

## MOVING FROM DIALOGUE TO ACTION

Colleen M. Driscoll

I am a political scientist with a specialty in International Law. However, I am not going to speak on either of these topics. Instead, since I am the final speaker, I am going to do two things. First, I am going to put a human face on the issues about which we have been speaking. Second, I am going to suggest a broad range of possible actions which can lead to providing true long-term security in outer space.

Some of these actions have been discussed in this conference and in the Conference on Disarmament (CD), while others are my own additions to the discussion. Some could be undertaken more quickly than others. The best way to go about keeping the uses of outer space peaceful and positive is to begin taking action on many fronts, thus keeping the issue prominent. While the CD meets to consider the topic of the prevention of an arms race in outer space (PAROS), there are many other discussions and actions that could take place in other forums and in various countries.

Thus I am going to put forth a request to humanity and propose steps on a path toward sanity, sensibility and security that can create the world that I believe all of us want to help to create. What legacy do we want to leave the Earth and its people? Do we want to leave a new arms race or a more peaceful, cooperative world? We live on a small planet in a large universe. If we would stop thinking small and instead think large, we could create a security system that does not depend on newer and more sophisticated weapons, but rather on shared action and an understanding of and common dependence on what we need to do to protect and preserve this small planet and its resources. Since outer space surrounds us all, this plan must also depend on a joint system for using technology to assure the national security of every country.

A large part of the problem in protecting outer space is that there has never been a clear delineation of what constitutes a positive, beneficial use of outer space versus a negative use. Neither is there any clarity as to what

constitutes national security, or the interwoven connection between it and global security.

We may begin with different mindsets and experiences—differing visions of why we have reached into outer space. In fact, this is where we need to begin. We need to redefine and identify our goals for the human use of outer space. To do this, we need to have a wider dialogue among people, governments, scientists and experts—military and civil—as to why we are there and where we want to go from this point forward. The dual use of outer space has, of course, been one of the hallmarks of space use. The military had the technology and training to take humanity into space. Military satellites are part of the security system for those countries capable of deploying them. In many positive ways, military and civil space activities have assisted and complemented each other. Thus, unless we commit to a dialogue that includes all interested parties, respectfully listening to each other's views, there will be weapons over our heads and, most importantly, over those of our children and grandchildren.

We may begin with different philosophical perspectives. Some make the assumption that the state is the most important actor in world affairs and in the choice of how to use outer space and the Earth. I assume that the people of Earth, no matter their country, are the most important actors and that they have a right to express their opinions and to create their visions of the future. Government officials rotate in and out of office, but the people continue from generation to generation.

The decisions being made today about outer space affect the future of every man, woman and child on earth. Thus they have a right to be involved in the decision. At various forums of governmental and non-governmental groups, dialogue has been ongoing concerning the peaceful use of space and the prevention of an arms race in that environment. One of the first people with whom I discussed this was Ambassador Dhanapala of Sri Lanka when he was at the CD.<sup>1</sup> The mid-1980s were a wakeup call as governments and their people became aware of the threat that weapons might be used in outer space. In the United States there was a public outcry against a government initiative that would have led in this direction. Yet, here we are in 2007, no further along in preserving outer space, yet much further along in technology.

---

My request is for governments, non-governmental entities and all of civil society to take immediate action to move forward in the process of preserving outer space for all humanity for all time. Along with this, I ask everyone to do so in a spirit of cooperation and commonality of interest, free of special interests and of the tendency of countries to stake out a position as if it could stand alone in an era of interdependence. The preservation of outer space is a collective good and requires collective action. The path to this has many possible steps, and that is what I am going to present here.

#### **BACK TO THE BEGINNING**

In a sense, what we need to do is to go back to the beginning of the space age. We all know that the space age began in the era of the so-called Cold War. Beyond that fact, however, lies another. Once humanity began to set its sights upward, and observation satellites looked down and sensed the Earth, something happened. We began to realize what humanity's entrance into outer space could mean for the well-being of Earth's people, countries, environment and future. As images of Earth from outer space appeared, in so many ways they began to help make life better.

As we consider all those ways in which space technology is making life better across the globe, we now need to reassess the present stage of the space age. We need to see where we are, to identify why we are at this point, and where we want to go from here. If we are to expend the enormous amounts of money that space activities require, then for what purpose? If it is not to enrich the lives of all of Earth's people and to create a global security system, then it has been wasted. If we creative, inventive, curious human beings are searching for knowledge, for our beginnings, and for worlds beyond our own, then we should identify that as one of our purposes. If, instead, outer space becomes an arena of weapons and war to take Earth's conflicts to a new and terrifying level, we have not proven our creativity—we have denied it.

#### **DIALOGUE AND FIRST STEPS ON THE PATH**

How many of Earth's people—not those of us at this conference, or governments, or informed non-governmentals, but rather the core populations of our countries—are aware of the decision that faces the world concerning outer space? I speak to many community groups and to students and, with only a few exceptions, I find them unaware of the issues

involved in the use of outer space. These, then, are some of the immediate steps that can be taken:

- Education of the public in all countries about what space use has meant to their lives; about the decisions to be made at this time; of the potential benefits to them of positive uses and the dangers of negative ones. Education can take place at any level. The continuing work following the Group of Government Experts Study on Disarmament Education is a possible starting place. Although it had not been their original intention, they did add outer space to their study, connecting it to education efforts on weapons of mass destruction (WMD).<sup>2</sup>
- Discussion in communities, organizations, churches, schools and universities based on the information they have received. Through the use of discussion guides and action guides, people can be encouraged to think through the issues for themselves, then make an informed opinion known to their own governmental authorities. My institute, the Kurtz Institute of Peacemaking, is involved in a project to open dialogue in the United States in this manner.
- Expand the reach of World Space Week and broaden the population reached by these programmes and others such as the UN Programme on Space Applications.

Some first steps for governments are:

- Open an active, ongoing dialogue among the governments and their representatives who want to discuss the issues of PAROS even if other countries do not. This can take place in a variety of forums, from the CD to the First and Fourth Committees of the General Assembly, to seminars and private talks.
- Develop an atmosphere of transparency among countries so that each shares what kind of plans and activities for the use of outer space are held by their own governments. This includes better and complete registration of space activities as a major part of confidence building and cooperation. Beyond registration, more cooperation in informing the international community about their plans for future space use would add to building trust.
- Pass national legislation or resolutions renouncing development, testing or deployment of space weapons.

- Establish controls on budgetary expenditures so that the available monies are spent on economic growth and consumer needs rather than on budget-breaking research and development of weapons for space. Along with this, increased transparency in those budgets will give the public a role in the decisions to be made and will build trust among governments.

#### A NECESSARY IMMEDIATE ACTION

The present administration in the United States is making broad offers to a large number of countries to participate in missile defence systems. Potential financial gain and sharing of advanced technology have been used as incentives to convince other countries to join. Before another country accepts this offer, there must be a full consideration by all countries of the implications of a missile defence system for the uses of outer space. This would involve:

- looking beyond the immediate monetary gain to the potential long-term expense that each country will face;
- a study of the weapons of the future and whether a missile defence has any application to those weapons, for example miniaturized nuclear weapons;
- a study of the conflicts of the present and those that might be predicted for the future and whether a missile defence has any application to those conflicts; and
- a study of the long-term implications of missile defence systems for the placement of weapons in outer space, as well as for the use of anti-satellite and other Earth-based, space-targeted weapons.

The placement of missile defence systems has repercussions for those countries that allow them on their territory as well as those that do not have them, thus all have a right to engage in a dialogue on the subject. I call on states to begin discussing this issue immediately in a variety of forums, including the Conference on Disarmament, the General Assembly and its committees, and in any other meetings, conferences and groupings of states.

### POTENTIAL IMMEDIATE ACTIONS

There are actions which countries can take immediately while treaties are being discussed or drafted:

- All countries can urge those who have not yet ratified the Outer Space Treaty (OST) to do so. Ninety-eight countries have ratified the Treaty and another 27 have signed but not ratified. This is another project in which my Institute has been engaged. It is much more important, however, that the signatory states encourage others to ratify the OST.
- Continuing to discuss PAROS in a variety of forums. My institute has begun talking with the Office of Disarmament Affairs (ODA) about a celebration of the fortieth anniversary of the OST at the United Nations in New York in the fall. We had worked with them in organizing a seminar in celebration of the thirty-fifth anniversary of the OST five years ago. The best way for states to celebrate the coming anniversary would be by declaring their reaffirmation of the principles declared in the OST.
- Increase the number of joint space projects, especially in the work of research and development. Cooperation is the foundation stone for maintaining peaceful uses of outer space.
- An immediate declaration by states individually, or in groups, of a moratorium on the development, testing and deployment of weapons in or aimed at outer space. Since outer space use is a decision in which all countries and all people have a right to participate, a valuable contribution can be made by any country, whatever its level of space use, in making this declaration. This has been proposed by a number of states at the CD.
- An immediate, separate declaration by states of “no first deployment” of space weapons. This does not have to wait for consensus decision making because it is a statement each state can make for itself.
- There need to be clear definitions of the terms that are used in PAROS discussions. Canada has called for such definitions many times.<sup>3</sup> Without a common understanding of the definitions of the terminology, discussions will just go around and around. These terms include, although this is far from an exclusive list, peaceful uses, spacecraft, space objects, military uses, space weapons and weaponization, weapons of mass destruction and security. This is a

complicated project that could take place within the CD committee on PAROS, in General Assembly committees, and working groups of interested states or a combination of government and non-governmental experts.

- A request by the General Assembly for an advisory opinion from the International Court of Justice on the legality of the use of weapons in outer space or from Earth to outer space and an interpretation of the terms and legal implications of the principles of the Outer Space Treaty. This could include an interpretation of the broader meaning of WMD.
- Strengthening the OST to add, in addition to the prohibition against weapons of mass destruction, the prohibition against the deployment of any weapons in outer space or aimed at space systems from within Earth's atmosphere.
- A declaration of *res communis*, identifying outer space as belonging to no country, although open for the use of all, and a reaffirmation, preferably in written form, that activities there take place in the interest of all countries and their peoples. As a Sri Lankan statement of August 2004 states, "Today there is a widespread recognition of the notion that outer space should be preserved as a 'sanctuary'—the common heritage of mankind."<sup>4</sup> Also, at a conference in 2005, Ambassador Hu Xiaodi of China said, "Outer Space is the common heritage of mankind and the peaceful use of outer space is the aspiration of all peoples."<sup>5</sup>
- The development of Rules of the Road or a Code of Conduct. These have been discussed at the CD and at this Conference but require much more development as to what might be included in them and in what form they would be written.
- Continuing discussions in the United Nations bodies in addition to the CD, such as in the General Assembly—as Switzerland has said will occur this year<sup>6</sup>—and its First and Fourth Committees, and in the Committee on the Peaceful Uses of Outer Space. Action on the part of any of these bodies will help to move ahead the work of the CD on PAROS.

#### LONGER RANGE ACTIVITIES

As action is taken on the steps that do not require consensus decision making, states can begin to take action on the more difficult steps. Treaties

are, of course, necessary to establish international law, but there are many steps that can be taken as the treaties are being negotiated:

- Further development of the principle of non-use of force to include the use of force against space objects. Ambassador Skotnikov of Russia said that the non-use of force principle “obligation fully applies to activities conducted by states in outer space.”<sup>7</sup>
- Include the outer space weapons issue in discussions of WMD, for although they may be targeted against specific space systems or targets on Earth, the debris from such activity, the damage it can cause to spacecraft—including manned spacecraft—and the potential fallout on Earth could effect everyone.
- The declaration of a Space Preserve (also referred to as a Space Sanctuary) with a treaty-based management plan to maintain outer space for the benefit of all humanity. If outer space were a preserve, all states could more fully share the costs and benefits of space activities as their right. What a step forward it would be if, in the future, people could travel and live in space as humans sharing an experience free of the constraints of national boundaries and the mistrust that has for so long separated us.
- A treaty or treaties banning weapons from outer space is a necessary part of protecting the peaceful nature of space.<sup>8</sup> These could define the positive civil and military activities, such as early warning, surveillance, and other such security-building activities. Freedom of access to outer space can be assured only if weapons are not placed there. If they are, the “keep-out zone” approach of the Strategic Defense Initiative in the 1980s would prevail and the area over the Earth would begin to close, bit by bit, to freedom of use by all countries.
- From this might follow the proposal that France took to the Special Session on Disarmament in 1978, that was reported on by a Group of Governmental Experts, for an international satellite monitoring agency (ISMA).<sup>9</sup> By whatever name, this concept would create a global system for monitoring all arms control treaties and could provide trust-building as well as instant, high-resolution data to states, the Security Council, and the Secretary-General.
- A long-term study begun now by governments and experts on the environmental effects from present space use and projected environmental effects from weapons, whether ground- or space-

based interceptors, or any other potential weapons for use in outer space.

- The calling of a Space Conference to look at all the issues in a comprehensive, in-depth meeting of all countries.

### To Conclude

The discussion we have been having the past two days is not a discussion that should end when we leave. Neither should the discussions of how outer space will be used in the future and of whether the issue of weapons being deployed there or used against space systems should go on and off the agenda. There are many steps that can be taken on the road to securing outer space—steps that will sustain and advance this goal.

We now have a limited window of opportunity where the positive aspects of outer space use can outweigh the negative. It is now that we can stop weapons from entering outer space before they are there and that the difficult job of trying to work out arms control agreements must begin. To quote Alfred, Lord Tennyson, “’Tis not too late, my friends, to seek a newer world.”

### Notes

- <sup>1</sup> See Colleen Driscoll, *Outer Space for the Benefit of All Humanity*, CURE, 2003, p. 64.
- <sup>2</sup> *Disarmament and Non-Proliferation Education: Launch of the UN Study*, 9 October 2002.
- <sup>3</sup> Conference statement by Paul Meyer, Ambassador and Permanent Representative to the Conference on Disarmament, *Space Security and the Prevention of an Arms Race in Outer Space*, Geneva, 26 August 2004. This is just one of many statements and papers submitted by Canada on the subject of definitional issues.
- <sup>4</sup> Intervention by Sri Lanka at the Plenary Meeting of the Conference on Disarmament, Geneva, 26 August 2004.
- <sup>5</sup> Opening Statement by Ambassador Hu Xiaodi, *Safeguarding Space Security: Prevention of an Arms Race in Outer Space*, Geneva, 21–22 March 2005.
- <sup>6</sup> Reaching Critical Will, *The CD Report*, 6 March 2007.

- <sup>7</sup> Conference statement by Ambassador Leonid Skotnikov, Permanent Representative of the Russian Federation at the Plenary Meeting of the Conference on Disarmament, *Space Security and the Prevention of an Arms Race in Outer Space*, Geneva, 26 August 2004.
- <sup>8</sup> See *The Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects*. Presented at this Conference by Anton Vasiliev, Deputy Permanent Representative, Permanent Mission of the Russian Federation.
- <sup>9</sup> *Study on the Implications of Establishing an International Satellite Monitoring Agency*, UN document A/AC.206/14, 10 June 1981.