons ban, but also critically important to improving space security for all in the near and medium term.

There are several alternate options to the confidence-building approach, but each of these options has drawbacks. One option that has been discussed among supporters of a space weapons ban would be for dedicated nations to pursue a ban treaty on their own, *à la* the Ottawa process used for land mines. For various reasons, the central one being that the United States is the dominant military space power; this approach would be neither workable nor wise. A treaty without the United States would be worth little; and one cannot imagine that if the United States goes forward with deployment of anti-satellite and/or space-based weapons that other military space powers would be willing to stick with such a treaty. Furthermore, pursuit of a treaty that would be viewed by the United States as a statement of political hostility and an attempt at isolation would likely backfire in US domestic politics—playing into the hands of those forces who see it as in the US interest to weaponize space as soon as possible.

Another approach could be for interested nations simply to continue to work to define a possible treaty approach, creating draft legal instruments and verification protocols, among other things, to have ready when the political time is more ripe. This is, of course, a useful process. However, it also falls short by failing to engage the attention and input of the United States; and it does nothing to remedy the underlying political dynamic that makes current progress all but impossible. Thus, the crux of the situation is that at the moment, the United States government—and, as alluded to above, perhaps some other nations that simply have not spoken out because they can shelter behind the US position—remains unconvinced that a weapons-free space environment would be either achievable or necessarily in its interests. No nation is going to sign a treaty or international agreement that it does not feel serves its interests, particularly in the area of national security.

This is where confidence-building measures come into the equation. Confidence-building measures are a tried-and-trusted method to dampen national threat perceptions and establish consensus about mutual interests among stakeholders. There are myriad methods and types of confidence building that could be pursued relevant to various aspects of the space arena. The most immediate would be in the area of space debris, which is a known hazard to operations in space. Even tiny pieces of debris can destroy a satellite. And space debris recognizes no nationality; it does not distinguish between military and commercial satellites or between enemy and friendly assets. Already, the Committee on the Peaceful Uses of Outer Space (COPUOS) has approved a draft set of basic voluntary guidelines for debris mitigation that national governments will now consider adding to their own bodies of regulation and practice on space flight. But there is more that could be done. In order to battle debris, better data sharing is needed across the gamut of space stakeholders, from industry to the scientific community to space agencies to militaries. Improved technology for locating and tracking small-sized debris, particularly in the geostationary belt of Earth's orbit, where most high-value communications satellites are placed, is urgently required—and could be the subject of multinational research efforts. International practices and protocols for collision avoidance must be worked out, both between governments and in the globalized space industry. There are also opportunities for joint research to combat the debris problem. A recent National Aeronautics and Space Administration (NASA) study has suggested that due to the ongoing levels of space pollution expected during the twenty-first century, the time is now for scientists to begin working on ways to remove debris. But as such technologies, including space tugs for de-orbiting large debris in low-Earth orbit, by and large could also have weapons applications, unilateral national approaches could be seen as suspicious and destabilizing. Therefore, international collaborative approaches could be of real value in more ways than one. Another issue, with direct relevance to the weaponization question, is the potential use of debris-creating kinetic energy or directed energy weapons in space. Space experts, including many in the US Air Force and other national militaries, understand that weapons that create space debris are undesirable and in no one's interest. With that mutual understanding in mind, there ought to be room for efforts to work out international agreements to prevent the testing, deployment and use of debris-creating anti-satellite and space-based weapons.

There are other forms of confidence building that have been widely discussed by NGOs and various governments in the margins of COPOUS meetings in Vienna and at the Conference on Disarmament in Geneva. These include such efforts as the establishment of so-called rules of the road for curtailing dangerous behaviour in space, as perhaps most comprehensively detailed by the Henry L. Stimson Center, a Washington, DC-based NGO, in the booklet "Space Assurance or Space Dominance". These include identifying dangerous behaviours—such as unannounced close approach to a satellite of one country/owner by a satellite of another country/owner—and establishing protocols for limiting such behaviours. Space-faring powers could establish regular mechanisms for bilateral and/or multilateral consultations about their programmes, both civil and military, to enhance transparency. As a first step, space-faring nations could establish a shareable database of contacts from the various space organizations in each nation and ensure that it is up to date. Indeed, the identification of potential measures of confidence building in space is something that could be set as an immediate goal for both the Conference on Disarmament and COPUOS.

As noted, some proponents of a space weapons ban have expressed concerns that current work on confidence-building measures might undercut that pursuit. For example, Nancy Gallagher from the University of Maryland's Center for International Security Studies at Maryland argues that such "incremental" approaches are fundamentally inadequate as they would have little effect on security relationships between space-faring powers and do nothing to rein in what some consider is currently a dangerous US unilateral, coercive security approach, including toward outer space. In other words, such incremental efforts would be little more than a distraction. Her concerns are not to be dismissed; however, there are also reasons to believe that just the opposite may be the outcome. Again, to the extent that space-faring nations, especially the United States, become more aware that mutual interests in space far outweigh any strictly national interests, they will come to understand that, indeed, unilateral pursuit of short-term military superiority in space actually undercuts long-term security in space for all. And to the extent that nations feel less threatened in space as transparency improves and cooperative endeavours move forward, the drivers toward pursuing short-term national military advantages in space become less imperative.

There are others who argue that if work is launched to reach international agreements on a rules of the road, a “code of conduct” for space or even a debris-prevention treaty, not only would precious time, money and intellectual capital be sidetracked into these endeavours, but also that actually reaching such “limited” agreements could remove any pressure upon nations and the international community to go forward with efforts to establish a space weapons ban. Again, there are sound reasons for these concerns. It is certainly true that international agreements almost always end up representing the least common denominator and nothing more; this is realistically to be expected.

However, it seems obvious that if the international community is truly worried about maintaining space for peaceful purposes in the future, the time is now to get serious about finding ways to achieve those goals before it is too late. If a meaningful weapons ban treaty is not feasible, and it is not for the foreseeable future, does it make sense to simply continue to do nothing but bemoan that fact? If steps can be achieved—even small ones—toward greater space security in the face of paralysis on the ultimate goal, should those steps not be pursued? The bottom line here is that the international community cannot afford to let the great stand in the way of the good. Nor should anyone be fooled by those who would use insistence on weapons ban treaty negotiations or nothing as a clever form of political cover for their own military ambitions in space, which is a danger under the current geopolitical situation in space.

Furthermore, it seems obvious that a combination of transparency regimes, confidence-building measures, codes of conduct and strictures against debris-creating weapons, would, taken together, go almost as far as a weapons ban in ensuring future space security. Certainly, such a multifaceted regime would be an improvement by huge orders of magnitude over the situation emerging today. It, therefore, behoves space-faring nations to overcome the current inertia and begin to address the fundamental problem at hand: the growing tension between space-faring and would-be space-faring powers caused by military ambitions, lack of transparency, political distrust and the rapid dissemination of dual-use space technologies with both potentially beneficial applications and potential applications as anti-satellite and/or space-based weapons. Confidence building is required today as well as tomorrow.