

2018 United Nations Disarmament Commission

Working Group II: "In accordance with the recommendations contained in the report of the Group of Governmental Experts on Transparency and Confidence-building Measures in Outer Space Activities (A/68/189), preparation of recommendations to promote the practical implementation of transparency and confidence-building measures in outer space activities with the goal of preventing an arms race in outer space."

Background information

The group of governmental experts (GGE) on transparency and confidence-building measures (TCBMs) in outer space activities convened in 2012 and 2013, in accordance with resolution 65/68, and agreed to a consensus report (A/68/189).

In resolution 68/50 and subsequent resolutions, the General Assembly welcomed the report and encouraged Member States to review and implement the proposed measures to the greatest extent practicable. The General Assembly also referred the report to the Committee on the Peaceful Uses of Outer Space, the Disarmament Commission and the Conference on Disarmament for consideration. Relevant developments in those bodies is summarised below.

Disarmament Commission

The Commission held informal discussions on the practical implementation of the TCBMs on 7 and 13 April 2017, as proposed by China, the Russian Federation and the United States, and as mandated in General Assembly resolution 71/82. Delegations received briefings from Ambassador Victor Vasiliev, Chair of the 2012-2013 GGE, Mr. Peter Martinez, Chair of the Committee on the Peaceful Uses of Outer Space Working Group on the Long-term Sustainability of Outer Space Activities, and Mr. Michael Spies, Office for Disarmament Affairs.

Taking into account the universal membership of the UNDC, Member States supported taking up the issue in the 2018-2020 three-year cycle of the Commission.

Conference on Disarmament

The Conference on Disarmament (CD) has remained seized of the matter of prevention of an arms race in outer space as one of the core issues on its agenda. The findings and recommendations of the GGE report were discussed during informal plenary sessions of the CD held in 2014, 2015, 2016 and 2017 under the "Prevention of an arms race in outer space" agenda item.¹ In February 2018, the CD decided to establish five subsidiary bodies, including one on the "Prevention of an arms race in outer space" agenda item. The subsidiary bodies have been tasked with seeking to reach an understanding on areas of commonalities, deepening technical discussions, and considering effective measures, including legal instruments, for negotiations.

In 2014, China and the Russian Federation presented at the CD a revised draft Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force against Outer Space Objects (CD/1985). Article V of the draft text provides, inter alia, that, with a view

¹ CD/2004, CD/2046, CD/2080 and CD/2112.

to promoting confidence in compliance with the provisions of the Treaty, States Parties may implement agreed TCBMs, on a voluntary basis, unless agreed otherwise. In 2016, the United States provided a submission to the CD on “Implementing the Recommendations of the Report (A/68/189*) of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities to Enhance Stability in Outer Space” (CD/2078).

General Assembly

The General Assembly continued to adopt annually a resolution “Prevention of an arms race in outer space” with the latest document published as A/RES/72/26. In 2017, the General Assembly adopted resolution 72/250, co-sponsored by China and the Russian Federation, establishing a Group of Governmental Experts to consider and make recommendations on substantial elements of an international legally binding instrument on the prevention of an arms race in outer space, including, inter alia, on the prevention of the placement of weapons in outer space, to meet in 2018 and 2019.

Additionally, since 2014, the General Assembly has adopted a resolution entitled “No first placement of weapons in outer space”, initially co-sponsored by the Federative Republic of Brazil, the People’s Republic of China and the Russian Federation, the last iteration of which was adopted as resolution 72/26. In the resolution, the Assembly encouraged all States to consider a possibility of upholding as appropriate a political commitment not to be the first to place weapons in outer space. The “no first placement” pledge was proposed by the Russian Federation as an interim measure pending the negotiation and adoption of a legally binding treaty on the placement of weapons in outer space and since 2004 18 States have come up with the appropriate political statements.

Committee on the Peaceful Uses of Outer Space

The Committee on the Peaceful Uses of Outer Space (COPUOS) has sought to operationalize many of the measures recommended by the GGE through its work on the long-term sustainability of outer space activities.

In 2014, 2015, 2016 and 2017, COPUOS considered the recommendations contained in the GGE report under the agenda item on “Ways and means of maintaining outer space for peaceful purposes” with a view to identifying those recommendations that could, to the extent practicable, be adapted to and instrumental for ensuring the safety of space operations and the long-term sustainability of outer space activities in general.²

In 2016, COPUOS took note of the special report by the Inter-Agency Meeting on Outer Space Activities on the implementation of the report of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities as pertaining to the United Nations system entitled “Role of United Nations entities in supporting Member States in the implementation of transparency and confidence-building measures in outer space activities” (A/AC.105/1116).

² A/69/20, A/70/20, A/71/20 and A/72/20. The views of States members of the Committee on the modalities of making practical use of the recommendations can be found in document A/AC.105/1145, and Add.1.

In addition, the Working Group on the Long-term Sustainability (LTS) of Outer Space Activities, established in 2010 by the COPUOS Scientific and Technical Subcommittee has been working to produce agreed guidelines to reduce the risks to the long-term sustainability of outer space activities. A first set of 12 guidelines was agreed to at the Committee's 59th session in 2016 (A/71/20, Annex) and a second set is expected to be agreed at the Committee's 61st session on 20 to 29 June 2018, following the agreement of a further nine guidelines by the Working Group in early 2018 (A/AC.105/C.1/LTS/2018/L.1). The Working Group was not able to reach agreement on a number of additional draft guidelines. Several of the LTS guidelines are of direct relevance to the TCBMs recommended by the GGE.

Other relevant developments

In 2015, the European Union convened a multilateral meeting in New York on an international code of conduct for outer space activities, with the assistance of the Office for Disarmament Affairs. Participants discussed possible elements of a code of conduct, including its purpose, scope and general principles, and noted the value that a code could bring to promoting the safety, security and sustainability of outer space activities through transparency and confidence-building measures, thereby serving to safeguard the continued peaceful use of outer space and prevent outer space from becoming a zone of conflict.

Also in 2015, the First and Fourth Committees of the General Assembly held their first-ever joint meeting, to address possible challenges to space security and sustainability. A second such meeting was held in 2017, marking the 50th anniversary of the Outer Space Treaty.

Entities within the United Nations system have established coordination mechanisms, including through the Inter-Agency Meeting on Outer Space Activities (UN-Space). While these entities can already facilitate the implementation of a range of transparency and confidence-building measures within their existing mandates, the practical implementation of many other measures would benefit from further consideration and support by Member States in United Nations bodies.

In resolutions 70/53 and 71/42, the General Assembly requested the Secretary-General to submit a report in 2017 on the coordination of transparency and confidence-building measures in outer space activities in the United Nations system, with an annex containing submissions from Member States giving their views on transparency and confidence-building measures in outer space activities.

The report of the Secretary-General was issued as document A/72/65. The report updates and reproduces the text of the special report UN-Space, which addresses the role of United Nations entities in supporting Member States in the implementation of TCBMs in outer space activities and provides an overview of the work of those entities in relation to the main recommendations contained in the GGE report.

The report of the Secretary-General highlights both the existing capabilities and gaps regarding the implementation of transparency and confidence-building measures. It is hoped that the report will bring into focus those areas in which further efforts are needed to promote the

practical implementation of transparency and confidence-building measures in outer space activities, with the goal of preventing an arms race in outer space.

Indicative questions

- Which measures recommended by the 2013 GGE report could best contribute to the prevention of arms race in outer space?
- What existing threats and challenges to security in outer space can be addressed through the implementation of transparency and confidence-building measures?
- Which measures recommended by the 2013 GGE report require further deliberation to ensure their full and effective implementation?
- What potential additional transparency and confidence-building measures may be necessary, including those necessitated by advances in the development space technologies and in their application?
- In light of the report of the Secretary-General³ and the replies received from Member States,⁴ where can the mandates of United Nations entities be strengthened to enable them to better promote the practical implementation of transparency and confidence-building measures in outer space activities with the goal of preventing an arms race in outer space? For example:
 - How can relevant United Nations entities better support the dissemination of State information on national space policies, military space policies and military space expenditure?
 - How could pre-launch notifications of space vehicle (and ballistic missile) launches be collected and disseminated by relevant United Nations entities?
 - How could the mandate of United Nations entities be strengthened to allow for the regularised dissemination of risk reduction information?
- Should the Commission discuss and seek to elaborate political commitments, including, for example, in the form of unilateral declarations, bilateral commitments or a multilateral code of conduct, on common principles of behaviour contributing to outer space peace and security?
- What is the relationship between the guidelines for the long-term sustainability of outer space activities agreed within the Committee on the Peaceful Uses of Outer Space transparency and confidence-building measures in outer space activities with the goal of preventing an arms race in outer space?

³ A/72/65

⁴ See also <https://www.un.org/disarmament/topics/outerspace/sg-report-outer-space/>