

Our Choice: Negotiating a new International Legal Instrument on Outer Space
(Geneva, 29 March 2010)

Mr. Chairman,

Excellencies, Dear Colleagues,

1. It is my privilege to attend the annual UNIDIR Space Security Conference, and I am especially honored to present the Conference, for a second time, on China's view and position towards the outer space security. Today I'd like to update you the latest developments on the draft *Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force against Outer Space Objects* (known as the PPWT), submitted jointly by China and Russia in 2008.

2. I would like to start with the necessity of negotiating and concluding a new outer space treaty.

2. The outer space is significant to human life. Exploration and exploitation of outer space has given significant impetus to the evolution of human civilization. With the advance of science and technology, more and more countries participate in and benefit from this process while human beings become increasingly dependent on the outer space. In a word, the outer space has become an indispensable part of human activities.

3. Maintaining outer space security is an important and pressing issue. The lasting peace in outer space is closely linked to the security, development and prosperity of every nation. The security of outer space, bearing upon global strategic balance and stability, is essential for a sound international security environment.

4. However, since the beginning of the exploitation of outer space, our efforts on peaceful use of outer space has been accompanied by the doctrines and programs of arms build-up in outer space, which have haunted the international community like a ghost. The outer space is facing real and serious security challenges which require immediate actions.

5. Proper prioritization of outer space security issues. The more we ponder, the more problems we encounter. With more and more expanded peaceful use of

outer space, challenges to outer space security are also increasingly identified. Growing space debris, deteriorating space environment, unprecedented risk of satellites collision, disputing orbital resources allocation, and so on, are all big challenges confronting the international community.

We are not against discussions and efforts to resolve the afore-mentioned problems, and we believe that human are wise enough in finding solutions to these problems. However, it is China's view that the top priority of the international community is to preserve everlasting peace in outer space, in another word to maintain an outer space with zero weapons and far away from armed conflict.

6. To that end, negotiating and concluding a new legally-binding international instrument on outer space should be the first item on the agenda of outer space security. The reasons come as follows:

6. First, peace serves as the foundation and pre-condition for development. Failing in preventing armed conflicts in outer space will make all kinds of rules and norms in outer space fundamentally groundless and useless. With no new treaty on preventing weaponization of outer space serving as basis, all the soft rules that we may establish through arduous efforts would be easily rendered functionless, by deploying one or two piece of weapons in outer space.

7. Second, overwhelming majority of countries share the common aspiration of preventing an arms race in outer space (PAROS). In the past 20 odd years, the UNGA consecutively adopted by overwhelming majority a resolution calling for the negotiation of an international instrument on preventing arms race in outer space. In October 2009, up to 176 states voted in favor of the resolution on PAROS with no objection, except that two countries abstained.

8. Third, a legally-binding international instrument on PAROS is the best confidence building measures. TCBMs can help deepen mutual trust, diminish misunderstandings and prevent conflicts, and play a positive role in various fields of arms control and disarmament. However, since it is not legally-binding in nature, the successful function of TCBMs simply relies on good will and voluntary implementation. An international legally binding instrument is the strongest political commitment and the best TCBMs.

9. Fourth, existing outer space related laws cannot prevent an arms race in outer space. The 1967 Outer Space Treaty and other related documents play an

important role in assuring the peaceful uses of outer space. However, these treaties have obvious limitations. Some are specifically targeted at WMDs, and others are limited within the scope of certain celestial bodies or areas. Since minor amendments cannot close the loopholes in the existing laws, the possibility and danger of weaponization and arms race in outer space cannot be excluded.

10. Fifth, the experiences and basis to start the negotiation have been at hand. For 10 consecutive years from 1985 to 1994, the Conference on Disarmament (CD) established an Ad Hoc committee annually to conduct in-depth consultations on definition, principles, existing legal instruments and confidence-building measures of the new outer space treaty. After the ad hoc committee ceased its work, the relevant discussions and exchanges under the framework of the CD continued. Meanwhile, many countries have launched constructive initiatives on maintaining outer space security, PAROS and etc., which also could be helpful reference for the future negotiation.

11. Related efforts jointly made by China and Russia have laid a solid foundation for the work of the CD. In year 2002, seven countries namely, China, Russia, Indonesia, Belarus, Vietnam, Zimbabwe and Syria, jointly presented to the CD a working paper entitled “ Possible Elements for the Future International Legal Agreement on the Prevention of the Deployment of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects”, contained in CD/1679. The document contains specific proposals on essential elements of a new legal instrument on outer space in accordance with the mode of a treaty, which can be a clear and feasible blueprint for the future work of the CD. In year 2006, China and Russia jointly submitted thematic documents on issues of transparency and confidence-building measures, definition, existing legal instruments of outer space and verification (contained in CD/1778, CD/1779, CD/1780, and CD/1781). On February 2008, on the basis of comprehensive discussion by all parties on the aforementioned documents, China and Russia submitted a draft Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat of Use of Force against Outer Space Objects (PPWT), which, in my personal point of view, will be a mature foundation for the CD to start relevant negotiations.

12. Now let me update you the latest development of the draft PPWT, and share with you the way we are going to advance this process next.

12. China and the Russian Federation have been making consistent efforts to encourage PPWT-related discussion at various occasions ever since its submission to the CD in 2008. In August 2009, the two countries once again jointly presented to the CD a document (contained in CD/1872), which answers the principle questions and comments made by the CD members on the draft treaty concerning issues like scope of application, definition, verification mechanism, right of self defense, dispute settlement and executive organization. Inadequate as this document might be in find answers for all the questions on the draft treaty, it still provides further clarifications which I believe will bring better understanding.

13. For next steps, China and Russia will continue our joint effort in bringing about substantive discussion on PAROS in the CD, and we hope consensus on this issue can be achieved at an early date through negotiations. With a view to future discussions and negotiations, I would like to make the following 3 points:

13. **First, the process should be open.** While China believes that the draft PPWT has laid good foundation for discussions on outer space security, we still welcome active participation in this process from all parties with unique views and proposals. All proposals aiming at advancing PAROS-related work in the CD and maintaining safety and security in outer space should be valued and discussed. Only as PAROS-related work in the CD remain open, can it draw and integrate wisdom and useful experiences contributed by all parties, and get the draft PPWT further improved.

13. **Second, discussions should be on an equal footing.** China advocates that PAROS related discussions in the CD should be based on parity and equality. This principle of equality should not only be applied to time allocation, but sub-items setting and office-bearers rotation. For details, we would like to exchange views with others during the CD sessions.

13. **Third, the outcome should be inclusive.** It is China's view that through substantive and in-depth discussion, the international community could finally come to a conclusion that the draft PPWT has within itself essential elements for maintaining outer space safety and security; that the draft treaty has a clear cut for distinguishing rights and obligations; that the draft treaty has represented the maximum consensus on PAROS issue around the world. Nevertheless, new ideas from all parties will definitely be welcomed, to complement and enrich the draft treaty, with all concerns properly solved.

14. In virtue of international community's joint efforts all these years, we are now ready for an early start of negotiations of a PAROS treaty. Just as the conference's theme goes, at this exact moment, our common task is to find the key that will guide us through the door from foundation to negotiations. China is of the view that, what is critical to an early start of the process is the political will and determination by all parties, esp. certain leading space power.

Mr. Chairman,

15. Just as I pointed out here last year, we must join our hands and take immediate actions, to keep the common outer space away from weapons and war for all ages, and witness a peak in human civilization.

Thank you.