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THE VALUE OF TRANSPARENCY AND CONFIDENCE-BUILDING MEASURES – NEXT STEPS

The Russian Federation considers that confidence-building measures help to ensure peace, security and stability at all levels, to eliminate possible threats and overcome challenges to peace and security, and to prevent military confrontation, while facilitating the management of situations that could lead to international tension. They make a significant contribution to improving inter-State relations and the development of dialogue and cooperation between countries.

In 1984 the UN Disarmament Commission decided on the confidence-building guidelines later endorsed by the General Assembly in resolution 43/78H. The guidelines stipulate i.a. that:

- confidence-building measures must be neither a substitute nor a precondition for disarmament measures nor divert attention from them;

- confidence-building measures may be worked out and implemented independently in order to contribute to the creation of favorable conditions for the adoption of additional disarmament measures;

- the implementation of confidence-building measures should take place in such a manner as to ensure the right of each State to undiminished security, guaranteeing that no individual State or group of States obtains advantages over others at any stage of the confidence-building process.

TCBMs in outer space activities, in view of the growing dependence of all countries in the world on the outcome of such activities, are an important component of confidence-building measures, which also include measures on land, at sea and in the air, and are intended to achieve similar aims.

A number of negative events in the course of space activities, such as the collision of Russian and American spacecraft on 10 February 2009 and the near-collision of a number of space objects and space debris with the International Space Station. These incidents demonstrate the importance of forecasting dangerous space incidents and providing early warning. In the context of international security the role of TCBM's, among other things, is to help prevent outer space to become a new sphere of confrontation, to avert a new nuclear arms race and to establish conditions for establishing a predictable strategic situation in outer space, the security of outer space activities and the protection of space assets. These measures could become a significant field for broad multilateral cooperation. Multilateral character of TCBMs substantially increases their practical value.

Application of transparency and confidence-building measures in outer space activities is not a new issue. TCBMs have long been recognized as a significant element of international law and order on outer space. The annually adopted UN GA resolution on PAROS recognizes that "the concrete proposals on confidence-building measures could form an integral part of..." "...an international agreement or agreements to prevent an arms race in outer space...". The issue of TCBMs was raised again in the new resolution "Transparency and confidence-building measures in outer space activities", adopted by the UN GA 64th session (64/49), which emphasizes the need for TCBMs as a means conducive to ensuring the attainment of the objective of prevention of an arms race in outer space.

TCBMs are already incorporated in a number of international agreements on outer space: the 1967 Outer Space Treaty, the 1968 Astronauts Rescue Agreement, the 1972 Liability Convention and the 1975 Registration Convention. These agreements provide i.a. for informing, to the greatest extent feasible and practicable, the UN Secretary-General, as well as the public and the international scientific community, of the nature, conduct and results of activities in outer space; providing data on the launched outer space objects, as well as outer space objects that ceased to exist on orbits or changed their earlier reported orbits; cooperation in joint management of emerging problems, etc.

A number of TCBMs are implemented by the states unilaterally and represent their political commitments. Russia has been informing the international community through the Internet on the forthcoming launches of spacecraft and their mission since 2003. In 2004 we made an important pledge not to be the first to place any type of weapons in outer space. This initiative was supported by the member-states of the Treaty on Collective Security Organization who made similar statement in June 2005.

All these measures are not comprehensive either in relation to different types of space activities or to participation of states in their implementation. Traditionally, this was explained by the fact that only a limited number of states could afford outer space activities. In recent decades the situation has been changing rapidly: already about 130 states in the world have their space-related programs now.

It is important to consider the results of the study on the application of confidence-building measures in Outer Space that was conducted by a Group of governmental experts over the period 1990 – 1993 (included in the report by the United Nations Secretary-General contained in document A/48/305), and also other related proposals introduced by States, including several proposals in connection with General Assembly resolutions 61/75, 62/43, 63/68 and 64/49.

This aggregate list of TCBMs is not exhaustive but could, in our opinion, serve as a basis for further discussion.

Possible TCBMs fall into several categories:

- Measures aimed at enhancing the transparency of outer space programmes;
- Measures aimed at expanding the information available on outer space objects in orbit;
- Measures related to the rules of conduct for outer space activities.

Such measures may be carried out in various ways, including the exchange of information, familiarization visits, notifications, consultations and thematic workshops:

(a) Exchange of information on:

- (i) The main directions of States' policies on outer space activities;
- (ii) Major outer space research and use programmes;

(iii) The orbital parameters of outer space objects;

(iv) Dangerous situations forecast in outer space;

(b) Familiarization visits:

(i) Expert visits, including visits to space launch sites, flight command and control centres and other facilities of outer space infrastructure;

(ii) Invitation of observers to launches of spacecraft;

(iii) Demonstrations of rocket and space equipment;

(c) Notification of:

(i) Planned spacecraft launches;

(ii) Scheduled spacecraft manoeuvres which could result in dangerous proximity to spacecraft of other States;

(iii) The beginning of descent from orbit of unguided space objects and the predicted impact areas on earth;

(iv) The return of a guided spacecraft from orbit into the atmosphere;

(v) The return of a spacecraft with a nuclear power source on board, in the event of malfunction and danger that radioactive material will fall to earth;

(d) Consultations:

(i) To clarify the information provided on outer space research and use programmes;

(ii) On ambiguous situations, as well as on other issues of concern;

(iii) To discuss the implementation of agreed transparency and confidence-building measures in outer space activities;

(e) Thematic workshops on various outer space research and use issues, organized on a bilateral or multilateral basis, with the participation of scientists, diplomats and military and technical experts.

In order to conduct a more in-depth study of issues relating to TCBMs and the preparation of recommendations for further work in this area, it would be useful to establish a United Nations group of governmental experts with the appropriate mandate.

The development of TCBMs should not detract us from the main objective – the prevention of an arms race in outer space.

TCBMs can play an important role in development, adoption and implementation of a new Treaty on the prevention of placement of weapons in outer space, threat or use of force against outer space objects (PPWT). The commitment by all countries not to place weapons and to prevent weaponization and arms race in outer space, per se, would be the most important confidence-building measure in outer space.

TCBMs would contribute to creation of favorable conditions for a new agreement. The development of recommendations on possible TCBMs in space is a relatively simple first step to strengthen outer space security. In case of success, it could be easier to agree on next steps.

TCBM-based predictability of military activities in outer space would objectively reduce probability of emergence of sudden military threats in space and from space, would diminish ambiguities in the strategic situation in outer space.

Finally, I would like to recall the GA Resolution 64/49 which was adopted by consensus and invited all members-states to continue to submit to the Secretary-General concrete proposals on international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space. The resolution also requests the Secretary-General to submit to the General Assembly at its 65th session a final report with an annex containing concrete proposals on international outer space TCBMs.