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

Geneva, 28 August – 1 September 2023

Item 6(c) of the agenda

Consideration of issues contained in paragraph 5 of General Assembly resolution A/RES/76/231

To make recommendations on possible norms, rules and principles of responsible behaviours relating to threats by States to space systems, including, as appropriate, how they would contribute to the negotiation of legally binding instruments, including on the prevention of an arms race in outer space

On the consolidated OEWG Chair's elements paper on reducing space threats through norms, rules and principles of responsible behaviours, dated 20 July 2023

Submitted by the Islamic Republic of Iran

I. Introduction

1. Due to the importance of exploration and use of outer space for peaceful purposes and the growing dependence of human life on the benefits of the outer space products and services for economic development and prosperity, concurrently, prevention of arms race in outer space and, weaponization of space are absolutely necessary for keeping the world safe and secure. In this connection, Prevention of an Arms Race (PAROS) should remain as one of the core agendas of the Conference on Disarmament (CD) to establish an Ad Hoc Committee to negotiate a legally binding instrument for PAROS.

2. As G21 has repeatedly expressed its common position, the PPWT presented by Russia and China could be the basis to trigger such negotiation, because such genuine concern of the international community through the concept of “responsible behaviour” is oxymoron and will postpone this long lasting agenda of the CD to be implemented. This non-consensual concept of “responsible behaviour” is not the right roadmap to pave the way for negotiating the legally binding instrument for PAROS.

3. Principally, characterization of behaviours through norms instead of legal agreements inherently and as past experiences has shown, would become a tool for some countries to evade their own legal 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 by Developing Countries.

4. The Chair elements paper, under his sole responsibility, dated 20/07/2023, is void of considering the views and comments of a group of Countries that, in principle, have challenged the concept of so-called “responsible behaviour”.

5. The fact is that these have given either negative or abstain votes to the UNGA resolution 76/231. Therefore, it is essential that in any consideration of the elements of the final report of the Group for the UNGA seventy-eight session, the positions, statements and working papers of this Group of Countries, to be considered by chair to make the final report



balanced and comprehensive, to ensure its consensual adoption. So, it would be fair treatment of all states participating in the Group, if respected Chair in a very transparent manner, reflects all views and positions in the report to facilitate further ways towards the main objective of PAROS in future.

6. In the current complicated and dangerous security situation of outer space, where some countries have declared space as a war zone, the Chair report should be revised to take into consideration views and positions of all countries in order to prevent adopting any double standard by one group of countries.

7. As delegations voiced their genuine concern that the criteria of “responsible, irresponsible behaviour” is intrinsically subjective, vague and unclear to define norm setting as standard and criteria for application of appropriate behaviour, the question was ‘who makes such decisions and characterizations? how and in what circumstances and based upon which non politically motivated facts such decisions are made? require further comprehensive discussions. Furthermore, the views of developing countries in concluding recommendations in the final report should also be considered.

8. As an example, in case if sovereignty of a given country through space threats to earth would be breached, is this considered as irresponsible behaviour? and as a result of which, whether the victim country will have the right to defend itself and if defensive measures is further considered as responsible behaviour?

9. One of the most considerations for developing countries is the issue of violation of their sovereignty through threats from space to earth, by unauthorized mega-constellation satellite internet services, as well as the responsibility of States regarding Satellite TV broadcasting as one of the space Law principles¹ that has not been paid due attention in the Chair paper.

10. Space based Satellite TV broadcasting and Satellite internet services as an instrument for illegal information gathering and intelligence for military purposes, are vibrant examples of violating sovereign rights of states and the principle of non-intervention in their internal affairs in accordance with international space law. Therefore, establishing a legal framework for deterrence and reciprocal preventive measures compatible with such threat precautions from space to earth, in current challenging security space situations, where the outer space has been announced as a war zone, are inevitable to or prevent the violation of sovereign rights of states.

11. The ambiguities and technical complications of space law and its compatibility with other concepts of International Law, such as International Humanitarian Law (IHL), International Human Rights Law, the Convention on the Prohibition of Military or Any Other hostile Use of environment Modification Techniques, international Aviation Law and International Law of the Sea, Cyber space, TCBMs and LTS guidelines all have added to the complications of reducing space threats through responsible behaviour.

12. Consequently, all such complications are oxymorons as criteria to deal with behavioural approaches towards space threats.

13. Measures such as harmful interference, due regard, harmful effects, and safe separation and plan trajectories should be first and foremost to be defined as needed terminology, and then they should be pre-condition for strengthening the capacity of developing countries through cooperation and transfer of technology by developed space faring countries.

14. Some elements addressed in Chair paper such as security and sustainability of outer space are currently under discussion in COPUOS and no need to address them in this OEWG report to add to the said complications.

¹ UNGA Resolution 37/92, “Activities in the field of international direct television broadcasting by satellite should be carried out in a manner compatible with sovereign rights of states, including the principle of non-intervention, as well as with the right of everyone to seek, receive and impart information and ideas as enshrined in the relevant United Nations instruments.”

15. Some countries to keep up their appearances, in their declaratory policies emphasize that their exploration and use of outer space is solely for peaceful purposes, but in their actions, they have established space arms force, and outside the UN legal frameworks such as Moon treaty, they are trying to explore resources in Moon and other Celestial bodies for their exclusive interests. These are all paradoxes that increasingly add to space threats.

16. Finally, we expect that the common positions and views of like-minded countries including China, Russia, Islamic Republic of Iran, Cuba and others will be taken into account in the OEWG draft final report to ensure its adoption by consensus.

II. Recommendation for the final Report

17. As conclusion, we consider it necessary to include the following understandings in the final report which part of them are those we have addressed in our working paper submitted to the OEWG second meeting:

- 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.
- 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.

18. In our opinion, the most important elements of PAROS Treaty that should be included in the final report of the OEWG, are 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;
- Prohibition using space capabilities for intelligence gathering regarding sensitive and vital installations of the countries for belligerent and military purposes;
- 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 coercive measures 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 in particular 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.

19. 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.
