

OVERCOMING INSTITUTIONAL INERTIA

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The Conference on Disarmament (CD), some might say, is drinking at the last-chance saloon and there is many a slip between the cup and the lip. Even if the CD managed to adopt its programme of work for this year, it has to renew it next year, and the next, and the next. Whether anything can be done on space security in Geneva will be heavily dependent on whether constructive progress is made towards a fissile materials treaty.

Patricia Lewis introduced me, saying that I was going to do some creative thinking, but in the last 13 years I have been invited several times to give creative, constructive thinking on how the CD can work around its rules of procedure, how it could maybe use certain mechanisms; and not just the CD but the Nuclear Non-Proliferation Treaty too. I have come up with pragmatic procedural suggestions, and I have come up with creative ideas and strategies. But ultimately such improvements will not be adopted or implemented unless the countries themselves identify that they have sufficiently strong interests in seeing the CD get to work. If even one country perceives that it has stronger interests in preventing progress, then by the current institution of the CD with its consensus rule, that will be enough to prevent any moving forward in that context.

At the moment, rather than come up with more creative suggestions, let me just backtrack a little bit and look at some of the factors that need to be addressed to overcome the blocks. I am going to summarize some of the key factors that I identify, and then I would like to look more closely at a few additional elements that need to be addressed.

First, one can recognize that there are different political objectives and different perceptions of national security and interests. I might once have called this factor “political will”, but I know that UNIDIR avoids this term because it encourages fatalism and may also encourage sloppy thinking.

The second is the division of labour, or what Anton Vasiliev called the “political red line”, between what current institutions traditionally regard as their remit—peaceful uses on the one hand, and on the other, arms control and disarmament. I will come back to look at what is positive and negative about this division.

The third factor is the perceived contradiction between incremental approaches and prohibition or comprehensive approaches. I am going to suggest that this is a false dichotomy.

Fourthly, there is the venue or the institution for negotiations on these issues. It is often represented that it is the CD or nothing at all. I am going to argue that this is a false choice.

Fifth, there is the question of timing. How urgent is the need? And, equally important in understanding this, how urgent is the perception of the need to get something done? And also, how big is the window of opportunity? This relates to Ambassador Palihakkara’s presentation—if we do not establish the principles for control or norms for non-use or -deployment now, will we be facing a much harder and less effective task of building a non-proliferation regime in a few years down the track?

DIFFERENT POLITICAL PERSPECTIVES AND PERCEIVED INTERESTS

Many are concerned about what they see as political obstruction by the most dominant space-using country, as it pursues (at least for now) the neo-conservative doctrine of keeping a free hand for US freedom of action, as clearly stated in the 2006 Space Policy—in other words, to keep all options open. What needs to be remembered is that this in itself is an option that denies several other options. To try to keep your own options open inevitably prohibits the option of choosing a shared security path. We can relate it also to the US nuclear weapons approach; in 1945, the United States was the sole country with nuclear weapons. They underestimated the Soviet Union’s capacity to catch up. With some of the reverberations following China’s missile test in January 2007, perhaps we are seeing parallels with the shock felt in the United States due to the 1949 Soviet nuclear weapon test.

What happened as a result of the Soviet test in the context of the Cold War was that the competition turned into a mad, expensive nuclear arms race.

It was destructive and debilitating on all sides, not only because of the vast waste of resources and the appalling dangers to world security for many decades, but also the diversion of attention in both of those countries, and indeed others in their spheres of influence, so that they failed to deal with other kinds of domestic and international security challenges.

What may change the United States' perceived interests? I argue that they are actually in the process of changing. First, there was the failure to get the level of domestic funding and support for much of the missile defence programme, at least the further reaches—the “star wars” reaches. Second, there is a growing recognition that space test-beds are infeasible or at least that, in the medium term, there is not the money or technology to get the space component off the ground sufficiently to demonstrate how space-based weapons would work as part of the imagined multi-tiered architecture for a ballistic missile defence. Third, there is the Iraq factor, which I will not discuss more widely because we could get into an entire discussion about the lessons from that debacle, but the point is that there are very important consequences from the Iraq war of choice that wiser political heads in the United States are gradually absorbing. In particular, they are coming to see that consolidating the security of existing assets is more crucial now than pursuing the chimera of multi-tiered invulnerability. This relates to point five: the Chinese missile to satellite interception may act as a kind of shot across the bow, to provide a shock to wake up the United States to the consequences of pursuing its current mistaken policies. Or it may play into the hands of the scaremongers, providing them with a threat image of China as a space-capable, rising military power that will then be used to justify missile defences.

So a key question is: will the United States repeat Cold War mistakes or will it come to the table to negotiate and build collective space security rules and limits? If it comes to the table, will China and Russia or indeed others engage constructively with the United States on a shared mission of security or will they move the goal posts and go back to the kind of games that were played in the Cold War, where as soon as one was prepared to move forward, the other would move back, and then the dance would go into reverse the next time round?

Another aspect to consider is: can ballistic missile defence be unpacked, can it be disaggregated? What level of ballistic missile defence might be acceptable or perhaps even stabilizing given that some countries have

already begun collaborating at certain levels, such as Japan, NATO and so on. This question may not be popular in some civil society circles, but it does need to be asked: would we be willing and able to make a trade-off in accepting some level of ballistic missile defence, perhaps limited to theatre defences, in return for bringing the United States on board collective negotiations to prevent the weaponization of space?

A further aspect of different perceptions is geostrategic relations. With regard to space security, these are often put in terms of China, Russia and the United States, but we need to remember that there are other important strategic relations that need to be taken into account. For example, there is the important, and woefully avoided, role of Europe—both the European Union and NATO—of growing importance are also the developing space-faring states such as Brazil, India, and also states such as Iran, which is determined to develop long-range ballistic missiles. The relationship of missile development to this whole issue is crucial to understand.

In addition, more and more developing states have growing needs and interests as users of satellite technologies, for example for communications, education, travel, emergency planning, banking and commerce, and so on. This leads us to the commercial interests. Again, though the United States still dominates the scene, space assets are less and less the purview of a single nation; on the contrary, they increasingly have shared plurinational investment and ownership, and are intended to have multinational consumers.

This overview of factors likely to change the United States' calculation of interests with regard to cooperative space security is relevant because, in arms control, the most enduring and sustainable controls and prohibitions generally come with an attractive incentive structure. In my view, the incentive structure for engaging in multilateral initiatives to build a space security regime is now beginning to fall into place. However, traditional diplomacy is missing this big picture. The argument that you cannot have negotiations without the central involvement of the United States from the very beginning is missing a crucial point. Whether it likes it or not, the United States cannot afford to be left out.

If one requires institutional consensus in order to begin, then of course the current US administration will block. But if others begin to go ahead and

make progress in various ways, the United States' overriding commercial and security interests mean that they will need to be at the table.

THE DIVISION OF LABOUR AND REMITS

As noted, there are positive and negative aspects to this division of labour between the peaceful uses remit and the military uses remit, including arms control. The distinction between non-aggressive and aggressive made in Brachet's presentation is extremely helpful for this. We need to recognize that security is overarching, that we are dealing with dual-use—indeed multiple-use—technologies and capabilities. Therefore there have to be exchanges, better communication between the UN Committee on the Peaceful Uses of Outer Space (COPUOS) and the CD, since preventing an arms race in outer space is critical for both the peaceful uses and arms control security agendas. However, the fact that space security has both peaceful uses, “rules of the road” aspects, and arms control dimensions should not become an excuse for states to avoid negotiations by using the negative ping-pong tactic, in which the claim is made that you cannot deal with something here because it ought to be dealt with there, but in fact it is not being dealt with there so it cannot be dealt with at all.

INCREMENTAL VERSUS PROHIBITION OR COMPREHENSIVE APPROACHES

Two examples are “rules of the road”, representative of an incremental approach, and treaty making, representing a comprehensive approach. The previous discussion addressed this, but I want to argue that this is really a false dichotomy. At the same time, it has to be acknowledged that some incremental measures facilitate further progress towards a more enduring, comprehensive solution, while others may impede further progress, principally by diverting attention and resources into measures or negotiations that either solve only a small part of the problem or become bogged down and fail to go anywhere useful. However, being aware of the risks, we can avoid the pitfalls.

Treaties generally get concluded to codify a restriction or renunciation that a dominant government or critical mass of states has already decided to implement. However, the process of imagining a treaty in which to imbed the norms and thus rid the world of a particular danger happens much earlier. It is usually driven and fed by civil society and less powerful nations. Similarly, long before they accept the need for legally binding agreements,

governments will tend to seek more flexible, ad hoc or voluntary restrictions, such as “rules of the road”. History shows that the very process of these developments will build confidence, knowledge and practical expertise among participants and can therefore lay the groundwork and make it possible for treaties to be brought in if they need to be.

VENUE

It is often represented that arms control or prevention of an arms race in outer space needs to be negotiated in the CD, and that the alternative to the CD getting a work programme or negotiating mandate is nothing. This is simply not the real situation. If for whatever institutional, structural or political reason the CD cannot negotiate the instruments we need for space security when we need to negotiate them, then a different institutional and political arrangement can be initiated to establish an alternative venue and an appropriate structural environment to make negotiations possible—as happened when the public pressure for a ban on landmines became so strong that states decided to bypass the impasses in the Convention on Certain Conventional Weapons and the CD and establish the Ottawa Process, which succeeded in negotiating and concluding the Mine Ban Treaty in record time.

TIMING

There may be more time than we thought a few years ago, as the Bush administration has encountered delays and setbacks in pushing forward US weaponization plans; but on the other hand, missile proliferation and the Chinese test suggest that some of the negative consequences predicted five years ago of ballistic missile defence policies, including an increase in the number of states with destabilizing capabilities, may already be coming to pass. So we have time, but not a lot of time.

Let us close this stable door before the horses have all bolted. Once they bolt we may be able to chase them all down and get them back into the stable again but that will be dangerous, time consuming and energy consuming, and they could have done a lot of damage while they were out there. Better to be prudent and prevent such a disaster while we still can.

CONCLUSIONS

US interests are already being reframed by the facts on the ground that the neo-conservatives around Vice President Cheney and former Secretary of Defense Rumsfeld thought they could ignore. But more has to be done to change perceptions in the United States of their real security interests and also to change how other countries deal with the United States in relation to their security interests with regard to key political and military constituencies.

Shocks may create change, so the shock of the Chinese missile test may change US calculations. To get the major states to the negotiating table you do need sticks, but you also need to have some carrots. We need to think of how to build a more desirable incentives structure into the space security regime. That has not been sufficiently dealt with.