

19th Republic of Korea-United Nations Joint Conference on Disarmament and Non-proliferation: New Technologies and its Impact on Disarmament and Non-proliferation Issues

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Virtual Platform

COMMENTS BY PETER MARTINEZ

Secure World Foundation

Greetings, and thank you for inviting me to address this meeting. I am Dr Peter Martinez, Executive Director of the Secure World Foundation, a non-profit organisation based in the United States that is dedicated to the secure, sustainable and peaceful uses of outer space. We work with governments, industry, international organizations, and civil society to develop and promote ideas and actions toward this goal. Since its inception, Secure World Foundation has contributed to numerous high-level multilateral discussions, including at the UN, providing important ideas and critical thinking on how to balance the opportunities and challenges raised by space activities.

I have been asked to provide a few brief remarks today in answer to several questions posed by the organizers of this meeting. In the time available to me I will try to answer just a few.

What is the current status of play vis-à-vis technological advances in space security? How are these technologies regulated at the domestic and international levels?

Although this question is couched in terms of technologies, and indeed many discussions of space security revolve around concerns of dual-use technologies, I would argue that it may be fruitful to approach the question from the perspective of regulating behaviours using these space technologies, rather than regulating the technologies per se.

Recognising the role that satellites play as a military force-enhancer, more and more States are developing the means to interfere with and deny, degrade or even destroy the satellite capabilities of potential adversaries through so-called “counterspace capabilities”. Secure World Foundation publishes an annual open-source assessment of Global Counterspace Capabilities that documents these developments, and the trend is clear. Counterspace capabilities are proliferating. The full report is freely available on our website.

These counterspace capabilities represent the means to potentially cripple an adversary's nuclear deterrent and hence raise huge concerns for strategic stability. At the same time, we are witnessing a growing number of incidents of close approaches and other behaviours in orbit that could potentially be interpreted as threatening or hostile in intent. Unfortunately, at the moment, there are very few rules, either at the international or national level, that regulate behaviours in outer space.

Nor are there rules on the placement or testing of anti-satellite weapons in outer space. While Article IV of the Outer Space Treaty prohibits the placement of nuclear weapons or weapons of mass destruction in orbit, it is silent on conventional weapons. And while the Outer Space Treaty makes reference to the applicability of international law to space activities, there is as yet little formal clarity on how concepts such as “use of force” or “self-defence” or “proportionality” apply in outer space. Neither are there universally accepted standards for what constitutes “normal” behaviour in space, more importantly, and what constitutes threatening behaviour. Such ambiguity leaves the situation in space today rife for misperceptions and miscalculations. We would therefore argue that there is a pressing need for broad-based multilateral discussions on acceptable behaviours in space, and we are pleased to see that there is a draft General Assembly resolution to promote broader discussion among States on this subject that is currently under consideration by the General Assembly at its current session. Such initiatives could help to lay the ground for future legally binding space arms control.

Moving now to the second question I will address today:

How do we ensure that international fora are able to keep pace with a dynamic and ever-changing field?

Private sector actors are becoming increasingly prominent in the development of space activities, yet they have a limited voice in multilateral fora.

Without the voice and opinion of these crucial actors, international fora risk becoming perceived as outdated and irrelevant. To give a practical example of this, for years, the UN Committee on the Peaceful Uses of Outer Space has not been able to hold discussions on close-proximity space operations because of dual-use concerns of the technologies underpinning such capabilities. This has not prevented private sector actors from planning, developing and executing missions carrying out such activities. While not discounting the valid security concerns raised by such technological capabilities, we note that they are also foundational for the further development of the space economy by the private sector. Getting inputs from private sector actors in multilateral fora dealing with space security and space governance issues will thus become more important with time.

And, finally, the last question:

What does success look like? What type of action in international fora is most appropriate?

As I noted earlier, success for Secure World Foundation is very clear; namely, to achieve the secure, sustainable, and peaceful uses of outer space benefiting Earth and all its peoples. In order to achieve this, we believe that enhanced, inclusive and informed multilateral dialogue is crucial to develop common understandings. To this end, Secure World Foundation stands ready to engage with our global partners in order to promote broader dialogues among established and emerging space nations with a view to building a common understanding of what needs to be done to promote collective security and stability in outer space.

Thank you.