

## **Chair's summary of discussions at the 2018 session of Working Group II**

1. This summary of discussions is provided on the Chair's responsibility and does not represent a consensus document. It was informed by the discussions of the Working Group and the conference room papers submitted by delegations.
2. Member States emphasized the importance of voluntary and non-legally binding TCBMs in outer space activities for the goal of preventing an arms race in outer space, and increasing peace and security in outer space.
3. Some Member States also signalled the importance of a legally binding framework to prevent an arms race in outer space. Several among them referred to the draft treaty on the prevention of the placement of weapons in outer space, the threat or use of force against outer space objects as a good basis for future negotiations in this regard. Several other Member States viewed that draft treaty as problematic. Some Member States expressed the view that TCBMs could not substitute for such binding agreements, but such measures could complement the existing legal regime applicable to outer space activities, serve as interim measures pending the conclusion of legally binding agreements and contribute to the verification of future legally binding agreements.
4. Some Member States stressed the importance of Outer Space as a public property and shared heritage for humanity as a whole and that, accordingly, all activities in outer space should be addressed at the relevant UN fora with the objective of guaranteeing inclusiveness, universality, non-discrimination and consensus. The right of each State to use outer space for non-armament-related purposes was also mentioned.
5. Member States expressed the view that, while there are clear interconnections between the implementation of TCBMs and outer space related discussions in other fora, it is important that duplication is avoided and mandates are respected.
6. Member States considered that the consensus report of the 2012-13 Group of Governmental Experts on TCBMs in Outer Space Activities (A/68/189) formed a basis for the work of the Working Group. Some Member States expressed the view that the Working Group should focus on those measures that directly pertain to the objective of preventing an arms race in outer space. A number of Member States expressed the view that the Working Group could also seek to elaborate measures in addition to those contained in the GGE report.
7. Some Member States supported further consideration of non-legally binding norms for responsible behaviour in outer space, and considered that there would be value in agreeing a non-legally binding instrument, potentially to be negotiated within the framework of the United Nations, as a way to promote these norms and associated

TCBMs, as endorsed by the 2012-13 GGE. Some Member States viewed the five treaties and five sets of principles on outer space<sup>1</sup> as the cornerstone of international space law and emphasized the importance of promoting the effectiveness and authority, and participating in, existing instruments.

8. Several States pointed to the relevance of The Hague Code of Conduct against Ballistic Missile Proliferation. Others were of the view that this instrument was not relevant to the mandate of the Working Group. A number of States spoke in favour of the initiative on political commitment regarding no first placement of weapons in outer space. Others viewed this initiative as problematic, in particular because of the difficulty of confirming its implementation. A view was also expressed that meeting all criteria outlined in A/68/189, including confirmation, should not be a prerequisite for adopting recommendations or implementing TCBMs.

9. Member States underlined the significance of the growing number and diversity of participants in outer space activities and of technological developments in outer space, including since the publication of A/68/189, in areas such as active debris removal and on orbit servicing. Many Member States emphasized the implications for the safety and security in outer space of these developments. Many States raised particular concern about the issue of debris and congestion in outer space. Some States expressed concern about the development of anti-satellite capabilities, including where such capabilities were terrestrial-based.

10. Some Member States provided information on their national efforts to implement TCBMs in outer space activities contained in A/68/189. Several outlined those categories of TCBMs they deemed to be of highest priority and made specific recommendations aimed at facilitating the implementation of individual TCBMs. The latter included, inter alia, promoting visits to space launch sites, organizing workshops and conferences, establishing national contact points, establishing consultative mechanisms, sharing of information of major outer space research programmes, calling upon States to submit papers on the principles and objectives of their national space policies and programmes, Secretariat briefings to the First and Fourth Committees on the synergies between the work of the relevant UN bodies based in Geneva, New York and Vienna, and risk reduction notifications. A number of Member States endorsed a notion of the common but differentiated responsibility of all States for the implementation of TCBMs. It was noted that a one-size fits all approach to implementation would not be practical and that TCBMs should be in accordance with the national security interests of all.

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<sup>1</sup> Outer Space Treaty, Rescue Agreement, Liability Convention, Registration Convention, Moon Agreement, Declaration of Legal Principles, Broadcasting Principles, Remote Sensing Principles, Nuclear Power Sources Principles, Benefits Declaration

11. Underlining the civilian benefits of the peaceful exploration and use of outer space, some Member States stressed the need to ensure full and equal access to outer space for all, regardless of levels of economic or scientific development, and the importance of ensuring agreed TCBMs did not act as barriers to such access. Member States underscored the importance of international cooperation, including capacity building, in this regard, as well as the importance of enhancing the availability of technological exchange in the field of outer space.

12. Member States welcomed progress made within the Working Group on the Long-Term Sustainability (LTS) of Outer Space Activities of the Scientific and Technical Subcommittee of the Committee on the Peaceful Uses of Outer Space (COPUOS). They hoped that COPUOS would successfully agree a full compendium of LTS guidelines soon. Several Member States expressed the view that some of the agreed LTS guidelines were relevant to the implementation of outer space TCBMs. Member States emphasized the need to ensure coordination with the work on the LTS guidelines, including with a view to preventing impeding, duplicating or prejudicing that work.

13. Some Member States affirmed that the Conference on Disarmament (CD) remained the appropriate body for negotiating a legally-binding instrument on the prevention of an arms race in outer space. Several States underlined the importance of coordinating with the CD, including its subsidiary body on the prevention of an arms race in outer space, as well as the Group of Governmental Experts on further practical measures for the prevention of an arms race in outer space due to meet in 2018 and 2019, bearing in mind the distinct mandates of these bodies.

14. The view was expressed that the Working Group could benefit from a summary of elements relevant to its mandate contained in existing international space law treaties and sets of principles, as well as in agreed elements of the work of the Conference on Disarmament, General Assembly and COPUOS. The Working Group would further benefit from a compilation of information provided by governments on national practice regarding implementation of TCBMs in outer space activities. To this end, it was suggested that the Disarmament Commission should request the Office for Disarmament Affairs and Office for Outer Space Affairs to prepare these compilations ahead of the Commission's 2019 session.

15. The view was also expressed that, in light of technological and other developments, the Working Group could benefit from an analysis of current security threats and challenges in outer space, including emerging threats, particularly in relation to the possibility of an arms race in outer space. To this end, it was suggested that the Disarmament Commission should explore the possibility of the United Nations Institute for Disarmament Research preparing a paper containing this analysis ahead of the Commission's 2019 session.

16. A number of Member States spoke in favour of particular principles that would apply to the practical implementation of TCBMs, including:

- A means for governments to 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
- Assist in building confidence as to the peaceful intentions of States and help States increase understanding and enhance clarity of intentions
- To positively augment the safety, sustainability and security of day-to-day space operations and contribute to the development of mutual understanding and the strengthening of friendly relations between States and people
- To increase the security, safety and sustainability of outer space with particular attention to the development and implementation of voluntary and pragmatic measures
- To be complementary to, and not substitute verification measures in arms control agreements and regimes
- Outer space TCBMs, as non-binding voluntary measures, should be implemented consistent with national interests and obligations of States
- Outer space TCBMs implementation is dependent on its cost effectiveness, effective and non-discriminatory international cooperation and assistance, and the availability of related equipment, technology and know-how
- TCBMs negotiated and applied multilaterally, bilaterally or unilaterally can be effective in their own right

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