

Common Security in Outer Space and International Law

Detlev Wolter

The Outer Space Treaty of 1967 requires that the exploration and use of outer space be conducted in the “interest of all states” and “for the benefit of all mankind”. In view of the looming risk of transgressing the boundary between the currently accepted passive military use of space and its active military employment, the development and institutionalization of this norm has become especially vital.

The standard of the peaceful use of outer space already arose at the dawn of the space age in a joint draft UN General Assembly resolution of the United States, France and the United Kingdom. Its application has been stifled, however, by the dichotomy of a “maximalist” school that considers any military use of outer space prohibited, and a “minimalist” approach that views the principle as merely a restriction on the direct use of force in outer space. This harmful division that leaves open the possibility of an eventual weaponization of space can be reversed through the negotiation of a multilateral Treaty on Common Security in Outer Space (CSO Treaty) and the foundation of a corresponding implementing agency responsible for overseeing the faithful enactment of the treaty.

Having recently emerged from the trials of the Cold War, the international community must not succumb now to the false lure of a regrettable weaponization of space. The Outer Space Treaty, with its far-sighted peaceful purposes benchmark, already establishes the foundation for the instalment of a legal regime on collective security in space for the benefit of mankind. Consistent with the tenets of international security expressed in the UN Charter, the Nuclear Non-Proliferation Treaty and the 1996 advisory opinion of the International Court of Justice on the legality of nuclear weapons, a CSO treaty could further help render nuclear weapons obsolete and add to the existing structure of international common security.

UNIDIR, 2005
Forthcoming publication

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1211 Geneva 10, Switzerland
www.unidir.org

UNIDIR publication

'Common Security' arose from the understanding that the nuclear powers could no longer win a war given their second-strike capabilities.

This continues to hold true for America and Russia until today. Both have recognized in the Outer Space Treaty that in the interest of mankind the arms race should not be carried into outer space. The peaceful use of outer space allows a "passive" military reconnaissance and monitoring of the globe. The technological development will allow in the near future to deploy weapons in space. Thus, a decision draws closer whether the USA will start an arms race in outer space or whether an internationally controlled system of global security can be established. This book makes interesting proposals to this extent.

**Egon Bahr, Former Secretary of State in the
German Foreign Ministry**

Dr Detlev Wolter's informative treatment of outer space issues makes clear that humanity is on the verge of an irreversible shift to active, destructive, military use of outer space, a global revolution in human security which will almost certainly surpass in significance the introduction of nuclear weapons. Dr. Wolter makes a convincing case for a treaty regime for common security in outer space, verified and administered by an international space organization. This carefully researched, very readable account of the current legal and political regime governing the use of outer space, its pending weaponization, and the remedy for that outcome, needs the widest possible readership. This book is an indispensable resource for coping with a central issue of human survival, the weaponization of space.

Jonathan Dean, Former US Ambassador for Arms Control

Dr Detlev Wolter, an experienced diplomat, has written a brilliant book on one of the most urgent and yet neglected questions facing the global community in the 21st century. Dr Wolter has an outstanding ability to inform and at the same time inspire the reader with an understanding of why and how we need to put in place a new international legal regime for common security in outer space. If you think of yourself as a global citizen, this book is essential reading.

**Pera Wells, Deputy Secretary-General,
World Federation of United Nations Associations (WFUNA)**

"Common Security in Outer Space and International Law" by Detlev Wolter is a seminal work pointing the way to how the major powers can cooperate to ensure that space is kept free of weapons. This highly informed work by a distinguished diplomat is aimed at protecting the legal principle of the peaceful use of outer space. It is a valuable analysis of existing law and a stimulating challenge to the international community to demand multilateral negotiations to prevent an arms race in outer space."

Hon. Douglas Roche, O.C., Chairman, Middle Powers Initiative

The way in which we address security in outer space might very well mirror our future on earth. Dr Wolter in Common Security in Outer Space and International Law has effectively set forth a practical legal route to enhancing collective security. This extremely ambitious work merits the attention of anyone interested in ensuring that reason, peace, and law guide the responsible exercise of the gifts of science and technology. Not only has he rigorously identified the legal basis for sound policies, but he makes the practical case for their implementation as well. This is a book for those with their feet on the ground and vision that gazes upwards.

Jonathan Granoff, President, Global Security Institute