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TOPIC B. The militarization of outer space

I. Introduction

Outer space is still a mystery to humanity. Humans have always tried to reach a wider understanding of everything that surrounds us. However, the conquest of this territory has become a potential threat to international security. The first evidence of this threat showed in the Arms Race between the Cold war superpowers US and USSR (Russia in the actuality), the international community agreed on keeping the outer space as an unarmed and peaceful territory that shall be used to benefit our planet. In recent years, countries such as The United States have expressed their desire to expand its military capabilities in outer space and this statements have created tensions among other nations. There are more than 80 international and national spatial agencies with space programs that focus on research and militarization purposes.

Outer space represents the new theater of war meaning that in future times this territory has a potential threat to become one of the widest war zones. Outer space is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means. In 1954, India made the first proposal calling for an agreement to ban nuclear weapons tests. In 1958, the United States, the Soviet Union, and the United Kingdom began a Conference on the Discontinuance of Nuclear Tests in Geneva, aimed at reaching agreement on an effectively controlled test ban. The Conference did not come to fruition since the sides could not reach an agreement on the issue of verification procedures. On 5 August 1963, the Partial Test Ban Treaty (PTBT) — also known as the Limited Test Ban Treaty (LTBT) — was signed in Moscow by the United States, the Soviet Union, and the United Kingdom.¹

The concern of keeping outer space as a peaceful territory is given from the need to maintain the balance and stability of international and national security, and secure the parameters to avoid a new and potentially dangerous arms race.

¹ Robert.wickramatunga. "United Nations Office for Outer Space Affairs." The Outer Space Treaty. In: <https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/introouterspacetreaty.html>. 11/23/19.

II. Concept definition

- *Outer space*: “The region beyond Earth’s atmosphere. Known as the final frontier”.²
- *The Outer Space Treaty*: Formally the Treaty of Principles Governing the Activities of States in the Exploration of Use of Outer Space, Including the Moon and Other Celestial Bodies, established in 1967. This international treaty binds the member parties to use outer space for peaceful purposes only. Today, 109 parties form this treaty.
- *International Security*: Military and diplomatic measures that national and international organizations take to ensure mutual safety and security.³
- *Military Capabilities*: The ability to achieve a specified wartime objective. Includes four components: Force Structure, Modernization, Readiness and Sustainability.⁴
- *Celestial bodies*: “An aggregation of matter in the universe that constitutes a unit for astronomical study”.⁵
- *War zone*: A place where people are fighting in a war.
- *Celestial bodies*: “An aggregation of matter in the universe that constitutes a unit for astronomical study”.⁶
- *Arms race*: “A pattern of competitive acquisition of military capability between two or more countries. Used to refer to any military buildup or spending that increases because of a group of countries”.⁷
- *Volatile environment*: Unstable environment because it is subject to constant change.⁸

² Sandra May. “Space”. NASA TV, 07/08/17. In: <https://www.nasa.gov/audience/forstudents/k-4/dictionary/Space.html> 11/23/19.

³ RAND. “Global Security”. RAND, California. No update date. In: <https://www.rand.org/topics/global-security.html> 11/23/19.

⁴ Military Factory. “Military Capability Definition (US DoD)”. Military Factory. No update date. In: https://www.militaryfactory.com/dictionary/military-terms-defined.asp?term_id=3357 11/23/19.

⁵ Merriam-Webster. “Celestial Body”. Merriam-Webster. No update date. In: <https://www.merriam-webster.com/dictionary/celestial%20body> 11/23/19.

⁶ Merriam-Webster. “Celestial Body”. Merriam-Webster. No update date. In: <https://www.merriam-webster.com/dictionary/celestial%20body> 11/23/19.

⁷ Sam Perlo-Freeman. “Arms Race”. Encyclopedia Britannica, 11/07/19. In: <https://www.britannica.com/topic/arms-race> 11/23/19.

- *International Institute of Space Law*: Law segment that encompasses national and international law governing activities in outer space. The purposes and objectives of the Institute include the cooperation with appropriate international organizations and national institutions in the field of space law and the carrying out of tasks for fostering the development of space law. It also includes the studies of legal and social science aspects of the exploration and use of outer space and the holding of meetings, colloquia and competitions on juridical and social science aspects of space activities.⁹
- *NASA (National Aeronautics and Space Administration)*: It is a U.S. government agency that is responsible for science and technology related to air and space. Its vision is to discover and expand knowledge for the benefit of humanity.¹⁰
- *IAA (International Academy of Astronautics)*: It is an independent international community of leading experts committed to expanding the frontiers of space. The Academy is devoted to fostering the development of astronautics for peaceful purposes, recognizing individuals who have distinguished themselves in a branch of science or technology related to astronautics and providing a Programme through which the membership can contribute to international endeavors in the advancement of aerospace science.

III. Current Situation

To prevent outer space from becoming another military battlefield there are many rules to be made. Something to take into consideration is that the outer space is a volatile environment. Since the outer space is everyone's territory there are certain rules that need to be made.¹¹ Currently there is an Outer Space Treaty that prohibits placing in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction (WMD).¹²

⁸ Word Reference. "Volatile Environment". Word Reference. 13/05/11. In: <https://forum.wordreference.com/threads/it-can-be-such-a-volatile-environment.2147500/> 11/27/19.

⁹IISL. "About the IISL". International Institute of Space Law. In. <https://iislweb.org/about-the-iisl/> 24/11/19.

¹⁰ NASA. "About NASA". NASA 22/04/19 In. <https://www.nasa.gov/about/index.html> 24/11/19.

¹¹ UCSUSA. "International Legal Agreements Relevant to Space Weapons". UCSUSA, 02/11/04. In: <https://www.ucsusa.org/resources/legal-agreements-space-weapons> 11/23/19.

¹² United Nations. "Raising Alarm over Possible Space Wars, First Committee Delegates Explore Ways to Build New order for Preventing Celestial Conflict, Confrontation". United Nations, 24/10/18. In: <https://www.un.org/press/en/2018/gadis3609.doc.htm> 11/24/19.

The military utility of space has long been recognized and exploited. States have resisted positioning destructive weapons in space or intentionally destroying the space assets of other states. The United States is the principal country on favor of this weaponization and China and Russia are the ones mainly opposed and at drafting a treaty to ban the weapons.¹³

Weapons that are included in this conflict are satellites which can fire lasers, or rockets capable of launching satellites from the Earth into the low-Earth Orbit. Some of the countries that have access to this weapons are France, Russia, China, the US, Ukraine, India, and Japan but also North Korea and Iran are not far behind. Since satellites can benefit the nation's military front and economy they can be used against other nations.¹⁴

On October 24th, 2018. The 16TH & 17TH MEETINGS, of the seventy third session of the General Assembly of the United Nations, representatives of member states reunited to debate outer space; its main opportunities and dangers. It is important to emphasize that the greatest concern of militarization are possible military conflicts, "Taking into consideration the extreme fragility and volatility of the outer space environment," Egypt's representative said, "it must not be allowed to turn into another battlefield or a scene for military conflicts that could have catastrophic implications".¹⁵

International community must reach a common understanding of what a space weapon is, as any object with maneuvering capabilities can in theory be used for offensive purposes. Before negotiations on such an instrument begin, serious political, technological and practical challenges must be resolved. In addition, any new and binding instrument would also need to be comprehensive, effective and verifiable.

Can the world accept the military use of outer space? The moon and other celestial bodies, according to the 1967 United Nations Space Treaty, must be used exclusively for peaceful purposes. Equally, The UN demands that the exploration and use of outer space should be carried out for the benefit and in the interest of all countries. ¹⁶ Nevertheless, should there be regulations for the establishment of military bases, installations and

¹³ *Ibid.*

¹⁴ Mayer Al-Rodhan. "Weaponization and Outer Space Security". Global Policy, 03/12/18. In: <https://www.globalpolicyjournal.com/blog/12/03/2018/weaponization-and-outer-space-security> 11/24/19.

¹⁵ The United Nations. "Raising Alarm over Possible Space Wars, First Committee Delegates Explore Ways to Build New Order for Preventing Celestial Conflict, Confrontation", 24/10/18. In: <https://www.un.org/press/en/2018/gadis3609.doc.htm> 11/24/19.

¹⁶ *Ibid.*

fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies?

There are other space treaties covering, for example, the rescue of astronauts, the moon, the International Space Station (ISS) and liability for damage caused by space objects. Still, the use of space for defensive activities is likely to be litigious and provocative territory.

It's not the first time that space has been seen as a potential realm for defense though, especially during the Cold War. The "Strategic Defense Initiative" was a program first initiated in 1983 under President Ronald Reagan. The aim of the program was to develop an anti-ballistic missile system that was designed to shoot down nuclear missiles in space, with potential missile attacks from the Soviet Union specifically in mind.

Therefore, there is a complete ban on placing nuclear weapons and weapons of mass destruction in outer space or around the atmosphere of the earth. Other leading space treaties ban the placement of alternative weapons of mass destruction in space. But there is a loophole in that they do not specifically prevent placement of other types of weapons in space.¹⁷

Member States should do everything possible to ensure that the future of outer space continues on a good path. Its militarization must be approached with all possible responsibility. The cooperation of humanity in space exploration, which exists in all aspects of space science, space law, and space economy and space policy, should not be sacrificed due to dangerous ideas, multilateralism is crucial to maximize benefit from this Security Council meeting.

IV. International initiatives

The United Nations has established several efforts for international cooperation and encouragement to adopt multilateral measures. Fundamentally, one of the biggest initiatives was the establishment of the Office of Outer Space Affairs that implements the United Nations Space Applications Program (PSA). It works to improve the use of space science and technology for the economic and social development of all countries, particularly developing countries. As well as regulating initiatives for the future. Under the Program, the Office

¹⁷ Building a safer world (NTI), TREATY BANNING NUCLEAR TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER (PARTIAL TEST BAN TREATY) (PTBT), 24/12/19. In: <https://www.nti.org/learn/treaties-and-regimes/treaty-banning-nuclear-test-atmosphere-outer-space-and-under-water-partial-test-ban-treaty-ptbt/> 11/24/19.

conducts training courses, workshops, seminars and other activities in thematic areas such as remote sensing, communications, satellite meteorology, search and rescue, basic space science and navigation by satellite, which are the fundamental basis for possible international security initiatives or debates, such as the militarization of space.

On behalf of the Secretary General, the Office of Outer Space Affairs maintains the Registry of Objects Launched into Outer Space. The Office also prepares and distributes documents, reports, studies and publications on various aspects of space science and technology applications and international space law.¹⁸

The United Nations established COPUOS (Committee on the Peaceful Uses of Outer Space). COPUOS was setup by the General Assembly in 1959 to regulate the exploration and use of space for the benefit of all humanity, for peace, security and development. The Committee was in the creation of treaties and principles of outer space. International cooperation in space exploration and the use of space technology applications to meet global development goals are discussed in the Committee.¹⁹

The Commission contributed decisively to the creation of the five treaties and the five principles of outer space. International cooperation in space exploration and the use of space technology applications to meet global development goals are discussed in the Committee every year. Due to the rapid advances in space technology, the space agenda is constantly evolving. Therefore, the Committee provides a unique global platform to monitor and discuss these developments.²⁰

The Outer Space has a Treaty which provides the basic framework on international space law, it was signed by the United States of America, the Russian Federation and the United Kingdom. Some of the laws that are specified in that treaty are:

- The exploration and use of outer space shall be carried out for the benefit and in the interests of all countries and shall be the province of all mankind;
- Outer space shall be free for exploration and use by all States;
- Outer space is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means;

¹⁸ United Nations Office of Outer Space, (ONOOSA), 03/01/2020. In: <https://www.unoosa.org> 11/24/19.

¹⁹ UNOOSA "Committee on the Peaceful Uses of Outer Space". UNOOSA. In: <https://www.unoosa.org/oosa/COPUOS/copuos.html> 11/24/19.

²⁰ United Nations Office of Outer Space, The Committee on the Peaceful Uses of Outer Space, 03/01/2020. In: <https://www.unoosa.org/oosa/en/ourwork/copuos/index.html> 11/24/19.

- States shall not place nuclear weapons or other weapons of mass destruction in orbit or on celestial bodies or station them in outer space in any other manner;
- The Moon and other celestial bodies shall be used exclusively for peaceful purposes.

The Treaty was largely based on the Declaration of Legal Principles Governing the Activities of States.²¹ It recognizes the importance of the use and scientific exploration of outer space for the benefit and in the interests of all countries. It also prohibits national sovereignty in space, including of the Moon and other celestial bodies.

The problem the international community now faces is that the use of space is changing dramatically and rapidly. There are more satellites than ever – well over 1,000 – and more owners of satellites – almost every country uses information generated from space. Increasingly, however, those owners are not countries, militaries or international organizations but the commercial sector.²²

V. Guidance questions

1. What are the potential threats to international or national security if outer space were to be militarized?
2. Which parameters need to be covered to prevent outer space from becoming a war zone?
3. According to the interests of the countries that want to develop their militarization in space, what type of limits need to be established if they were to militarize?
4. Has your country signed the Treaty of Principles Governing the Activities of States in the Exploration of Use of Outer Space, Including the Moon and Other Celestial Bodies?
5. How is your delegation implementing the Outer Space Treaty proposals?

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