

Transparency and Confidence Building Measures (TCBMs) for the Prevention of an Arms Race in Outer Space.

Working Paper submitted by the Arab Group to the United Nations Disarmament Committee (UNDC) at its 2018 – 202 Session.

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1. The Arab Group welcomes the inclusion of an agenda item on Transparency and Confidence Building Measures (TCBMs) for the prevention of an arms race in outer space (PAROS) at this session. In this context, the Arab Group emphasizes that, in addition to reaching balanced recommendations under the agenda item on nuclear disarmament and nonproliferation, any conclusions which the Commission may adopt at its present session under this agenda item need to be consistent with the following key principles:

First: Outer space is a public property and shared heritage for humanity as a whole; accordingly, all activities in outer space should be addressed at the relevant UN fora with the objective of guaranteeing inclusiveness, universality, nondiscrimination, and consensus.

Second: Any effort towards regulating and regulating outer space activities should aim at enhancing the peaceful uses of outer space for the benefit of all the States and peoples of the world, and should not, therefore, undermine the inherent right of each State to use outer space for non-armament-related purposes.

Third: There should be a commitment to keeping outer space free of conflicts, wars, or armament, until a universal, legally-binding, and verifiable instrument is reached in this regard. Accordingly, there is a need for preventing any placement or deployment of weapons in outer space, whether for offensive or defensive purposes, as well as prevent any potential arms race or any targeting of objects in outer space.

Fourth: It is essential to work towards enhancing the availability of technological exchange in the field of outer space, through providing technical cooperation and assistance, and building the relevant capacities in developing countries.

2. The Arab Group stresses that voluntary transparency and confidence building measures may temporarily represent a positive contribution, but they do not represent a reliable substitute in the long-term for legally binding instruments that streamline and properly codify the relevant commitments and measures.
3. The 2013 report of the Governmental Group of Experts (GGE) (issued in document A/69/189), upon which our discussions at this session are mainly based, makes it clear that Transparency and Confidence Building Measures (TCBMs) can contribute to, but not substitute for, measures to verify arms limitation and disarmament agreements. It also concludes that voluntary political measures can form the basis for consideration of concepts and proposals for legally binding obligations.
4. There is a clear need for serious efforts to reach new legally binding instruments that complement the existing regime on the regulation of outer space activities, taking into consideration the significant technological developments during the past years, as well as the increasing role of non-State actors in this area.
5. The Conference on Disarmament (CD) represents the most appropriate and relevant forum to negotiate these binding rules. However, pending the launching of actual negotiations in the CD, it seems necessary to intensify efforts to create a significant momentum and build knowledge on the complex issues involved in the area of PAROS.
6. It is important to note that there are very strong inter-linkages and synergies between the guidelines agreed within the context of the Committee on the Peaceful Uses of Outer Space (COPUOS) and TCBMs, as well as existing and future legally-binding rules in the area of PAROS. Possible recommendations by the UNDC under this agenda item should highlight the importance of streamlining all relevant efforts and ensuring that there is no duplication.
7. The abovementioned 2013 GGE report contains several positive elements that can represent an excellent basis for more detailed and elaborated

recommendations by the UNDC on PAROS. To name a few, it contains a series of measures for outer space activities, including the exchange of information relating to national space policy, such as major military expenditure on outer space; notifications on outer space activities aimed at risk-reduction; as well as criteria for developing TCBMs in outer space activities and for testing their implementation and validation.

8. One key recommendation of the report was to encourage further development of international cooperation between spacefaring and non-spacefaring nations in the peaceful uses of outer space, as well as coordination and consultation between the mechanisms aimed at improving interaction and communication between participants in outer space activities and clarifying information and ambiguous situations.
9. Another very significant recommendation of this report was that States should articulate the principles and goals relating to their outer space activities, which represents a major step in the area of transparency and confidence building at this critical juncture.
10. The Arab Group initially proposes the following elements to be included in the recommendations of the UNDC:
 - I. Calling upon States to periodically formulate and submit papers on the principles and objectives of their national policies and programs in the field of outer space. These papers should highlight that such national programs do not include any intentions or plans on the placement of any kind of weapons in outer space or targeting of objects in outer space.
 - II. Requesting the Secretariat to present a brief triennial report to the First and Fourth Committees of the General Assembly on the inter-linkages and synergies between the guidelines agreed within the context of COPUOS and TCBMs in the area of PAROS; the implementation of the existing international legal commitments in the area of PAROS; and possible endeavors to negotiate new legally-binding commitments in this regard, with the aim of coordinating these efforts and assessing their effectiveness.
11. The Group hopes that this session of the UNDC will result in integrated and balanced recommendations that would contribute to the revival of disarmament efforts worldwide.