

Unofficial translation from Russian

**Working paper by the Russian Federation
on the UN Disarmament Commission 2018 session agenda item
"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"**

1. The Russian Federation consistently advocates the maintenance of a weapons-free outer space, traditionally co-sponsoring the UN General Assembly resolution entitled "Prevention of an arms race in outer space". Since 2005, we have annually submitted, together with other numerous authors, the resolution entitled "Transparency and Confidence-Building Measures in Outer Space Activities" to the UN General Assembly and proposed establishing a dedicated UN group of governmental experts (GGE) which convened in 2012-2013.

Over the recent years, Russia has submitted an array of international initiatives aimed at preventing an arms race in outer space (PAROS), the core of which is a draft Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force against Outer Space Objects (PPWT), prepared by the Russian Federation and People's Republic of China; the updated version of the draft Treaty was submitted at the Conference on Disarmament in June 2014.

To give impetus to the international work on PPWT Russia together with China came up with an idea of establishing a UN GGE on PAROS. In accordance with the appropriate UNGA Resolution A/RES/72/250 adopted December 24, 2017,

starting from August 2018, the GGE is to consider and make recommendations on substantial elements of an international legally binding instrument on PAROS, including, inter alia, on the prevention of the placement of weapons in outer space.

The Russia's principled position – without solid safeguards against placement of weapons in outer space that would be enshrined in an international legally binding document, it is extremely difficult to deal with the issues of security of outer space activities.

2. At the same time we consider transparency and confidence-building measures (TCBMs) in outer space activities a crucial element in the efforts to prevent an arms race in outer space. The role of TCBMs significantly increases where there are no real prospects for reaching reliable agreements in the field of arms control and non-proliferation. However, purely temporary and auxiliary these measures cannot substitute legally binding agreements as they particularly serve as an element of the verification mechanism in such instruments. This role of TCBMs is reaffirmed in the GGE report on TCBMs and in the UN Disarmament Commission (UNDC) Guidelines for Appropriate Types of Confidence-Building Measures and for the Implementation of Such Measures on a Global or Regional Level.¹

Addressing Outer Space TCBMs within the UNDC

3. The UN GGE final report (A/68/189) is an important stage of the work on TCBMs/PAROS, which the Russian Federation suggests considering as a starting point of the UNDC proceedings on this agenda item. We should take a broader approach towards this issue and discuss it as comprehensively as possible in order to enhance efficiency of our discussions within the UNDC.

The Russian Federation assumes that the UNDC mandate on this issue derives from paragraph 72 of the GGE report, where the UN General Assembly is recommended to decide "how to further advance such measures and provide for their

¹ Elaborated in accordance with UN General Assembly resolution 39/63E of December 12, 1984.

universal consideration and support, including by referring the GGE recommendations to the UNDC".

4. In the UNDC work on TCBMs/PAROS, we deem it necessary to actively use, besides the GGE report, the intermediate results of elaborating a set of guidelines for ensuring the long-term sustainability of outer space activities of the UN Committee on the Peaceful Uses of Outer Space (COPUOS, A/A.105/L.315), working papers submitted to COPUOS by the Russian Federation, UN Secretary General's Report on outer space TCBMs (A/65/123), General Assembly resolutions "Allocation of Loss in the Case of Transboundary Harm Arising out of Hazardous Activities" (A/RES/61/36) and "Consideration of Prevention of Transboundary Harm from Hazardous Activities and Allocation of Loss in the Case of Such Harm" (A/RES/71/143), and the relevant documents of the UN International Law Commission.

5. The Russian Federation considers that the main goal of discussing this issue within the UNDC is to identify the TCBMs (including those described in document A/68/189) that could be used to prevent an arms race in outer space, prepare recommendations for their implementation on a national level, through a bilateral or collective effort. We invite States to endeavor brainstorming in order to identify the TCBMs that could be applied in this case.

Russian approaches towards outer space TCBMs

6. We are sure that the implementation of outer space TCBMs would yield the maximum effect only if such measures are employed not on the temporary, but permanent basis, when combined with legally binding documents or as a part of such documents. It does not mean, however, that TCBMs could not and should not be utilized to regulate specific issues related to ensuring security, transparency, long-term sustainability and predictability in outer space activities.

7. According to the UN GGE report para. 20, "in general terms, transparency and confidence-building measures are a means by which governments

can share information with the aim of creating mutual understanding and trust, reducing misperceptions and miscalculations and, thereby, helping both to prevent military confrontation and to foster regional and global stability". In other words, confidence-building measures are directly related to both military activities and any space operations. The measures aim at ensuring that these activities are harmless and never serve a cause of conflicts.

8. At the same time, many TCBMs are related to disclosing sensitive information on state defense and security policy. In this regard, notwithstanding the fact that TCBMs are considered in the GGE recommendations voluntary and not legally binding, we think that TCBMs could be implemented, *inter alia*, in the form of a treaty, on a bilateral or multilateral basis, in a type of bilateral agreements on the prevention of hazardous military activities within the OSCE (the Code of Conduct on Politico-Military Aspects of Security, the 2011 Vienna Document etc.).

Criteria for outer space TCBMs

9. The Russian Federation considers the criteria contained in the GGE report that applied outer space TCBMs should ideally meet as important provisions of the report. The list of the criteria is a reference point for all States presenting initiatives on practical implementation of any given measure. We, however, believe that the proposed criteria are not binding and nonconformity of an outer space TCBM to one of them cannot be considered or used as basis for blocking such measure. Otherwise, we would inevitably face the situation when the criteria would be used to disrupt implementation of new initiatives for political reasons.

We are convinced that while elaborating and examining an outer space TCBM we need to take into account its intended function. In case of the UNDC it implies that when dealing with a specific measure we need to make sure first whether it will really serve the goal of PAROS, as well as analyze the conditions under which it could be applied and yield the maximum effect. Then, it is important to determine whether such measure would not contradict the existing International Space Law

(ISL). Obviously, the outer space TCBM not fully corresponding (or, even worse, running counter) to, for example, the 1967 Outer Space Treaty, is unlikely to be considered as reasonable. Here, we need to make a reservation that the criterion of “conformity” should be applied very carefully, in particular when it regards the TCBMs meant to address the issues not regulated in the contemporary ISL. The last criterion, which, in our view, is one of the most important, deals with the implementability of an outer space TCBM. In other words, any measure should be practically implementable, taking into account technical, financial, political and other considerations.

Outer Space TCBMs implementation on a national level

10. The Russian Federation voluntarily introduces certain TCBMs in the national practice by either technical and administrative decisions, or regulations and national standards.

In particular, information on principles and goals of the national policy in the field of outer space is being proactively provided. Numerous Russian documents have been published: the Fundamentals of the State Policy of the Russian Federation in the Field of Space Activities up to 2030 and Further, the Concept of Foreign Policy of the Russian Federation, the National Security Strategy of the Russian Federation, Military Doctrine of the Russian Federation, the Federal Law on Space Activities.

Among other TCBMs implemented by the Russian Side, the following are worth mentioning:

- provision of information on orbital parameters of Russian space objects to ensure the safety of space operations;
- notifications and monitoring of uncontrolled high-risk re-entry events;
- notifications in case of emergency situations;
- expert visits, including visits to space launch sites, Flight Command and Control Center and other operational facilities of outer space infrastructure;

- demonstration of rocket and space technologies;
- development and coordination of international cooperation.

The Russian Federation proposes to use these measures as basis for discussions within the appropriate UNDC Working group.

Developing guidelines for the long-term sustainability of outer space activities within the UN Committee on the Peaceful Uses of Outer Space

11. The Russian Federation believes that the elaboration of guidelines for the long-term sustainability of outer space activities within the UN Committee on the Peaceful Uses of Outer Space provides a good opportunity to impart regulatory functions to a number of TCBMs recommended in the GGE report. The Russian Federation has submitted to the Committee eleven draft guidelines on all key safety aspects of space operations.

Russian approaches to this issue are set out in detail in the March 2015 submission to the UN Committee on the Peaceful Uses of Outer Space "On the identification of cross-links between the recommendations contained in the GGE report on TCBMs and the topic of developing guidelines on the long-term sustainability of outer space activities".²

Initiative on no first placement of weapons in outer space

12. The Russian Federation considers the multilateral initiative on making a political commitment not to be the first to place weapons in outer space (NFP), proposed as early as in 2004, currently to be the most efficient outer space TCBM. Today, 18 States take part in the NFP Initiative (besides Russia, these are Armenia, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, Brazil, Cuba, Indonesia, Sri-Lanka, Argentina, Bolivia, Venezuela, Ecuador, Nicaragua, Uruguay, Vietnam, and Suriname).

Additionally, since 2014, the General Assembly has been annually adopting a resolution with the same title to uphold a political commitment on NFP; the

² A/AC.105/1080/Add.2

resolution calls upon States, primarily spacefaring ones, to make a political commitment on no first placement of weapons in outer space. The document is traditionally supported by about two thirds of the UN Member States.

As regards the conformity of the Initiative with the criteria set out in the GGE report on TCBMs, we believe that in general it meets the criteria.

As for the verification of NFP, we assume that the political commitment made on the top state level does not require any verification. The implementation of this commitment is ensured by the same provisions as in the 1967 Outer Space Treaty – the dividends from the consistent implementation of the NFP are incommensurable with the negative political effects of violation of this commitment or withdrawal from it. We should also take into account that no initiatives similar to the NFP exist up to date.

Importantly, NFP takes into account the needs in outer space exploration of developing countries. Joining it does not require financial or technological resources, the appropriate decision is only subject to the political will.

In general, we assume that if all States, primarily spacefaring ones, make the NFP commitment, the situation with the non-placement of weapons in outer space will stabilize, there will be a well-founded reason to believe that outer space is going to be free from strike systems in the foreseeable future, thus creating an environment enabling meaningful negotiations to conclude a relevant treaty.

The Russian Federation calls upon all States to consider making the political commitment on NFP.

13. The Russian Federation is also ready for discussions on other TCBMs-related proposals that could be implemented on a multilateral basis with a view to prevent an arms race in outer space.