2018 DISEC Background Guide

Chair: Rajat A Raghuram

Agenda: Challenges to space security and sustainability in correlation to the 72nd session of the first committee.

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Letter from the Executive Board

Dear Delegates,

The dais and I are excited to welcome you to the Disarmament and International Security Committee (DISEC) of the xxxx conference. I look forward to having fruitful debate and a challenging committee filled with innovation. A Law student at the NALSAR University of Law, I joined the local Model UN circuit six years ago, and it has held a special place in my heart since. The communication and problem-solving skills I gleaned from attending conferences has proved to be thrilling in the moment, but also invaluable for my interests in oral advocacy and Legal research. In order to provide the best experience for all involved, we ask that you participate in session with the same energy that you may bring to the Motion to entertainment session. Make your voice heard throughout the weekend of negotiations, whether it be through giving speeches in committee, passing notes to forge alliances, or by drafting and redrafting working papers that will hopefully culminate to an impressive resolution. It will end up being way more enjoyable than sitting back and counting the minutes until the next break or unmod. Trust me. Please note that the attached background guide functions as a starting point for your research on the given topics. We do not provide extensive information on your delegation's positions on the matters of a debate, information that will be critical to your success. Approaches to the chosen issues may change between the drafting of this background paper and the conference, and even the submission of your position paper and the conference, so please keep tabs on such developments. If at any point our instructions and expectations are unclear, do not hesitate to reach out by email or, when at the conference, in person. In the words of one of my most intellectual seniors --

May the joy be with you

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Background of the 72nd Session of the first Committee

The Chair would like to distinguish this Sections into 2 sub-sections, Existing challenges to space security and sustainability and The relevance of the 72nd session of the first committee to the agenda.

EXISTING CHALLENGES TO SPACE SECURITY AND SUSTAINABILITY

SPACE SECURITY

Despite the widespread recognition that the existing regulatory framework is insufficient to meet the current challenges facing the outer space domain, the development of an overarching normative regime has been painfully slow. International space actors have been unable to reach consensus on the exact nature of a space security regime, despite having specific alternatives on the table for consideration.

For example, in 2009 Canada had a proposal before the Conference on Disarmament which urged states to pledge not to:

a) Place weapons in space,
b) Test or use of weapons on satellites so as to damage or destroy them, and
c) Use of satellites themselves as weapons.

For some spacefaring actors, it is orbital debris that should command the most urgent attention due to the indiscriminate nature and immediacy of the threat. Others, however, continue to see the prevention of an arms race in outer space as most important issue to tackle given the destabilizing effect that space weapons would have for all spacefaring actors. Space stakeholders ought to dismiss neither out of hand.

The provisions of the Code of Conduct for Outer Space Activities aim to primarily address issues related to peaceful space activities through non-binding collaborative mechanisms. These include, among others, sharing data related to positions, manoeuvres, and activities of space assets. Concerns related to the prevention of an arms race in outer space, however, are left essentially unaddressed. Still, the proposed Code of Conduct constitutes a welcome development. Essentially a mechanism to codify a set of transparency and confidence building measures for outer space activities, the Code aims to reduce misperceptions and miscommunications among space actors and to spell out the sort of behaviour that will contribute to a sustainable space environment such as that which limits the further creation of space debris and reduces the likelihood of unintentional harmful interference. Initially it

seemed probable that the U.S. might support the Code with only minor amendments to the draft text, but it was later clarified that the country would instead join the European Union and other space actors to jointly develop an International Code of Conduct. And although it was always the intent of the drafters of the Code to galvanize wide international support for this initiative, the adequacy of the process to draft the document and seek feedback from spacefaring nations was called into question by various space stakeholders. Champions of the Code gradually made the consultation process more inclusive in an effort to allay such misgivings. Various concerns have been raised about the effectiveness of a voluntary policy instrument which is not legally binding. While valid, however, such concerns can be easily overstated. In fact, politically binding may be a more accurate description of the Code than non-binding. Even if not officially a treaty, the adoption of the Code would no doubt entail a well-publicized international commitment by its signatories to adhere to its precepts. Spacefaring nations will likely sign up to the Code only if they determine that they are prepared to comply with its provisions. The adoption of any multilateral arrangement that sets norms of acceptable behaviordwhether legally or politically bindingdis always a voluntary undertaking. The lack of enforcement mechanisms to make sure signatories live up to their obligations has also triggered criticisms of the Code. Since it is not legally binding, goes the argument, it contains no provisions to ensure compliance. But even full-fledged international treaties with legally-binding provisions often lack enforcement mechanisms. In the event of non-compliance, it is up to other states parties to the treaty in question to formulate adequate responses that are not necessarily specified in the letter of the treaty, as has been the case, for example, with the Nuclear Non-Proliferation Treaty. So while it may be true that the proposed Code is neither legally binding nor readily enforceable, these conditions do not necessarily strip it of its value as an important step toward enhanced outer space governance.

There is widespread agreement to pursue measures that minimize the likelihood of unintentional interference with space assets during normal operations. However, discussions related to space weaponization and the prevention of an arms race in outer space tend to be more contentious. No clear norms are in place to address the possibility of an arms race in outer space. The risks associated with such a prospect may not be apparent during peacetime, when nations exercise self restraint in the deployment and use of weapons against space assets. But self-restraint is no substitute for effective governance mechanisms, codified in international law, especially when tensions are running high. The reality is that several stakeholders remain concerned that a narrow focus on the development of such soft norms has resulted in a retreat

from policy discussions and legal instruments specifically related to the need for arms control in outer space. In the past decade alone:

- Ground-based anti-satellite weapons (ASATs) have been tested,
- Several communications satellites have been deliberately jammed;
- Missile defence systems have been used as ASATs;
- Precursor technologies that would allow space-to-space offensive capabilities have been developed;

If the international community fails to act decisively, there may be a ratchet effect, whereby the process of an arms race in outer space will not be reversed once it is set in motion.[1]

"The 72nd session of the DISEC addressed the general topic of possible challenges to space security and sustainability, taking into account ongoing deliberations within the Committee on the Peaceful Uses of Outer Space, the Conference of Disarmament and the Disarmament Commission related to addressing possible challenges to space security and sustainability.[2]" Below are the questions that were posed as a means of discussion and the Chair would like to point out that they may be used to facilitate the same. Additionally the Chair realises that the resources available may be sparse and hence will send over a kit of resources that you may use, which contains methodology of research and documents with regard to the same.

[1] Re: Space Security Index ; Guidelines for the long-term sustainability of outer space activities.
[2] Draft programme for the joint panel discussion of the First and Fourth Committees on possible challenges to space security and sustainability; A/71/150 ;
http://www.un.org/en/ga/first/72/pdf/JointPanel_draft_program_rev2017.09.11.pdf.

Questions a Resolution Must Answer

1. Considering that outer space activities continue to hold immense potential to further advance human knowledge, drive socioeconomic progress and contribute to achieving the Sustainable Development Goals, what measures for capacity-building, training, and information exchange would facilitate efforts to ensure the security and sustainability of outer space activities for all nations, irrespective of their degree of economic or scientific development?
2. What increased role could the United Nations system play in promoting and building the necessary capacity of all nations to be able to explore and use space, including access to space-derived data and information, access to the participation in and the benefits of space exploration efforts, and access to continuous safe and secure space operations?
3. How can United Nations bodies best facilitate the implementation of transparency and confidence-building measures in outer space activities in order to ensure the safety of space operations and the security of space assets and space systems, and ultimately to assist in maintaining outer space for peaceful purposes and in helping to prevent an arms race in outer space?
4. What role could the broader space community have in this regard, including international intergovernmental and non-governmental organizations, industry and private sector, and academia and civil society?
5. Are recent scientific, technological and military developments, as well as the increasing participation of new space actors, giving rise to a need to strengthen or supplement the legal and global governance regime for outer space activities, in order to ensure security and sustainability?
6. What role can voluntary non-legally binding instruments play in supplementing legally binding treaties and instruments to secure the future sustainability of outer space activities and the use of space assets and systems for the benefit of all nations and their economic, social and cultural development?
7. What measures need to be considered to achieve universalization of the Treaty, and what increased role could regional and interregional cooperation and coordination play in advancing the peaceful exploration and use of outer space?
8. Considering that the achievements in space exploration and the development of space science and technology and their applications and spin-offs have exceeded all

expectations at the time when the Treaty entered into force, how does the Treaty continue to serve all States, regardless of their level of development, in facilitating international cooperation and coordination for the benefit of space economy, space society, space accessibility and space diplomacy for the safety, security and sustainability of outer space activities?