



Open-ended working group on reducing space threats through norms, rules and principles of responsible behaviours

Geneva, 12–16 September 2022

Item 6(b) of the agenda

Consideration of issues contained in paragraph 5 of the General Assembly resolution A/RES76/231:**To consider current and future threats by States to space systems, actions, activities and omissions that could be considered irresponsible****Responsible Behavior as an elusive and diversionary concept for Prevention of an Arms Race in Outer Space (PAROS)****Submitted by the Islamic Republic of Iran*****I. Introduction**

1. The growing development of space technologies, the incremental rising of conflicts in outer space, and the activities of some governments to dominate and seek superiority over space, has revealed the inadequacy of existing international legal instruments in the face of new challenges to maintain the security of outer space and promote its peaceful use and exploration.
2. More states are widely and deeply involved in space activities, and some private actors are also involved in space launch activities and space applications. Due to the increasing number of stakeholders in the use of outer space, and the growing dependence of human life on the benefits of the outer space products and services for economic development, maintaining stable space peace and security, becomes more vital and essential. It remains as elusive as before that the international community still faces security challenges and threats arising from the ever-increasing weaponization and militarization of outer space.
3. The Islamic Republic of Iran reiterates its well-known position that outer space is the common province of all humankind, and the exploration and use of outer space must be for the benefit of all nations and should remain the domain of peace and international cooperation for peaceful purposes.
4. These two entangling trends have made it more compelling than before that the prevention of an Arms Race in Outer Space known as PAROS remains as high priority security agenda for international community to negotiate a legally binding instrument in the Conference on Disarmament and not this long awaited mandate of the CD to be converted to a fundamentally oversimplified political agenda subject to distinction between responsible and irresponsible behaviors in outer space.
5. This would be downgrading the noble agenda of CD on PAROS as well as the international disarmament agenda. The impact of the departure and deviation from the long lasting mandate of CD on PAROS to negotiate a legally binding instrument for the full,

* This document is submitted late due to circumstances beyond the submitter's control.



effective and non-discriminatory prevention of an Arms Race in Outer Space, as complementary to space law, is ultimately danger and politically divisive.

II. Why is the concept of responsible behavior elusive and diversionary?

6. The concept of responsible behavior might be an attractive political gesture, but is a subjective, oversimplified, vague and unclear phrase extracted from social science literature to define norm setting as standard of appropriate behavior for political act that complying with it instead of legal undertaking, is driven by political expectations. Because norms are usually being set based on expectations instead of law, they are easier to be adapted to a political situation or situations of a particular state or states who are adamantly against the pursuit of legal agreements to keep their flexibility for example in case of outer space to follow their national superiority in outer space.

7. The outer space is not the sole case in this regard. Principally characterization of behaviors through norms instead of legal agreements inherently and as past experiences has shown, would become a tool for some countries to evade their own responsibility and put the blame on others. It creates ideological bias, double standard, political division, technical barriers, and abusive unilateral restrictions as pretext to hamper the peaceful use of outer space.

8. While at present the threat of militarization of outer space is now the most important challenge of the twenty first century, in a situation where some countries rapidly developing their space military programs, and extending their space military assets, reducing threats through concrete legal norms is more urgent, effective, efficient and absolutely necessary than responding to such emerging threats through responsible behavior.

9. Norms in particular in arms control cannot be created equal. Power and capabilities always matter. Actions or non-actions by powerful states have greater effects on shaping the norms. As history has shown, the risk and the danger of interpretation of freedom of non-action, in particular in case of outer space, by powerful states is high, unless and until a legal agreement puts every country, no matter powerful or not, in equal status in terms of legal undertakings.

10. Outer space insecurity is a shared concern of all humankind and preventing an arms race in outer space should be the obligation of all countries, in particular those with the most advanced space capabilities. In this context, it is a matter of grave concern to witness the approaches and policies of some states declaring outer space as a new war zone, developing military capabilities, establishing space military force and seeking hegemony and superiority through advanced military technologies in outer space. These are all sources of tension and conflicts that would lead to the extreme weaponization of space. Consequently, for the sake of preserving the security of outer space, all such actions should be regulated through legally binding norms, instead of resorting to arbitrary and judgmental norms of responsible or irresponsible behavior.

III. Our commitment to negotiate a legally binding instrument for PAROS

11. As the Islamic Republic of Iran has reiterated in different occasions, it believes that the weaponization of space and an arms race in outer space are common concern of the international community and at the same time, use and exploration of outer space is driving force for economic, scientific and social development of all countries for the benefit of the humanity. Therefore, preventing an arms race in outer space and ensuring its peaceful uses are the most persistent task for outer space security.

12. Along with the Group of 21 of the Conference on Disarmament and the Non-Aligned Movement, we have supported the draft treaty on PAROS as a basis for the establishment of an ad hoc committee to negotiate a legally binding treaty in CD. We have also actively

participated in the United Nations Group of Governmental Experts on PAROS, established in 2017 and in its meetings held in 2018 and 2019.

13. The GGE conducted an in-depth and substantive discussion on the elements of relevant international legally binding instrument to prevent an arms race in outer space. Unfortunately, a certain state has stood against consensus in the GGE and not let the report of the group follow suit in the UN. Such State, while unwilling to subject the development of its military capabilities in outer space to any legal undertakings, has also rejected the negotiations of a legal treaty for PAROS based on proposed PPWT text and has stalled single handedly against any movement in UN disarmament machinery in this regard.

14. Furthermore, some states, under the guise of collective defense, have defined space as an "arena of military operations" and have increased military investments for space and overtly and covertly are developing space warfare systems and military alliances at a high speed. The creation of a space force and the formation of military alliances to prepare for military actions in space, are clear manifestations of the growing dangers of an arms race in outer space.

15. In recent years, a certain state as being the first country to test anti-satellite weapons and creating more space debris than any other countries has increased its plans and actions to achieve military and strategic superiority to gain control of space. In a hypocritical and misleading move, it talks about banning the testing of anti-satellite missiles, which is accompanied by the support of allies. Furthermore, with the integration of commercial-military space systems, security-legal challenges are expanding and as a result, hostile actions against other countries are growing. In this situation, other countries inevitably will take countermeasures to defend themselves against such hostilities and then the conflict will increase exponentially. To redress this situation, concrete steps should be taken to preserve outer space as a realm of peace and free from hostilities. This clearly is an indication of the fact that such tensions and hostilities cannot be reduced by norms of responsible behaviors.

16. The Islamic Republic of Iran believes that a balanced approach to maintain the right of free access of all countries to peaceful use of outer space requires ensuring comprehensive and inclusive participation all states and respecting the opinions of all countries in non-discriminatory manner. As stated above, selective approaches such as behavior based approaches are not acceptable so as they are ended to politically arbitrary judgments and discriminatory measures in the absence of a legal framework.

17. They are inherently lop-sided approaches that are brought up by political motives to create prohibitions and restrictions against other countries. The common standard and recognition to determine whether a certain space behavior is responsible/or irresponsible should be based on judgment of legality or non-legality of certain actions. Without legal certainties, which means whether a space behavior is legal or not, it would be impossible to judge whether certain behavior is responsible or irresponsible.

IV. Conclusion

18. The most important agenda of the international community should be to preserve space security through reducing outer space threats and risks of military confrontation by negotiating a standard legal treaty in which the rights and obligations of States Parties would be defined, thus reducing space-to-earth and space-to-space threats through the deployment of any weapons and offensive military facilities and preventing the spread of space-to-earth and space-to-space threats, because other threats (earth-to-space and earth-to-earth) will occur in response to threats to countries from space which is the violation of countries' sovereignty.

19. The Islamic Republic of Iran believes that creating a legal framework for regulating obligations and rights of states in outer space is now an imperative and urgent task, in view of the current threats and risks of an arms race in outer space. In this regard, it is necessary to define the legal responsibility of all states.

20. In our opinion, the most important elements of PAROS Treaty should be including inter-alia as follows:

- Commitment and genuine support of all states to negotiate a legally binding instrument to prevent an arms race in outer space,
- Recalling the "Declaration of Legal Principles Governing the Activities of Governments in the Exploration and Exploitation of Outer Space in 1963" and other space law principles and general principles of International Law and the law of State responsibility, which all countries should be abided by the all laws and principles in particular OST 1967 as scope and definitions for prevention of an arms race in outer space,
- Obligations as include supporting the existing official frameworks of the United Nations,
- Ensuring long term sustainability of the peaceful use of outer space, taken fully into consideration the legitimate rights and special needs of the developing Countries,
- Solemn obligation of the most space capable states, undertaking their special responsibility for prevention of an arms race in outer space, abandoning unilateral superiority in outer space for absolute security advantage or bloc of countries,
- Refraining from creating military blockades in space and from deploying any WMD and other weapons in space (space to space and space to earth), not to use any weapons from space against any country, and the necessity to establish a legally binding mechanism to prevent impunity of any hostile and malicious acts against countries from space,
- Abide by the responsibility for previous space debris, and avoiding harmful interference in space activities of developing countries,
- Refraining from claiming any ownership of the moon and other celestial bodies,
- Not to impose any sanctions and unilateral actions to create obstacles and restrictions against the space activities of other countries in particular developing countries for peaceful purposes,
- Undertaking transfer of knowledge and technology for the development of safe, stable and peaceful space activities of all countries by developed countries,
- Recognizing and respecting the rights of other countries to use frequency bands and space orbits,
- Regulating the private space sectors in outer space military activities which exacerbate arms expansion in outer space in strict observing of Article VI of the OST 1967,
- Sharing space situational awareness data and avoiding any action that restricts the free access of other countries to such space data.

21. Any action that does not meet the above expectations should be legally prohibited to guarantee the preservation of space as an arena for peaceful purposes as the common heritage of humanity. In this regard, the proposal is to create a common understanding on the best way to reduce the threats to/from space systems in order to maintain outer space as a peaceful, safe, stable environment.
