

UNSC RESOLUTION ON OUTER SPACE: THE CHALLENGE OF REGULATION

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(Views expressed in the brief are those of the author, and do not represent those of ISSI)



On April 24, 2024, Japan and the U.S. tabled a resolution in the United Nations Security Council prohibiting the placement of nuclear weapons or any other Weapons of Mass Destruction (WMDs) in outer space. However, the resolution was vetoed by Russia. The first-ever resolution in the UNSC by the U.S.-Japan comes in the backdrop of earlier concerns by the U.S. and its allies that Russia was planning to place a nuclear-capable weapon in outer space. At face value, this seems a straightforward issue. In reality, it is a complex one with a long history of Russia and China, with Pakistan as an ardent supporter and lobbying for, trying to negotiate a legally binding treaty that prohibits the placement of all weapons in outer space and Prevention of an Arms Race in Outer Space (PAROS). The challenge of regulating outer space is much more complex and needs to be looked at in a historical context.

The Resolution

This resolution, supported by 60 countries was meant to “strengthen and uphold the global non-proliferation regime, including in outer space, and reaffirm the shared goal of maintaining outer space for peaceful purposes.”¹ It reiterated the obligations of 115 States Parties to the Outer Space

¹ Press Release: U.S. and Japan-Drafted UN Security Council Resolution on Preventing Nuclear Weapons in Space Receives More Than 60 Cosponsors, United States Mission to the United Nations, April 24, 2024,

Treaty, to not place any objects carrying nuclear weapons, or other WMDs, in orbit around the Earth. It called upon UN Member States not to develop nuclear weapons or any other kinds of weapons of mass destruction specifically designed to be placed in orbit around the Earth.² The resolution's primary concern was that the detonation of a nuclear weapon in space would destroy satellites that are vital to communications, agriculture, and national security worldwide, with grave implications for sustainable development, international peace, and security.

Russian Stance

Russia vetoed the resolution, while China abstained, and the other 13 members voted in favor of the resolution. Russia vetoed the resolution because it objected to only specified nuclear weapons being prohibited from space rather than all weapons. Russia says it wants all space weapons to be banned, not just nuclear weapons. Both Russia and China proposed an amendment to the resolution with seven countries voting in favor of the amendment, seven against, and one abstention.

The U.S. Ambassador to the U.N., Linda Thomas-Greenfield, questioned why Russia would veto it: "What could you possibly be hiding?"³ Russia's Ambassador to the U.N., Vassily Nebenzia, directed his questions at the U.S.: "We want a ban on the placement of weapons of any kind in outer space, not just WMDs [weapons of mass destruction]... But you don't want that. And let me ask you that very same question: Why?" Ambassador Nebenzia called the resolution a "dirty spectacle" and a "cynical ploy."⁴ For decades Russia, China, and others have worked in the UN forums like the Conference on Disarmament (CD) for negotiating arms control for outer space. Many a times, Russia has expressed concerns that the U.S. has "stated openly that the purpose of their space policy is achieving military supremacy. Washington and its allies are making space a new arena for confrontation." China has repeatedly reiterated that the "weaponization of outer space and the rising risk of an arms race remains the greatest threat."⁵

The Race to Arm the Heavens

There is a brewing arms race for the placement of weapons in space, which is being led by the U.S., and followed by Russia and China. These include Space Strike Weapons like directed energy

<https://usun.usmission.gov/press-release-u-s-and-japan-drafted-un-security-council-resolution-on-preventing-nuclear-weapons-in-space-receives-more-than-60-cosponsors/>.

² Ibid.

³ "Russia Vetoes UN Resolution against Nuclear Weapons in Space," *Space*, April 27, 2024, <https://www.space.com/russia-nuclear-weapons-space-veto-un-resolution>.

⁴ Ibid.

⁵ United Nations, Fourth Committees Joint Meeting, Speakers Renew Calls for Treaty to Prevent Arms Race in Space as First, United Nations, GA/SPD/761-GA/DIS/3699, October 27, 2022, <https://press.un.org/en/2022/gaspd761.doc.htm>.

weapons, such as lasers and kinetic energy weapons that can destroy targets on land, air, and sea or in space. There are also the ASAT (Anti-Satellite) weapons, which can damage or destroy satellites and can be based in space, ground, air, or sea. The U.S., China, Russia, and India have conducted ASAT tests over the years and thus have the capability to destroy other satellites and objects in space. Space-based missile defence components are also posing a threat.⁶

The U.S. Space Force created in December 2019 has recently activated a unit tasked solely with targeting adversary satellites⁷ and has conducted “simulated on-orbit combat engagements” during training exercises. Russia and China are also reportedly working on offensive weapons of their own.

There were fears raised earlier in February 2024 by the U.S. that Russia was planning to field a nuclear-capable satellite weapon in space.⁸ President Vladimir Putin and the then Defence Minister, Sergei Shoigu, denied the U.S. assertions that Russia was developing a space-based anti-satellite nuclear weapon. However, the U.S. efforts to introduce the UNSC resolution on banning nuclear weapons in space seem to be motivated by fears of a potential nuclear-capable space weapon by Russia.

Existing International Law

Existing international law is inadequate to deal with the weaponization of space. The 1967 Outer Space Treaty (OST) only prohibits the placement of nuclear, chemical, and biological weapons in space. However, it does not prohibit the placing of other types of weapons. The Partial Test Ban Treaty (PTBT) of 1963 bans nuclear tests in the atmosphere, outer space, and underwater. The 1979 Moon Agreement is a supplement to the OST and restricts military activities on the Moon and its orbit. The CD has been deadlocked for decades. The European Union’s International Code of Conduct for Outer Space Activities convened in 2015, which proposes not to damage or destroy any satellite except for self-defence and for managing space debris, has not had any significant success.

Russia and China have been ardent supporters of the objective of PAROS to achieve a legally binding treaty that prohibits any kind of weapons in space. Their efforts date back to 1981 when they presented the first draft treaty to the UN Secretary-General and the CD in 1983 by the Soviet Union. A draft treaty on the Prevention of the Placement of Weapons in Outer Space and the Threat or Use of Force against Outer Space Objects (PPWT) was presented to the CD in 2008 and 2014. There was

⁶ For details see Ghazala Yasmin Jalil, “Weaponization of the Final Frontier: Security Challenges and Prospects of Regulations,” *CISS Insight* XI, no. 2, (Winter 2023): 85-108.

⁷ Brett Tingley, “US Space Force creates 1st unit Dedicated to Targeting Adversary Satellites,” *Space*, August 16, 2023, <https://www.space.com/space-force-1st-targeting-squadron>.

⁸ Bernd Debusmann, “Russia Developing ‘Troubling’ New Anti-satellite Weapon, US says,” *BBC*, February 16, 2024, <https://www.bbc.com/news/world-us-canada-68309496>.

not much progress on it because the U.S.-led countries opposed the negotiation of a legally binding treaty that prohibits weapons in outer space. Thus, negotiations have been deadlocked for decades.

The U.S. has shown increasing concern with Anti-Satellite (ASAT) weaponry and sponsored a resolution to ban ASAT weapons testing. In April 2022, the U.S. declared a voluntary self-imposed ban on destructive direct-ascent, kinetic-energy ASAT weapons testing. Canada, New Zealand, Japan, Germany, the UK, and South Korea formally committed to the U.S.-led initiative.⁹ India is one of the countries to have conducted tests against satellites and has not joined the ASAT ban, which means it is not ready to give up the option to test ASATs again. In October 2022, the U.S. introduced a resolution on the ASAT test ban in the UN General Assembly, which was denounced by Belarus, China, Nicaragua, North Korea, Syria, Venezuela, and Russia denounced as “insufficient.”¹⁰ Predominantly, because China and Russia have, for decades, advocated a treaty that prohibits weapons in outer space, while the U.S. has been blocking negotiations. China’s ambassador for disarmament affairs at a UN conference on outer space stated in May 2022 that the origin of the arms race in outer space, a “Sword of Damocles,” lies in the attempts of superpowers to dominate outer space.¹¹

Pakistan’s Stance

Pakistan has always been an ardent and active supporter of PAROS. Recently, during a UN General Assembly debate, Pakistan stressed the need for collective action to eliminate the possibility of outer space weaponization. Pakistan Envoy to the UN, Ambassador Munir Akram, warned the international community that threats to security in and from outer space have escalated in recent years. The placement of weapons in space has made it evident that outer space was being prepared as “the next war-fighting frontier in the military policies and doctrines of major powers”.¹² He further emphasized that “Pakistan maintains a principled position that resolutions on global disarmament issues should be deliberated and concluded inclusively and transparently at the appropriate forums.”¹³ He identified the CD, UN Disarmament Commission, and the First Committee of the General Assembly as the right forums for debating the issue. While Pakistan avoided the

⁹ “Seven Countries Join ASAT Test,” Arms Control Association, November 2022, <https://www.armscontrol.org/act/2022-11/news-briefs/seven-countries-join-asat-test-ban>.

¹⁰ Ibid.

¹¹ “China Warns US against Attempts to Dominate Outer Space,” *South China Morning Post*, May 11, 2022, <https://www.scmp.com/news/china/diplomacy/article/3177355/china-warns-us-against-attempts-dominate-outer-space>

¹² “Pakistan Favors Keeping Outer Space Free of Weapons,” *Dawn*, May 8, 2024, <https://www.dawn.com/news/1832131>.

¹³ Ibid.

current debate between the U.S. and Russia, it took a stance that outer space needed to be kept free of weapons.

Conclusion

The present row between the U.S. and Russia about the placement of weapons has a much wider context and complex dynamics. The U.S. is interested in banning the deployment of nuclear weapons and WMDs in outer space while Russia endorses banning all weapons. The U.S. and its allies have consistently focused on the ASAT threat and the use of force against space-based objects since the U.S. has the largest number of satellites. Russia, China, and others, on the other hand, are concerned about BMD and their ability to maintain a nuclear deterrent. Thus, they have been more concerned with the elimination of orbiting weapons in outer space, as well as those that could strike objects on Earth. Also, in the past, the U.S.-led bloc has advocated voluntary, non-legally binding rules to govern activities and control behavior in outer space. They have accorded priority to rules that prevent miscommunication and misperception rather than legally binding instruments. Pakistan has also been an ardent supporter and active lobbyist of efforts to negotiate arms control in space. Thus, regulation of outer space is intensely politicized and has complex dynamics. However, it is imperative to keep space free of all weapons. This is in the interest of the U.S., Russia, and the world at large. This is the end towards which all states must strive to keep outer space safe for the benefit of humanity.