

Space: The Ungoverned Orbit

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Under the [1967 United Nations Outer Space Treaty](#), states recognize that the exploration and use of outer space should be carried out for peaceful purposes, for the benefit and in the interests of all countries, and as the province of all mankind. Yet decades of reluctance to establish an enforceable framework for responsible behavior in space have left the domain governed by outdated rules and significant legal ambiguity. While diplomats continue to negotiate, military space programs continue to advance, widening the gap between treaty principles and operational reality. The result is a dangerous strategic environment in which technological capabilities are advancing far more rapidly than the international legal framework designed to regulate them.

[Russia and China](#) have proposed a treaty that would prohibit the testing of weapons in space. The United States has rejected the [proposal](#), citing vague language and the absence of credible verification and enforcement mechanisms. Those concerns are legitimate, but they also expose an unfortunate situation. The United States has been [testing](#) anti-satellite capabilities since the 1980s and continues to develop them. [Russia and China](#), have likewise expanded their own anti-satellite programs while simultaneously advocating for the peaceful use of outer space. This contradiction illustrates one of the defining challenges of modern space diplomacy. The nations capable of establishing a space weapons program are also the ones preventing a meaningful international agreement to restrain one. Every major space power argues that its own activities are defensive while portraying those of its competitors as destabilizing, making genuine progress increasingly difficult.

Even if governments genuinely sought a comprehensive agreement, practical obstacles remain. Many technologies with military applications in space also serve legitimate commercial purposes, making it difficult to distinguish between civilian and military systems. Systems capable of disrupting satellite communications, for example, often rely on the same underlying technologies used in commercial telecommunications. Rendezvous and proximity operations can be used to inspect or repair satellites, but the same capabilities could also be employed to interfere with or disable another nation's spacecraft. Without an internationally accepted definition of what constitutes a space weapon, any treaty regulating weapons in space will struggle to establish meaningful legal obligations. This dual-use nature of space technology complicates verification efforts and makes traditional arms control models far more difficult to apply than they were during the Cold War.

A nuclear weapon detonation in orbital space presents consequences unlike those of conventional military actions because of its indiscriminate, long-lasting, and unpredictable nature. A large detonation could [disable or destroy](#) many satellites in a single event while enhancing radiation belts for years or even decades. The resulting debris and radiation could make certain orbital regions unusable, limiting access not only for military satellites but also for civilian and commercial spacecraft. Since modern societies depend on satellites for communications, navigation, weather forecasting, financial transactions, emergency response, precision agriculture,

and countless other essential services, the effect is far beyond military operations, affecting virtually every nation and every individual. In early 2022, Russia [launched](#) a satellite into an unusual orbit, prompting analysts to speculate that the activity was connected to its reported [nuclear anti-satellite weapons program](#). The 1967 Outer Space Treaty, [prohibits](#) placing nuclear weapons in orbit or otherwise stationing them in outer space. However, the treaty was written during the early years of the Space Age, and it is a growing vulnerability made more dangerous by the inability of the international community to modernize the rules governing space before a crisis forces the issue. This is just one example of the limits of the treaty.

International space law was largely written in 1967, when only two countries operated satellites and outer space was viewed primarily as a scientific frontier. It was never designed for today's environment, where governments, commercial companies, and private organizations operate thousands of satellites that underpin the global economy. The legal framework has failed to keep pace with these technological and geopolitical realities, leaving the international community increasingly reliant on norms and voluntary commitments that lack meaningful enforcement.

A comprehensive treaty prohibiting all space weapons is unlikely soon. That does not mean meaningful progress is impossible. Countries could [formalize](#) a ban on destructive anti-satellite missile testing, building upon voluntary commitments that several nations have already adopted. Transforming those political pledges into binding international obligations would represent a realistic first step. Likewise, civilian satellite systems could receive legal protections like those afforded under international humanitarian law to hospitals, electrical grids, and other civilian infrastructure during armed conflict. States could also expand voluntary exchanges of space situational awareness data, improving transparency regarding objects in orbit while creating the trust and technical foundation necessary for future arms control negotiations. Incremental agreements may lack the ambition of a comprehensive treaty, but history demonstrates that confidence-building measures often lay the groundwork for broader and more durable arms control frameworks.

The United Nations [Open-ended Working Group](#) on the Prevention of an Arms Race in Outer Space held the third session in July 2026. The meeting made progress by deepening negotiations and narrowing discussion around threats, legal frameworks, and potential future rules for military activities in space, but it did not conclude with a binding agreement. If negotiations continue to stall, however, the costs of inaction will not be borne solely by the governments responsible for the impasse. They will be borne by every society that depends on space-based infrastructure, which means virtually the entire world.

Outer space is a shared domain that, in principle, belongs to all humanity. Allowing it to become a militarized arena governed by outdated laws and diplomatic paralysis is not inevitable. It is a policy choice. By failing to act, the international community is making that choice by default.

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