



EXECUTIVE SUMMARY
Bellagio Space Security Workshop
November 11-13, 2008

The Stimson Center's Space Security Project, with grant support from the MacArthur Foundation, the Ploughshares Fund, and the New-Land Foundation, convened a three-day workshop at the Rockefeller Foundation's Bellagio Conference Center in Italy from November 11-13, 2008. Two operating foundations, the Secure World Foundation and the One Earth Future Foundation, partnered with Stimson to make this workshop a reality.

The workshop was convened with governmental and nongovernmental experts to discuss ways to provide momentum to space diplomacy and to facilitate new diplomatic initiatives in 2009. Participating in this workshop were diplomats from Canada, China, Colombia, France, Germany, India, Italy, Japan, Russia, and the United States. Also participating were individuals advising the Obama and McCain campaigns. In order to promote meaningful dialogue, workshop discussions were off the record and views were expressed on a not-for-attribution basis. This Executive Summary does not reflect all the views expressed at the workshop. Nor are participants bound by the individual views expressed below.

During the course of our deliberations, workshop participants conceived of three initiatives that might promote space security, if governments would be prepared to move beyond current positions. It was clearly understood that governmental representatives were not committed to the diplomatic agenda discussed at Bellagio, nor were they asked to support this agenda, in whole or in part. Participants agreed to take these proposals back to their capitals for due consideration.

The three initiatives are as follows:

1. An agreement to enter into negotiations on a treaty that would seek to ban the testing and use of destructive methods against space objects.
2. Pending the completion of such a treaty, states participating in the negotiations would agree to pledge not to test or use destructive methods against space objects.

3. An agreement to enter into negotiations on a Code of Conduct including transparency and confidence-building measures with preambular language outlining a common vision for the peaceful uses of outer space in which weapons are not deployed.

The logic behind the pursuit of a treaty banning the testing and use of destructive methods against space objects is as follows: First, this initiative would address the issue of space debris, which many perceive to be the most pressing threat to space security. Second, an agreement to forego testing and use of destructive methods, of whatever kind, would serve the national interests of all space-faring nations threatened by space debris. Third, this pressing threat would be addressed in the context of a legally-binding treaty that some states strongly support. Fourth, a treaty of narrow scope focusing on destructive testing and use against space objects lends itself to monitoring by national technical means, especially by the United States. For these reasons, it is conceivable that a treaty of limited scope focusing on destructive testing and use against space objects might secure bipartisan support in the U.S. Senate.

Pledges by participating states not to test or use destructive methods against space objects pending the outcome of treaty negotiations could also serve several purposes. If such pledges are honored, they could help protect space from additional, significant increases in the common threat of space debris. In addition, pledges that were honored could be signs of good faith during negotiations.

The pursuit of a Code of Conduct was proposed to serve several purposes. A Code of Conduct could reinforce and expand norms for responsible behavior in space, while clarifying irresponsible behavior. In addition, a broader framework for space security – one that includes the key element of prohibiting purposeful, harmful interference – could make the other elements of a Code, such as debris mitigation and space traffic management, more meaningful. A preambular “vision statement” was proposed to reinforce the ultimate objective of keeping space free of weapons of all kinds. Proponents of this initiative favored a non-treaty approach; skeptics stressed their preference for legally-binding instruments.

Different elements of this proposed agenda could be pursued in different diplomatic venues. One criterion for the selection of an appropriate venue or venues for the pursuit of this work program – be it the Conference on Disarmament, the Committee on the Peaceful Uses of Outer Space, the “Paris Group” or an ad hoc body expressly designed to pursue parts of this diplomatic agenda – would be the likelihood of achieving success in a timely manner. Is

success possible? Only substantive governmental discussions can provide the answer to this question.



Summary of Discussions
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Workshop participants agreed that while space has long been militarized, it has not yet become weaponized. Some participants viewed space-based weapons as the most pressing threat; most viewed the threat posed by ground-based, anti-satellite (ASAT) weapons as being the most pressing near-term threat to space security, especially tests and use that generate space debris. There appeared to be consensus that preventing the weaponization of space and destructive testing of weapons in space warranted diplomatic initiatives, although there were differences of view expressed over the type and scope of agreements to address these threats.

Participants debated whether a legally binding, treaty-based approach or a less formal approach would be more suitable at this stage for advancing space security. Some participants argued that the broader the scope of an agreement, the more difficult it would be to negotiate and implement successfully. Others argued that the most desirable agreement would be universal, comprehensive, and legally binding. Concerns were expressed that an agreement of narrow scope would require setting some issues aside, where they could fester and become more pressing.

Proponents of the draft "Treaty on Prevention of the Placement of Weapons in Outer Space and of the Threat or Use of Force Against Outer Space Objects" (PPWT) made the case for an expanded scope of legally-bound framework for space security to ensure the peaceful uses of outer space. They argued that, while the deployment of space-based weapons might not be imminent, this eventuality could not be ruled out in the future. In this view, preventive arms control measures were warranted, and it would be best to foreclose this avenue of competition before it begins. Advocates of the PPWT called attention to the draft treaty's non-use of force provision, its obligation not to place weapons of any kind in orbit, and its dispute settlement mechanism.

Those supporting legally-binding agreements argued that they would be more dependable and durable. Some maintained that legally-binding accords were more likely to be adhered to strictly. Others maintained that legally-binding instruments were as likely to contain loopholes as less formal compacts, and that

a treaty as well as less formal agreements required consultations to resolve issues in contention.

Concerns were expressed that treaty negotiations could be time consuming and difficult to complete, depending on the proposed treaty's scope and verification arrangements, or lack thereof. In this view, the draft treaty's broad scope, ambiguities, and lack of verification arrangements foreshadowed difficulties in negotiation and implementation. One issue raised during the discussion of the PPWT was its focus on space-based weapons whose testing and deployment did not appear to be a near term concern. Another issue raised was that the draft treaty would not ban research, development, testing and production of terrestrially-based anti-satellite weapons, which were of near-term concern. In this view, an ambitious treaty that would require very long and perhaps inconclusive negotiations or a treaty that did not enter into force would not improve space security.

Others noted that treaty ratification was important because this reflected not just the commitment of a government, but that of a nation. In this view, deficiencies in the existing legal regime governing space were best addressed by new legal instruments. Proponents of the PPWT suggested that these issues might be addressed in substantive deliberations, a program of work, and ultimately in formal negotiations. One participant noted that in the specific case of the United States, executive agreements can in some instances have the same legal standing as treaties. Some argued that it would be unwise and unrealistic to place reliance on a treaty banning weapons with the ability to attack space objects, given the multi-purpose nature of space-related technologies and existing military capabilities. In this view, agreements governing actions that could be monitored, instead of intentions that could readily change, would provide a sounder basis to improve space security.

The merits of less formal agreements were also discussed, including the European Union's draft Code of Conduct. Because the European Union's draft has not yet been released publicly, this discussion was necessarily couched in general terms. Those inclined toward a Code of Conduct expressed the view that an ambitious, formal treaty did not seem feasible at the present time, and that a step-by-step approach might be more feasible and useful.

Those favoring a Code of Conduct argued that it could reinforce and perhaps add to existing norms of responsible behavior in space, provide guidelines and best practices, raise barriers against harmful actions against satellites, and provide for enhanced consultation mechanisms. Those favoring a Code of Conduct argued that such an initiative did not substitute for, and might facilitate, subsequent treaty negotiations. Others viewed the voluntary nature of a Code of

Conduct initiative as a poor substitute for legally-binding treaties. Workshop participants differed on whether political, voluntary accords enhanced or undercut legally-binding commitments. One participant cautioned that provisions of a Code of Conduct could be problematic if they were interpreted differently than commitments embedded in existing treaties. In this view, the relationship between a Code of Conduct and existing legal regimes required further consideration.

Participants also discussed whether “rules of the road” or military constraints embedded in a Code of Conduct would be respected during a crisis or in wartime. It was noted that some military capabilities have successfully been banned, and that some targets have not been struck in warfare. One participant suggested that established norms during peacetime might increase the probability – but not ensure -- that states would respect these norms during crisis and in times of conflict.

Participants dwelled on a provision banning harmful interference or hostile acts against space objects, whether in a Code of Conduct or in a proposed treaty. A view was expressed that allowing harmful interference would undermine other elements of a Code of Conduct or a new treaty. The absence of such a provision could also make it easier for states to engage in new ASAT tests. There appeared to be general agreement that avoiding harmful interference was a worthy goal. There was disagreement about whether and how this concept ought to be defined.

After discussing points of disagreement, workshop participants attempted to explore possible avenues of convergence. This exploratory effort was carried out in our personal capacities, with the clear understanding that no one was in a position to bridge governmental positions that were well articulated in our workshop. In this context, the participants discussed the merits of a treaty that would ban the testing and use of destructive ASAT weapons. No one spoke in support of additional tests of ASAT weapons that could endanger space operations by producing space debris. Some participants preferred a more comprehensive approach at the outset; others argued that a narrowly focused treaty banning the testing and use of destructive ASAT weapons could serve as a stepping stone towards a more comprehensive agreement. In this view, a narrower focus on destructive ASATs would also serve to forestall momentum toward the deployment of all space-based weapons.

Some participants noted that destructive ASAT events would be an easier challenge to monitor by national technical means than a more comprehensive treaty. Other participants questioned whether a narrowly-cast treaty would be sufficiently ambitious or effective. Concerns were also raised as to whether a

narrowly-cast treaty banning the testing and use of destructive ASATs might adversely affect legitimate national interests in deploying missile defenses, and that such a treaty would ban certain actions while leaving capabilities untouched. Others noted that a narrowly cast treaty focusing on destructive ASATs would not interfere with missile defense programs and might secure the consent of two-thirds of the United States Senate. As for fears of “breakout,” some argued that no treaty – whether narrowly or broadly cast – could foreclose this possibility.

Workshop participants also discussed the utility of public pledges not to test or use destructive methods against space objects during the negotiation of such a treaty. No one suggested opposition to such pledges accompanying the negotiation of a treaty to ban testing and use of destructive ASATs. Nor did anyone suggest that such pledges could serve as a substitute for a legally-binding treaty banning such actions.

In addition, workshop participants discussed the utility of an agreement to enter into negotiations on a Code of Conduct that might include transparency and confidence-building measures, as well as preambular language outlining a common vision for the peaceful uses of outer space in which weapons are not deployed. A Code of Conduct could reinforce and expand norms for responsible behavior in space, while clarifying irresponsible behavior – as would a treaty banning the testing and use of destructive ASATs.

Participants also discussed a division of labor for the pursuit of the ideas generated in this workshop – assuming governments were prepared to move beyond existing positions relating to space security. Participants noted that, while the Conference on Disarmament had been deadlocked for some time, useful work had still taken place in this forum, which could be revived with appropriate political leadership. Participants also noted the significant achievements in the Committee on the Peaceful Uses of Outer Space (COPUOS) – particularly with respect to debris mitigation in space -- and the promising new initiatives of the “Paris Group.” A presentation on data-sharing initiatives for increased space situational awareness and improved traffic management promoted by the commercial space industry also garnered interest.

Participants suggested that different elements of our proposed agenda could be pursued in different diplomatic venues. One criterion for the selection of an appropriate venue or venues for the pursuit of this work program – be it the Conference on Disarmament, COPUOS, the Paris Group, or an ad hoc body expressly designed to pursue parts of this diplomatic agenda -- would be the likelihood of achieving success in a timely manner. Participants generally

agreed that bottom-up and top-down approaches to improve space security were warranted.