

CURRENT CD DEVELOPMENTS REGARDING PAROS

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This conference, which has become an annual feature of the Geneva disarmament calendar, provides an opportunity to bring together diplomats, UN and non-governmental organizations, the private sector and research institutes to exchange views on how we can enhance our cooperative efforts to safeguard the outer space environment.

The world in which we live is increasingly dependent on space-based technologies. Along with the benefits that we gain from the peaceful uses of outer space also comes a responsibility on the part of the international community to preserve the benign nature of outer space and to regulate activities to this end.

The 1967 Outer Space Treaty has provided the basic framework of international space law. However, the record of implementation as well as new developments and technological capabilities have demonstrated that the treaty does not offer a comprehensive solution to current and future challenges to space security, and additional measures may be required to ensure its goals. There are many avenues through which we can build on the existing space security architecture. One of which is the work of the Conference on Disarmament (CD), of which I will speak today.

CD DISCUSSIONS ON THE PREVENTION OF AN ARMS RACE IN OUTER SPACE

As many of you are aware, the prevention of an arms race in outer space (PAROS) has been on the CD agenda since the first UN Special Session on Disarmament. The termination of the Ad Hoc Committee on PAROS in 1995 has not prevented worthwhile discussion and proposals from being generated in the intervening years, both in formal plenary sessions and in informal meetings.

In 2006, following an initiative of the six CD presidents, the CD held in mid-June a full week of focused, structured discussions on PAROS with the

participation of several experts from capitals. This “space week” was an important step forward in enabling the CD to resume some of its substantive work on space security.

This year, the six presidents have worked together to build on the structured discussions of 2006. Coordinators for each of the CD agenda items were appointed by the presidents to conduct informal meetings during the first session of 2007 (a total of six informal meetings per agenda item). I presided as coordinator for agenda item 3 on PAROS.

The objective of these informal meetings was to identify proposals relevant to PAROS that could have the potential to become eventually multilateral agreements of the CD. On that basis I structured the work of the informal meetings along three main themes:

- consideration of the adequacy of the existing international legal regime for providing security in outer space and possible means of enhancing it;
- transparency and confidence-building measures (TCBMs) regarding outer space activities relevant to international security; and
- elements of a treaty on the non-weaponization of outer space.

The discussions built on the previous work of the CD in these areas, but also introduced some new ideas. I will outline some of the main themes that emerged from these informal meetings.

ADEQUACY OF EXISTING INTERNATIONAL LEGAL REGIME

While there is broad support for existing accords relevant to outer space security, there is recognition that strengthening their implementation and promoting their universalization could lead to an overall improvement in space security.

At the same time, there is also recognition of some gaps in the existing space security architecture that are not addressed by existing mechanisms. To fill these gaps additional agreements and measures can be considered to ensure the continued unthreatened access to space for peaceful uses.

TCBMs

TCBMs can make a contribution in this regard. There is scope for the CD to develop measures that will address the security/military side of our space environment. Such measures could help reduce threat perceptions and increase confidence and security among states.

Ideas that were discussed included codes of conduct that could be based on the principles of non-interference and non-aggressive activities in space, and which might embrace elements such as the avoidance of collisions, minimum distance between satellites and avoidance of dangerous manoeuvres.

A multilateral moratorium by which space-faring states agreed not to test anti-satellite (ASAT) weapon systems that would produce permanent, irreversible or widespread effects, or which would produce debris, was another option raised. Regulating such restraints on state behaviour through a multilateral arrangement could help establish “rules of the road” for all countries.

It would also be beneficial to strengthen the implementation of existing accords, such as the Hague Code of Conduct, that already include TCBMs such as pre-launch notification or annual declarations of policies, sites and actual launches.

It was acknowledged that TCBMs would be valuable not only in terms of enhancing the safety of space assets, but could also serve as useful complementary measures to an eventual treaty banning space-based weapons.

ELEMENTS OF A TREATY

The informal meetings also built on previous discussions in the CD of a treaty preventing the placement of weapons in outer space and prohibiting the use or threat of use of force against space objects. This round of informal meetings focused primarily on the Russian–Chinese text on “draft elements” contained in CD/1679 of 2002 and allowed for further elaboration and clarification of key concepts, such as definitions, verification and scope.

Some considerations that were discussed in relation to scope were whether the treaty would prohibit the testing of ASAT systems on Earth and against objects in space, the distinction between deployment and placement, and the interpretation of the right to self-defence in the event of an aggressive act against one's space objects.

On definitions, there was consideration of whether any treaty would need to clearly define key terms such as "weapon" or "space object" or even "outer space", and if so what would be the parameters for such basic concepts. By way of an example, the Russian–Chinese paper CD/1779 on definitions suggests that the definition of a weapon should not only cover something that can "eliminate and damage", but also "disrupt normal functions" of a space object.

There was some initial discussion of verification, again based on earlier working papers, with recognition that, while difficult, the inclusion of verification was indeed possible and much would depend on the precise scope and elements of an eventual treaty.

As was announced by Russian President Putin at the Munich Conference on Security Policy held in February 2007, Russia is working on a draft treaty banning the placement of weapons in outer space. Suffice it to say, in our opinion the CD would be an appropriate place to negotiate a legally binding ban on space-based weapons as part of an effort to strengthen the multilateral architecture of space security.

COOPERATION AMONG RELEVANT FORUMS

A frequent theme in the informal discussions was that the work of the CD in the area of space security would be well served by enhancing dialogue among the various UN bodies with an interest in outer space, including the Committee on the Peaceful Uses of Outer Space (COPUOS), the International Telecommunications Union and the First and Fourth Committees of the General Assembly.

In particular, with cross-cutting issues such as space debris in which the CD and COPUOS have major roles to play and expertise to offer in keeping with their distinct mandates, such a dialogue could help to identify areas for cooperative activity and avoid duplication. Several delegations proposed

that the Chairman of COPUOS or his representative should brief CD members on its work.

FUTURE OF PAROS AT THE CD

So what is the future of PAROS in the CD following these informal meetings? As many of you will be aware, the six CD presidents have proposed a draft decision on a work plan for the rest of this year for the Conference. The decision was formulated on the basis of the outcomes of the informal meetings for all agenda items, as well as the results of extensive bilateral and regional consultations.

The draft decision would start informal negotiations on a Fissile Material Cut-off Treaty (FMCT), with separate structured discussions on nuclear disarmament/prevention of nuclear war, PAROS and negative security assurances. Consideration of each issue would be led by a coordinator, appointed by and reporting back to the Conference. It will then be up to the individual coordinators to structure the work for what the president has characterized as the equivalent of subsidiary bodies pursuant to the CD's rules of procedure. I am honoured that the six presidents have once again proposed that I be entrusted with presiding over work on PAROS.

The membership of the CD has not yet made a decision on the proposal. There is a possibility that a decision could be taken during a special session of the CD that may be convened during the period prior to the start of the CD's second session on 14 May 2007.

Whatever the fate of this particular diplomatic initiative, the global community needs to work together to ensure that we all benefit from continued access to and use of space by all, free from threat of attack. In my view, the CD is well placed to play a leading role in addressing the security dimensions of outer space and I can only hope that the collective membership will authorize us to take up this responsibility before more time is lost.