

Background Guide

Militarization of Space



Militarization of Space (Middle School)

I. Introduction to Committee

The United Nations General Assembly (UNGA) is one of the six principal groups of the United Nations, and is the organization's central governing body. Founded in 1945 in the Charter of the United Nations,

the General Assembly has served a main role in international diplomacy for 75 years. The General Assembly and the Security Council are headquartered in New York City on neutral grounds outside national jurisdiction, affirming the special nature of the Assembly as an international forum dedicated to peace, cooperation, and understanding.

The General Assembly is required to consider “any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter” and to create, debate, and approve resolutions addressing those concerns.¹ As such, the General Assembly both supervises and have advisory ability over the other organizations and bodies existing within the UN system. The issues brought before the Assembly range from concerns about sustainable development to international disputes over territory, and to some degree also global security concerns, though these typically fall under the scope of the United Nations Security Council.

Every one of the 193 members of the United Nations has a seat in the General Assembly, though there are also several non-member observers including the Holy See, State of Palestine, and the Sovereign Military Order of Malta. Each full member is allocated one vote on issues brought before the Assembly and no vote is weighted more heavily than any other. The Assembly’s role as an advisory body allows it to recommend courses of action and to refer matters to other United Nations organizations, offices, programs, and commissions. Resolutions passed by the General Assembly are legally non-binding, but provide a powerful framework for global change and cooperation. The General Assembly’s ability to create subsidiary organizations and delegate responsibility for the management and implementation of international agreements are the foundation of enacting positive change on an international level.

II. Statement of the Issues

Space has often been referred to as “the final frontier” for its exploration, study, expansion, and exploitation. Outer space has also long been a focus for military uses ranging from orbital reconnaissance, as in the ability to scout and inspect the surround area via orbital pathways, to inter-continental ballistic missiles which may achieve sub-orbital spaceflight.

Military communications and guidance systems also heavily rely on satellites to provide up-to-date and accurate intelligence to armed forces both in peacetime and during times of war. As warfare continues to become more advanced, it is of no doubt that the global community will see the increasing importance of space as it relates to military activities of all kinds.

One of the most important issues regarding the militarization of space is the lack of any detailed agreements on the matter. The 1967 *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies* (commonly referred to as the Outer Space Treaty) does not fully address the militarization of outer space, only banning putting weapons of mass destruction (WMDs) in orbit around the Earth, on the Moon, or on any other celestial body.²

The *Outer Space Treaty* does not address the possibility of expanding the military beyond the Earth's atmosphere. Also absent from the treaty are any restrictions or rules for ground-to-space and non-WMD weaponry. Lack of rule for arms in space allowed for the Soviet Union to issue weapons like the TP-82 survival pistol, which was created for emergency use prior to the safe return of their astronauts, and the modified Rikhter R-23 autocannons on its Almaz crewed reconnaissance stations. The lack of any restrictions or bans on anything but WMD weapons leaves the possibility for activities such as space-based battles and anti-satellite warfare in the future, cutting off feed to important information.

Given the lack of restrictions on military operations and weapons systems in outer space, uncertainty regarding the place of outer space in humanity's future is worrying. The fact that there is no legal framework that provides guidelines for the behavior of states in regard to outer space is cause for great concern. There is a possibility that a space-related arms race may commence at some point in the near future, let alone orbital combat or international incidents regarding the property of sovereign states destroyed or damaged by military action. It is the General Assembly's responsibility to address this situation as per its obligations under Article 1 of the Charter of the United Nations.

III. History & Past UN Actions

The United Nations has long since been involved in outer space stays conflict-free, leading the development of space law since the late 1950s. The United Nations Committee on the Peaceful Use of Outer Space (COPUOS) was permanently founded in 1959 following the launch of the first artificial satellite, Sputnik 1.³ The United Nations Office for Outer Space Affairs (OOSA) was chosen as its secretariat in 1993. OOSA is the organization tasked with promoting and enacting cooperative measures between UN member states in regard to the peaceful use of outer space. It is also responsible for “implementing the Secretary-General’s responsibilities under international space law and maintaining the United Nations Register of Objects Launched into Outer Space.”⁴

The primary document regarding space law is the *Outer Space Treaty* of 1967. The Treaty governs the use of outer space where all parties agree on the relationship of humankind to the broader cosmos. The Outer Space Treaty establishes outer space as the common dominion of humanity “without discrimination of any kind, on a basis of equality and in accordance with international law.”⁵ This statement determines that space is to be held in trust for future generations to explore and study in a cooperative manner, similar to the establishment of Antarctica as an international condominium in the Antarctic Treaty of 1959. The Outer Space Treaty also regulates the application of national authority to any celestial body, like planets and moons, declaring that “outer space... is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.”⁶ Most relevant to the nature of the General Assembly’s business is the Treaty’s keynote point that parties are forbidden from stationing WMDs in orbit around the Earth, or around or on any other celestial body. This is an extension of the Partial Nuclear Test Ban Treaty’s Article I, which bans atmospheric, undersea, and outer space-based nuclear weapons testing.⁷ The Outer Space Treaty was an important arms control agreement during the Cold War, and has persisted to the modern day. However, the Treaty does not ban military activity in space, the existence of military space forces, or the broader weaponization or

militarization of space. Likewise, the Treaty does not regulate or ban other specific military activities taking place outside of the Earth's atmosphere.

Following the Outer Space Treaty, an additional four agreements were created to further the development of space law, all of which were drafted in the COPUOS. The first two elaborate upon the Outer Space Treaty and allow for a clearer understanding of the rights and responsibilities of states party to the Treaty. The first of these protocols, adopted in 1967 by the General Assembly and known as the "*Rescue Agreement*," expands in Article V of the Outer Space Treaty on the security and safe return of spacefaring individuals.⁹ Following the Rescue Agreement, the UNGA saw fit to pass Resolution 2777 (XXVI) in order to more clearly define the rules found in Article VII of the Outer Space Treaty.¹⁰ The third agreement, the "*Registration Convention*," created an official register of objects launched into space, requiring detailed descriptions of their orbit to be submitted to a central in order to better plan future launches and to avoid potentially catastrophic damages.¹¹ The United Nations had been maintaining such a registry since 1962, but the *Registration Convention* further codifies this catalog, placing it under the purview of the OOSA.¹²

The fourth and final agreement was created in 1979 along with the *Agreement Governing the Activities of States on the Moon and Other Celestial Bodies*, or "*Moon Treaty*." The Moon Treaty began further cooperation agreements that aim to ensure the "responsible exploitation" of lunar resources, the security of other bodies' environments, and the equitable colonization, exploration, and study of the Moon.⁷ The *Moon Treaty* affirms the *Outer Space Treaty's* ban on placing WMDs in space, and it takes a stronger stance on the demilitarization of space by fully banning the use of the Moon for military purposes, prohibiting "the establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military experiments on the Moon."⁸ Despite the Moon Treaty's approach to creating a strong foundation of space law, it remains effectively irrelevant in the scope of international law. The Treaty has only been ratified by eighteen states and signed by an additional three,

with the United States, Russia, the People's Republic of China, Japan, and the majority of the European Space Agency's members having not signed or ratified the Treaty. This severely limits the application of its principles to international law, though it remains an important milestone in the development of a legal framework concerning outer space.

In addition to these treaties, a number of more space-related agreements have also been passed by the General Assembly, including Resolutions 1962 (XVII), 37/92, 41/65, 47/68, and 51/122. These resolutions set up rules regarding space exploration, television broadcasting, remote observation of the Earth, the use of nuclear power in outer space, and the use of outer space, respectively. Two years following the passage of UNGA Resolution 51/122, the International Space Station Intergovernmental Agreement (IGA) would be signed between the five participating space agencies: NASA, Roscosmos, CSA, ESA, and JAXA. The IGA marks the beginnings of the International Space Station project both in the physical sense of constructing, maintaining, and using the station, as well as the legal side of national jurisdiction. Jurisdiction only applies to parts of the station which any given partner is the owner of, or to its nationals.¹⁴

IV. Latest Developments

Space exploration and exploitation continues in the 21st century as the legal framework surrounding it remains too broad and outdated. In the past several years, there has been very little progress in space law. In 2008, the People's Republic of China and the Russian Federation introduced a treaty proposal to the non-United Nations Conference on Disarmament which geared towards the prevention of an arms race in outer space (PAROS). This PAROS treaty would have more clearly defined the boundaries of outer space and banned the placement of any weapon of any kind in space.¹⁵ This draft was not able to pass through the Conference on Disarmament and was later re-introduced in 2012. In 2009, the General Assembly urged its member states and the Conference on Disarmament to consider PAROS agreements

more seriously, though the General Assembly did not agree upon further terms of space law in this resolution.¹⁶ Since this time, there has not been much progress in the development of space law.

The trend of international diplomacy becoming more conflict-oriented carries over into the realm of outer space. Perhaps the most prolific recent development is the United States' passage of the 2020 *National Defense Authorization Act*. The 2020 NDAA re-designated the extant US Air Force Space Command as the United States Space Force (USSF), an independent service branch of the US Armed Forces answerable to the Department of the Air Force. The USSF is not the first organization of its kind. The modern Russian Space Forces' (RSF) begins in 1982 with the creation of the Ministry of Defense Space Units. Since the collapse of the Soviet Union, the RSF has existed as an independent service branch twice, from 1992-97 and from 2001-11. The RSF currently exists as a department of the Russian Aerospace Forces. The United Nations has not taken steps to address the existence of these organizations, leaving the future of space warfare uncertain, but progressing steadily towards the potential for conflict; especially with the storied past between the US and Russia.

V. Problems That Resolutions Should Address

Research and position papers should focus on creating more detailed regulations within established space law. This may include further defining the expectations and responsibilities of states or specific restrictions on the use of certain military technologies in space. Likewise, the General Assembly should consider whether the creation of a national military in space challenges the idea that space belongs to all of mankind. These and other concerns should be outlined in a comprehensive position paper that takes into account the concerns of both spacefaring and non-spacefaring states.

VI. Helpful Sources

United Nations Office for Outer Space Affairs: <https://www.unoosa.org/oosa/index.htm>

Endnotes

1. United Nations, Charter of the United Nations and Statute of the International Court of Justice. Art. 10.
2. "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies." Art. IV.
3. United Nations. General Assembly resolution 1472 (XIV), International co-operation in the peaceful uses of outer space.
4. United Nations Office for Outer Space Affairs. "Roles and Responsibilities." United Nations Office for Outer Space Affairs, www.unoosa.org/oosa/en/aboutus/roles-responsibilities.html.
5. "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies." Art. 1.
6. Ibid. Art. 2.
7. "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies." Art. 1.
8. "Agreement Governing the Activities of States on the Moon and Other Celestial Bodies." Arts. 6.2, 7.1, 7.3, 9, 11.5.
9. Ibid. Art. 3.
10. United Nations. General Assembly Resolution 2345 (XXII), Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space.
11. Ibid. General Assembly Resolution 2777 (XXVI), Convention on International Liability for Damage Caused by Space Objects.
12. Ibid. General Assembly Resolution 3235 (XXIX), Convention on Registration of Objects Launched into Outer Space.
13. Ibid. General Assembly Resolution 1721 (XVI), International co-operation in the peaceful uses of outer space.
14. "International Space Station Legal Framework." European Space Agency.
15. "Draft Treaty on the Prevention of Placement of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects." Arts. Ia., II.
16. United Nations. General Assembly Resolution 63/40, Prevention of an Arms Race in Outer Space.