

Those countries who are primarily concerned about the space environment are less worried than Russia and China about how the United States might use its superior military space capabilities for strategic or tactical advantage. Instead, they are more concerned about how "irresponsible" space-faring nations might act in ways that would degrade the space environment for those not engaged in a competition for military advantage there. The EU's voluntary code of conduct hopes to build on the less controversial aspects of space cooperation, existing principles and best practices, but leaves the application of general principles to specific situations for individual states to decide. The code couches the most important new behavioral guidelines in environmentally friendly terms: avoid those actions that generate long-lasting space debris and those that otherwise damage or destroy space objects unless done to reduce space debris or address imperative safety considerations.

Such voluntary efforts to raise the standards for responsible space behavior might have seemed adequate in the 1990s, when most observers expected that the changing demographics of space users would steadily decrease strategic conflicts and increase incentives for cooperation on commercial, scientific, and human security applications. The United States' recent efforts to achieve comprehensive space dominance, though, have changed the context such that China, Russia, and any number of other countries will not forswear the ability to target satellites without legally binding reassurances about how the United States will develop and use its superior military space capabilities. Nor will they provide significantly greater transparency about their own space programs and plans unless they have much greater confidence that the information will not be used against them.

Some experts close to the Obama administration have recently proposed reconsidering whether additional legal agreements could help protect U.S. interests in space. In effect, they want to drop the principle added to the 2006 National Space Policy that directs the United States to categorically oppose all new legal regimes or other restrictions on U.S. access to or use of space, and return to the more open-minded position in all previous U.S. National Space Policies.¹³ Like the Russians and Chinese, these U.S. experts argue that additional space arms control could enhance strategic stability. But instead of involving comprehensive prohibitions on weapons in space and on threats or use of force against space assets, these U.S. proposals involve only modest forms of cooperation and maintain a largely adversarial approach to space security. For example, Bruce MacDonald, a former Clinton administration official, has proposed that the United States should make deterrence, not military dominance, the primary principle guiding its space security policy and should consider whether the costs and risks associated with space deterrence could be reduced

because it had a public safety rather than a security rationale, was conducted at a sufficiently low altitude so as not to generate long-lasting space debris, and was handled in a more transparent manner. Independent analysts have estimated, though, that the probability of even one person being killed by the fumes was extraordinarily small, and there is no public evidence that the Bush administration placed any weight on the negative diplomatic and strategic consequences of demonstrating that a missile defense interceptor could be rapidly adapted for anti-satellite use.

¹³ The 1996 National Space Policy specifies that the United States will conclude agreements governing activities in space that are "equitable, effectively verifiable, and enhance the security of the United States and our allies." Even the Reagan administration's 1982 National Space Policy said that the United States will consider specific arms control measures that were verifiable, equitable, and compatible with U.S. security but oppose general prohibitions on military or intelligence uses of space.