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

Geneva, 30 January – 3 February 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

Reaffirming the existing legal regime for space and building on it through new non-binding norms, rules and principles of responsible space behaviours

Submitted by United Kingdom

1. We are living in an age of intensifying systemic competition between States. It takes place across the conventional domains of land, air, sea as well as in cyberspace and space. This is the context in which threats to space systems are proliferating, presenting risks of increased tension, unintended escalation and conflict, and long-term damage to the space environment.

2. Reaffirming and protecting the integrity of the existing legal framework can help us to manage these risks. In particular the OEWG should reaffirm that:

(a) International law, including the Charter of the United Nations, is applicable to all activities of states in the exploration and use of outer space. Compliance with international law is essential to maintaining international peace, security and stability and promoting an open, secure, stable, accessible, sustainable and peaceful use of space;

(b) International Humanitarian Law (IHL) is applicable to space operations conducted pursuant to or in furtherance of armed conflict. The recognition of this fact does not increase the likelihood of conflict in space. On the contrary, acknowledging that such space operations are regulated by IHL, which affords legal protection to civilians and civilian objects (including civilian space objects), is more likely to promote restraint.

3. In addition to complying with the law, improving transparency and lines of communication between States can help reduce the risk of misunderstanding and miscalculation. A number of ideas are contained in the 2013 report (A/68/189) of the Group of Governmental Experts on Transparency and Confidence Building Measures in Outer Space Activities. These were agreed by consensus. The international community should do more work to support implementation of the recommendations and improve transparency more generally. In particular:

(a) States should publish their space military and security strategies, policies, doctrines and expenditures as part of implementing the recommendations in paragraphs 27a (pg.12) and para 37 (pg.14) and para 38 (pg.14) of the 2013 report (A/68/189) of the Group of Governmental Experts on Transparency and Confidence Building Measures in Outer Space Activities.



(b) Military space operators of space faring nations should establish a consultative mechanism to give effect to the recommendations contained in paragraph 57 of the 2013 report (A/68/189) of the Group of Governmental Experts on Transparency and Confidence Building Measures in Outer Space Activities:

- i. Clarifying information regarding the exploration and use of space, including for national security purposes;
- ii. Clarifying information provided on space research and space applications programmes;
- iii. Clarifying ambiguous situations;
- iv. Discussing the implementation of agreed transparency and confidence building measures in outer space activities;
- v. Discussing the modalities and appropriate international mechanisms for addressing practical aspects of outer space uses;
- vi. Preventing or minimizing potential risks of physical damage or harmful interference.

(c) States with a space-launch capability should provide pre-launch notifications of all launches into space in accordance with the Hague Code of Conduct Against Ballistic Missile Proliferation and engage in pre-launch co-ordination with states that might be affected by re-entering debris (e.g. rocket stages) that pose a potential risk of injury to people and damage or destruction of property.

4. Standards and guidelines agreed by States at the UN Committee on the Peaceful Uses of Outer Space and other fora also provide a valuable contribution to space security. Setting general benchmarks of safety or sustainability for space operations makes it easier to identify irresponsible or threatening behaviour, which may deviate from these standards.

5. Recognising the contribution that COPUOS can make to space security does not imply that the issues we are discussing in the OEWG should fall under the remit of COPUOS. For example, the security community can support safety and sustainability agenda e.g. through agreeing limits on destructive testing of Direct Ascent Anti-Satellite missiles but discussion of norms to limit missile testing belong squarely in the First Committee.

6. In order to reduce misperceptions, all space operators, including defence and security actors, should act in accordance with generally agreed guidelines for safe and sustainable space operations, such as the Space Debris Mitigation Guidelines and the Guidelines for the Long-term Sustainability of Outer Space Activities of the Committee on the Peaceful Uses of Outer Space.

New Norms, Rules and Principles

7. Non-binding norms, rules and principles of responsible space behaviours can help manage threats against space systems. They do not seek to prohibit action that is otherwise consistent with international law. Rather, they allow the international community to agree risk reduction measures for certain space activities, which may nonetheless pose a risk of misunderstanding, miscalculation, escalation or conflict.

8. New norms, rules and principles can help by:

- encouraging more transparency and communication around certain space activities that might be misinterpreted;
- encouraging safe practices when conducting defence and security related space activities so as to avoid accidents or incidents that could cause escalation;
- avoiding or minimising collateral effects such as space debris or forms of interference that significantly impact civilian activity.

9. While the Outer Space Treaty places an obligation on States to conduct their activities in space with due regard (Article IX) to the interests of other states, it does not specify exactly

what this means in practice. Norms of responsible behaviours may be helpful here by contributing to the development of State practice in relation to the due regard principle and other aspects of space law. In due course, such norms may lead to legally binding measures.

10. The United Kingdom would like to propose the following new norms, rules and principles that would apply in peacetime for further consideration by the international community.

(a) States should provide advance notification of defence and security exercises that could have an impact on space systems and services in order to reduce the risk of misunderstanding or misperception of their intentions;

(b) States should not destructively test their counter-space capabilities in space;

(c) States should ensure satellites under their jurisdiction and control or operating on their behalf do not conduct counter-space testing activities that impair the safe operation of satellites under the jurisdiction and control of another state;

(d) States should ensure satellites under their jurisdiction and control or operating on their behalf do not physically connect with satellites under the jurisdiction and control of another state without prior consultation and consent;

(e) States should avoid jamming or spoofing activities against space systems that generate collateral impacts on civilian activity over large areas, such as disruption of air traffic or emergency services;

(f) States should not cause the permanent loss of command and control of satellites of other States.

(g) States should not cause permanent damage to the imaging sensors of satellites of other States.
