

**“Implementing the GGE: Challenges for Space Security Diplomacy”**  
**Remarks by Paul Meyer to UNIDIR Conference *Sustaining the Momentum: the Current Status of Space Security*, April 28-29, 2016, Geneva, Switzerland**

In recalling the title of our conference, “Sustaining the Momentum”, I believe the most significant embodiment of that ‘momentum’ was the consensus report of the UN Group of Governmental Experts (GGE) on “Transparency and Confidence-building Measures in Outer Space Activities” of July 2013 (A/68/189).

The output from this group of 15 national experts, under the able chairmanship of Victor Vasiliev of Russia, represented both a substantive and a diplomatic success. Substantive in that it provided a cogent account of the purpose of transparency and confidence building measures (henceforth TCBMs) in promoting international cooperation and outer space security. The report also enumerated the chief categories of TCBMs and importantly set out criteria for these measures. It then proceeded to present a rich menu of potential TCBMs and encouraged states to consider adopting such measures on a voluntary basis.

Diplomatically, the GGE represented a success in demarcating with considerable detail, common ground for the international community in advancing shared objectives for sustaining a secure environment in outer space. This accomplishment was particularly timely in that it appeared to offer a cooperative path forward for states on the outer space file against a background of revived fears over the re-emergence of anti-satellite weapon testing by major spacefaring states a few years earlier.

However once the rounds of applause over the GGE’s success had died down, the question remains whether its well-crafted set of TCBMs are likely to be implemented anytime soon. Regrettably the impetus for cooperative security measures in space represented by the GGE seems to have met countervailing forces that have weakened its impact on the space policies of states. In my view four developments in the post-2013 period have worked against greater take up of the GGE recommendations: i) an impasse over legally-binding constraints such as the Prevention of the Placement of Weapons in Space Treaty (PPWT); ii) the breakdown of consensual approach to space-related resolutions at UNGA; iii) escalating threat perceptions regarding counterforce capabilities and iv) the failure to realize an International Code of Conduct as had been promoted by the EU. I will consider each of these factors in turn while recognizing that there are clear interrelationships amongst them.

*PPWT Impasse*

The protracted impasse with respect to consideration of the Sino-Russian proposed treaty on the Prohibition of Placement of Weapons in Space has represented a blockage in space security diplomacy that has had negative consequences all

around.. The PPWT was originally tabled at the CD in 2008 with a revised version being submitted in June 2014. Its sponsors have repeatedly said that they would welcome discussion of the draft, but given the lack of an agreed program of work at the CD and the concomitant absence of an Ad Hoc Committee on its PAROS agenda item, there has been no authorized subsidiary body at the CD to take up this proposal. China and Russia however have not been willing to take the draft treaty outside the CD for consideration and it remains in a form of suspended animation.

Since the tabling of the revised version the chief official action has been a critical analysis of the PPWT submitted by the United States and a rebuttal of that criticism offered by China and Russia. The US criticism mainly focuses on the lack of verification provisions in the PPWT and its inadequate scope in its failure to cover terrestrial ASATs. The rebuttal argues that it is not feasible to verify a wider weapons ban, but only a prohibition on placement and the use of force at this time although it envisages the possibility of elaborating verification measures in the future. With regard to terrestrial ASATs, the rebuttal asserts that the treaty's ban on the use of force against space objects would preclude the use of such weapons.

To some extent the deadlock over the PPWT has been a proxy battle with respect to the acceptability of legally binding arms control accords in the current geopolitical environment. The US continues to claim that "it is not opposed to space arms control agreements in principle" , but it appears to be in practice, having made no proposal of its own or endorsed any other. China and Russia for their part in proposing the PPWT reflect their longstanding preference for legally binding instruments when addressing international security issues. The sharply opposing views on the contents of the PPWT and the absence of any working body for engaging the protagonists and other parties in an effort to reconcile these views is a significant obstacle to progress on space security and the elaboration of new multilateral agreements.

### *Breakdown of Consensus*

One of the positive features of the international community's declaratory policy on outer space security, as evidenced by relevant resolutions at the UN General Assembly, has been the high degree of consensual approaches. The annual resolution on the Prevention of an Arms Race in Outer Space for example has had no opposing votes in recent years and only two abstentions. The resolution on TCBMs was adopted last UNGA session without a vote being required. At the 69<sup>th</sup> session of UNGA in 2014 however this pattern of consensual policy expression was broken with the introduction by Russia of a new resolution on the No First Placement of Weapons in Outer Space. This resolution (69/32) encouraged states to adopt a political commitment not to be the first to place weapons in outer space. There was significant resistance to this resolution with some arguing that it did not meet the criteria for TCBMs that had just been arrived at by the GGE. Others thought the "no first placement" phraseology as opposed to a simple "no placement" pledge to be problematic. In an EOJ on behalf of the EU it was stated that the resolution "could

be interpreted as implicitly encouraging States to pre-emptively develop offensive space capabilities, in order to be able to react to the placement by another State of a weapon in space”.

Despite these misgivings the resolution sponsors did not offer up any modification to the text and pressed on to a vote with the predictably divisive results of 126-4-46. At last year’s session the same resolution (70/27) was again adopted with a sizeable minority of states not supporting it. Regrettably this has introduced a discordant element into the generally consensual approach that has characterized UNGA’s pronouncements on space security. The convening, at the same session, of the first joint meeting of the First and Fourth Committees (perhaps the only recommendation of the GGE actually implemented to date) while symbolically desirable did not generate any practical outcome to help span the policy fissures revealed.

### *Escalating Threat Perceptions*

Another troubling theme in recent years has been the escalation of threat perceptions and allegedly of weapon development programs aimed at deploying counterspace capabilities. Indicative of this trend was the U.S. Director of National Intelligence’s recent global threat assessment, which stated “Russia and China continue to pursue weapons systems capable of destroying satellites on orbit, placing US satellites at greater risk”. What ever the reality of such programs and generally this is an area of military activity which could benefit from greater transparency, the ratcheting up of threat-rhetoric can only fuel incipient arms racing and detract from diplomatic efforts to foster international space cooperation.

### *Failure of International Code of Conduct Proposal*

Many observers of outer space diplomacy had high hopes regarding the EU-initiated proposal for an International Code of Conduct (ICoC) to cover outer space activities. This set of measures, some re-packaged some newly minted, represented an effort (in the words of the preamble) “to safeguard the continued peaceful and sustainable use of outer space for current and future generations”. The proposal was first put forward in 2008 and the process of consulting on and refining the text proved to be a lengthy and uneven one. The tempo and extent of consultations markedly increased in the 2013-2014 timeframe and the EU sponsors clearly felt that it was ready to move into a final round of multilateral negotiations prior to concluding the text. The meeting the EU convened in New York, July 27-31, 2015, to this end failed to produce the desired outcome. Significantly, it revealed a major disagreement amongst participants as to the basic process and auspices appropriate to this enterprise. In particular, dissent came from the BRICS grouping of states which issued a joint statement stipulating that “the elaboration of such an instrument should be held in the format of inclusive and consensus-based multilateral negotiations within the framework of the UN, based on a proper and unequivocal

mandate, without specific deadlines and taking into account the interests of all States”.

The EU voiced its regret that negotiations to finalize the text of the ICoC had proven impossible after so many years of consultations, but did not decide to try and seek a new UN-mandate for an open-ended negotiation process at last fall’s UN General Assembly. At present it seems the ICoC is in a state of diplomatic limbo with no official champion to take the proposal forward.

This has had the effect of tossing cold water on what had appeared to be a promising diplomatic initiative on behalf of sustainability and security in outer space.

### *What Now?*

I don’t want to conclude on a downbeat note, but realism dictates that stakeholders in the secure use of outer space take cognizance of the negative trends of recent years and formulate strategies in that light. Remedial action to promote cooperative security approaches in outer space is needed and I would stress that it is in the interests of the private sector and civil society not to be passive bystanders to these events. In my opinion, there are four near term steps that can be taken to help restore a more positive atmosphere.

1. China and Russia should seek another forum to initiate discussion of their proposed PPWT and legally-binding arms control in space generally. This could be either an existing or an ad hoc mechanism but it would permit discussion of the important factors of definitions, scope and verification that have not had an adequate airing in a multilateral context.
2. States should practice strategic restraint in their military space programs, offer greater transparency as to their nature and cool the threat rhetoric.
3. A representative group of states should initiate a process at this fall’s UNGA to establish an open-ended working group to elaborate an International Code of Conduct on outer space activities.
4. A conscious effort is pursued to re-establish common ground amongst all states concerning the global regime governing outer space. One important step in this regard, as I noted at last year’s Space Security conference would be to seize the opportunity presented by the Outer Space Treaty’s 50<sup>th</sup> anniversary in 2017 to convene the first ever meeting of its states parties. Such a gathering could help consolidate support for the vital obligations enshrined in the OST as well as foster new cooperative steps for the future and serve as an incentive for further universalization of the treaty.

These, ladies and gentlemen, are my suggestions as to how to sustain the crucial momentum represented by the 2013 GGE in the years to come. Thank you for your attention.