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The time has come for a treaty to  
ban weapons in space

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## Abstract

An arms race in space among the major powers would be immensely dangerous, destabilising and expensive. Russia, which has a long history in space technology dating back to Sputnik in 1957, does not have the resources or the political will to sustain such a race. But China does. This is principally an issue between the United States and China. Some analysts say that it is too late to conclude a treaty to ban weapons in space, but others argue that, if not a treaty, then perhaps a code of conduct might work. It is in the interests of both the US and China—and the world!—that the weaponisation of space be stopped. On 28 June 2010, President Obama announced a New National Space Policy with a central goal ‘to promote peaceful cooperation and collaboration in space’, and he invited arms control proposals to help make that happen.<sup>1</sup> Now is the time. Australia, enjoying close relations with both the US and China, could play an important role in encouraging the major powers to reach such an agreement.

<sup>1</sup> Office of the Press Secretary, The White House, ‘Statement by the President on the New National Space Policy’, 28 June 2010, <[www.whitehouse.gov/the-press-office/2010/06/28/statement-president-new-national-space-policy](http://www.whitehouse.gov/the-press-office/2010/06/28/statement-president-new-national-space-policy)>; and ‘National Space Policy of the United States of America’, 28 June 2010, <[www.whitehouse.gov/sites/default/files/national\\_space\\_policy\\_6-28-10.pdf](http://www.whitehouse.gov/sites/default/files/national_space_policy_6-28-10.pdf)>.

# The time has come for a treaty to ban weapons in space

PETER VAN NESS\*

## INTRODUCTION

The objective of this paper is to identify common ground in the debate about weapons in space, and to suggest the basis for an agreement between the United States and the People's Republic of China (PRC) about their relations in space. No country would benefit from an arms race in space. It would not serve the national interests of any country. Such an arms race would be strategically destabilising, economically costly almost beyond belief, and it would potentially endanger the security, not just of the major participants, but of all nations. Since the US and the PRC are the most likely participants in an arms race in space, the paper will focus on analysing their positions with respect to weapons in space.

What is a space weapon? In the relevant literature, there is much debate about which particular weapons should be banned. But there is no agreement. Some American analysts argue that space has already been weaponised, dating back even to the German rocket attacks on Britain during the Second World War. For them, inter-continental ballistic missiles (ICBMs) and the existing anti-satellite (ASAT) weapons are space weapons. On the Chinese side, there is a preoccupation with US plans for missile defence, nominally 'defensive' weapons, that might compromise China's basic nuclear deterrent. Of paramount concern for China are US designs for space-based weapons that could attack Chinese ICBMs in their so-called boost phase, when they are especially vulnerable to interception by an opponent power. Meanwhile, both countries continue to plan to fight a war in space if a military conflict between the two powers ever did break out.<sup>2</sup>

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<sup>2</sup> For an American assessment of PRC preparations, see Larry M. Wortzel, 'The Chinese People's Liberation Army and Space Warfare', *Astropolitics*, 6(2) 2008: 112-37; and Bruce W. MacDonald,

A viable agreement would have to be built on the realities of the existing situation in which neither China nor the US would be willing to give up their ICBMs, and the US would be most unlikely to close down its existing missile defence systems. The initial focus should be on banning space-based weapons, and if reaching agreement on a treaty would seem to be too difficult at this point, we should then, as several analysts have suggested, try to identify the key elements of a 'Code of Conduct' as a first step.<sup>3</sup>

### THE DEBATE

Ever since the US and the former Soviet Union began to explore space, strategic analysts have examined the possibility of utilising space for military purposes and have expressed concerns to protect their own countries from potential enemies doing the same. Meanwhile, the entire world has become more and more dependent on the use of orbiting satellites for both civilian and military purposes. The US is clearly far ahead in space technology, but China is catching up.

In 1981, a resolution for the 'Prevention of an Arms Race in Space' was adopted by the United Nations General Assembly. It calls for the Conference on Disarmament in Geneva to begin negotiations on a treaty. The resolution has been approved by overwhelming majorities year after year in the General Assembly, with the US either voting against or abstaining, but nothing much has come of it. After the collapse of the Soviet Union in 1991, the United States became even more determined to take advantage of its superiority in space to establish and maintain its strategic dominance.

The current debate about weapons in space was prompted by the administration of George W. Bush, when he decided in 2002 to withdraw from the Anti-Ballistic Missile (ABM) Treaty between the US and the Soviet Union. This treaty had restricted missile defences in order to help stabilise their bilateral strategic relationship in terms of a concept of mutual assured destruction (MAD). Instead, Bush committed the US to deploying a so-called layered missile defence system to include boost phase, mid-

'China, Space Weapons, and US Security', Council Special Report No. 38 (New York: Council on Foreign Relations Press, September 2008), <[www.cfr.org/publication/16707/china\\_space\\_weapons\\_and\\_us\\_security.html](http://www.cfr.org/publication/16707/china_space_weapons_and_us_security.html)>.

<sup>3</sup> See, for example, the Stimson Center on a Code of Conduct in space, <[www.stimson.org/space/?SN=WS200702131213](http://www.stimson.org/space/?SN=WS200702131213)>; and the Council of the European Union on a Code of Conduct in space, <<http://register.consilium.europa.eu/pdf/en/08/st17/st17175.en08.pdf>>.

course, and terminal phase defences, and made plans for space-based orbiting 'defensive' weapons. The Bush administration attempted to assure Russia and China that this missile defence system was not intended to affect their nuclear deterrent capabilities, saying it was designed only to defend against missile attack from so-called rogue states.

In Washington, US analysts described the American missile defence strategy as intended to replace MAD with a strategy of the assured survival for the US and its allies by means of missile defence; however critics pointed out that this was a design for achieving absolute security for the US, and if successful, it would mean the absolute insecurity of all other countries. The US could intervene or attack any country at will without fear of retaliation. Chinese analysts, understandably, inferred that such a US missile defence system was potentially a serious threat to China.

On 27 June 2002, Russia submitted a Russia–China working paper for a new space treaty to the Conference on Disarmament in Geneva. Their proposed treaty would complement existing agreements with respect to space: the 1967 Outer Space Treaty which prohibits weapons of mass destruction from space; the Limited Test Ban Treaty of 1963 which bans nuclear tests in space; and four others: the Astronauts Rescue Agreement of 1968, the Liability Convention of 1972, the Registration Convention of 1976, and the Moon Agreement of 1984. The proposed obligations in the Russia–China draft treaty are: 'Not to place in orbit around the Earth any objects carrying any kinds of weapons, not to install such weapons on celestial bodies, or not to station such weapons in outer space in any other manner'; and 'not to resort to the threat or use of force against outer space objects'.<sup>4</sup> In short, the proposed treaty would ban any kind of space-based weapons, not just weapons of mass destruction which are already banned by the 1967 treaty; and it would obligate all countries not to threaten or use the ASAT weapons that the US, Russia, and China all currently possess.

Not surprisingly, the Bush administration was not eager to engage with Russia and China about this proposal which called for a ban on precisely what President Bush wanted to do: deploy space-based missile defence weapons to orbit the earth in order to dominate outer space.

<sup>4</sup> Acronym Institute, 'Russia–China CD Working Paper on New Space Treaty, June 27', Disarmament Documentation, 2002, <[www.acronym.org.uk/docs/0206/doc10.htm](http://www.acronym.org.uk/docs/0206/doc10.htm)>.

## ACTIONS AND REACTIONS

In January 2007, China launched a missile into space to destroy one of its own defunct weather satellites, demonstrating an ASAT capability that previously only the US and Russia were thought to have. Analysts complained loudly about the debris produced by the attack because space debris constitutes a serious threat to all orbiting satellites, but the main shock was a strategic one. China had demonstrated that it, too, could play the game of weapons in space. Then, in January 2010, China carried out a ground-based missile interception test, apparently a successful missile-defence test. A Foreign Ministry spokesperson said that ‘The test would neither produce space debris in orbit nor pose a threat to the safety of orbiting spacecraft’.<sup>5</sup>

At the same time, there is growing evidence of China’s cyber warfare capability, exhibited most prominently this year in the dispute with Google.<sup>6</sup> Google complained about being targeted by cyber attacks from within China, and finally decided to move its search services to Hong Kong. It is interesting to note that the US government’s National Security Agency assisted Google in attempting to identify the source of the cyber attacks.

Cyber warfare potentially constitutes a ‘space weapon’, as most analysts define the term, because cyber attacks have the capacity to shut down, or even distort, ground-based command and control for orbiting satellites. The US government has published detailed studies of China’s cyber warfare capability<sup>7</sup> and its space warfare thinking,<sup>8</sup> and both studies make clear that China, if need be, is determined to hold its own in any future confrontation in space. There is no doubt that the US is still far ahead in space technology, but the combination of China’s ASAT and missile defence tests and its

<sup>5</sup> Jeffrey Lewis, ‘Chinese Missile Defense Test’, ArmsControlWonk.com, 12 January 2010, <[www.armscontrolwonk.com/2588/chinese-missile-defense-test](http://www.armscontrolwonk.com/2588/chinese-missile-defense-test)>.

<sup>6</sup> Douglas MacMillan, ‘Google’s Quixotic China Challenge’, *Bloomberg Businessweek*, 25 March 2010, <[www.businessweek.com/technology/content/mar2010/tc20100324\\_284005.htm](http://www.businessweek.com/technology/content/mar2010/tc20100324_284005.htm)>.

<sup>7</sup> Northrop Grumman Corporation, ‘Capability of the People’s Republic of China to Conduct Cyber Warfare and Computer Network Exploitation’, Report prepared for the US–China Economic and Security Review Commission (McLean, VA: Northrop Grumman Corporation, 9 October 2009), <[www.uscc.gov/researchpapers/2009/NorthropGrumman\\_PRC\\_Cyber\\_Paper\\_FINAL\\_Approved%20Report\\_16Oct2009.pdf](http://www.uscc.gov/researchpapers/2009/NorthropGrumman_PRC_Cyber_Paper_FINAL_Approved%20Report_16Oct2009.pdf)>.

<sup>8</sup> Wortzel, ‘The Chinese People’s Liberation Army and Space Warfare’. Wortzel is a Commissioner in the US–China Economic and Security Review Commission.



cyber capability suggest that China could launch an asymmetrical response to any US effort to build and to deploy space-based weapons.

Meanwhile in April 2010, the United States tested the Air Force's X-37B Space Plane, launching it with an Atlas V rocket. This is the reusable robotic X-37B Orbital Test Vehicle (OTV), which is described as a small space shuttle-like craft which is designed to remain in orbit for up to 270 days.<sup>9</sup> Analysts debate about whether this OTV should be seen as a space weapon. Also in the works is a test of a US 'global-strike missile'<sup>10</sup> and other possible weapons, while American supporters of missile defence call for the development and deployment of the full range of missile defence weapons at the boost phase, mid-course, and terminal stages, including weapons in space.<sup>11</sup>

### **SOME BASIS FOR AGREEMENT**

First and foremost in designing an agreement is the need to ban space-based weapons before any are deployed. Both China and Russia are adamantly opposed to these weapons, and Chinese analysts make a strong case that a US space-based, boost phase missile defence system would indeed threaten the PRC's basic nuclear deterrent.<sup>12</sup> Space-based weapons, if they are ever developed, would be hugely expensive, difficult to deploy, and vulnerable to attack by China's and Russia's existing ASAT capabilities.

What China seems to be saying to the US, by its actions more than words, is: if you go to the expense of developing and deploying space-based weapons, we will be able to defend against them with our current ASAT, missile defence, and cyber war capabilities. If it should come to a military conflict between us, we could destroy those weapons in space or confound their command and control by means of cyber attacks. As a result, the US would be engaged in a one-sided arms race in space, trying to gain dominance by means of space-based weapons, while ignoring the fact that they are vulnerable to asymmetrical attack.

<sup>9</sup> Space.com, 'Air Force Delays Launch of Mystery X-37B Space Plane', 19 April 2010, <[www.space.com/missionlaunches/air-force-delays-mystery-x-37b-launch-100419.html](http://www.space.com/missionlaunches/air-force-delays-mystery-x-37b-launch-100419.html)>.

<sup>10</sup> Elaine M. Grossman, 'Cost to Test US Global-Strike Missile Could Reach \$500 Million', Global Security Newswire, 15 March 2010, <[www.globalsecuritynewswire.org/gsn/nw\\_20100315\\_8655.php](http://www.globalsecuritynewswire.org/gsn/nw_20100315_8655.php)>.

<sup>11</sup> Baker Spring, Peter Brookes and James Jay Carafano, 'Moving Forward with Ballistic Missile Defense: A Memo to President-elect Obama', The Heritage Foundation, 2 December 2008.

<sup>12</sup> See, for example, Zhang Hui, 'Space Weaponization and Space Security: A Chinese Perspective', *China Security*, 2, 2006: 24–36, <[www.wsichina.org/attach/CS2\\_3.pdf](http://www.wsichina.org/attach/CS2_3.pdf)>.

Protection of satellites is a more difficult problem. One fact that should help in their defence is that all countries are increasingly dependent upon the communication, surveillance, and geo-positioning functions of earth satellites, so we all have a huge stake in their defence. Secondly, attacks on satellites are likely to produce debris (like the Chinese ASAT test of January 2007 did), and that debris endangers the proper operation of everyone's satellites. A major attack on several satellites could have a disastrous impact on global military and commercial communications. So there exists a contradictory situation in which the US, China, and Russia all have the capability to attack and destroy each others' satellites, but if they did attack, they would very likely destroy their own use of satellites in space—so, in that sense, an attack would be suicidal.

One answer with regard to the protection of satellites might be to use the analogy of the Limited Nuclear Test Ban Treaty of 1963. After the Cuban missile crisis of 1962, both the US and the USSR realised that they had weapons that could not be used, and they agreed with each other to begin to limit their use. They maintained the capacity to use them, but realised that any use would be counter-productive. If the US and China began to think about their ASAT capabilities in these terms, agreement could be reached to limit the testing, deployment, and use of ASAT weapons.

### **WHERE TO BEGIN?**

Some preliminary thoughts about a design:

#### **A global commons in space**

A Sino-American agreement might begin with a joint declaration to protect and to sustain what is currently a global commons in space, one to be enjoyed by all people. The Union of Concerned Scientists reports that, as of April 2010, there were some 928 operating satellites in space, 437 of which were US owned, 58 owned by China, and 95 owned by Russia.<sup>13</sup> At least 115 countries own a satellite or a share in one. The US is obviously the greatest beneficiary, but virtually all countries benefit from the communication, surveillance, or geo-positioning functions of the existing earth satellites.

<sup>13</sup> Union of Concerned Scientists, 'UCS Satellite Database: Satellite Quick Facts', 22 July 2010, <[www.ucsusa.org/nuclear\\_weapons\\_and\\_global\\_security/space\\_weapons/technical\\_issues/ucs-satellite-database.html](http://www.ucsusa.org/nuclear_weapons_and_global_security/space_weapons/technical_issues/ucs-satellite-database.html)> (includes launches through 1 July 2010).

However, the present arrangement in space is vulnerable to disruption or even destruction if there were ever to be a serious conflict in space. Debris from destroyed satellites might create a ‘collisional cascading effect’ that could endanger the entire system.<sup>14</sup> Estimates of current space debris run as high as 600,000 objects of larger than one centimetre in diameter. As an example of the continuing dangers of space debris, Russian officials in July 2010 were reported to be warning about the threat to astronauts in the International Space Station from debris produced by the 2007 Chinese ASAT some three and a half years earlier.<sup>15</sup>

From a positive perspective, we would propose to affirm a global commons for all to enjoy, keeping in mind that if we failed to reach agreement, a conflict in space could destroy the major benefits, both commercial and military, that we now enjoy, plus the potential benefits of future development. This would be an immense loss of all the ways that we communicate with each other today, the way that we navigate, and of course the way that governments spy on each other. Proponents of weaponising space have not yet taken into account the full dimensions of this serious risk.

### **Ban space-based weapons**

It is important at the outset to distinguish space-based weapons from land-based weapons capable of attacking space. There are no space-based weapons in place yet, so there is still a possibility to keep them out. The US would be unhappy about a ban on space-based weapons because the US leads in this technology, but Zhang Hui from Harvard University has argued that China already has an asymmetrical capacity in its demonstrated ASAT capability to destroy almost anything that the US may choose to orbit in space.<sup>16</sup> Given this relationship, without an agreement, the US might commit itself to an immensely expensive, one-sided arms race in space that, even now, it could not necessarily win.

<sup>14</sup> See ‘The Kessler Syndrome: As Discussed by Donald J. Kessler’, 8 March 2009, <<http://webpages.charter.net/dkessler/files/KesSym.html>>.

<sup>15</sup> AFP report, ‘Debris Raises Concerns for Space Station’, reprinted in *Canberra Times*, 25 July 2010, p. 16.

<sup>16</sup> Zhang Hui, ‘China’s ASAT Capabilities: As a Potential Response to US Missile Defense and “Space Control” Plans’, Appendix F, in Federation of American Scientists, ‘Ensuring America’s Space Security: Report of the FAS Panel on Weapons in Space’, 2004, <[www.fas.org/resource/10072004164453.pdf](http://www.fas.org/resource/10072004164453.pdf)>.

### ASATs

ASATs of all types are the most difficult problem: missiles, lasers, and especially cyber.<sup>17</sup> Verification would be very difficult. The emphasis should be on banning *the testing of ASATs*. As mentioned before, the 1963 nuclear test ban treaty might be a good model. The US, Russia, and the PRC all have demonstrated ASAT capabilities (just as the US and the USSR both had demonstrated nuclear capabilities in 1963), but now they would agree to ban the further testing of those capabilities because they could perceive it to be in both their separate national interests to do so, as well as in the global interest. Obviously, there would be many specifics that would have to be worked out.

### A working group

We should begin at the unofficial level, bringing together specialists on the many dimensions of this problem, especially people who are committed to finding a way to avoid an arms race in space. It should be a joint, US and Chinese, group of experts with any others included who may have good ideas. It should not be an official negotiation—at least not yet. It should be a Track II meeting of people who have the skills and experience to work together to design an agreement that just might work. The Russians need not be included at the outset, because they have neither the political will nor the resources to engage in an arms race in space, but as an important spacefaring nation they would obviously want to participate in any future treaty. If China and the US, the two countries most in contention about weapons in space, can reach agreement for a ban, it would be easier to include Russia and other countries in a subsequent treaty or code of conduct.

Finally, Australia and all countries have a stake in helping China and the US find agreement to avoid an arms race in space. Australia is particularly fortunate to have good relations with both countries and many opportunities to debate, discuss, and possibly help design agreements of mutual benefit.

<sup>17</sup> 'Cyberwar: War in the Fifth Domain', *The Economist*, 3 July 2010, pp. 20–2; Siobhan Gorman, 'US Backs Talks on Cyber Warfare', *Wall Street Journal*, 4 June 2010, <<http://online.wsj.com/article/SB10001424052748703340904575284964215965730.html>>; and General Eugene E. Habiger, 'Cyberwarfare and Cyberterrorism: The Need for a New US Strategic Approach', White Paper 1:2010, Cyber Secure Institute, <[http://cybersecureinstitute.org/docs/whitepapers/Habiger\\_2\\_1\\_10.pdf](http://cybersecureinstitute.org/docs/whitepapers/Habiger_2_1_10.pdf)>. Also, see especially, Northrop Grumman Corporation, 'Capability of the People's Republic of China'.

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