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Disarmament Commission**Substantive session of 2022**

New York, 4–21 April 2022

Agenda item 5

Preparation of recommendations to promote the practical implementation of transparency and confidence-building measures in outer space activities with the goal of preventing an arms race in outer space, in accordance with the recommendations contained in the report of the Group of Governmental Experts on Transparency and Confidence-building Measures in Outer Space Activities**Working paper submitted by the Russian Federation**

1. The Russian Federation consistently advocates the maintenance of a weapons-free outer space, traditionally initiating the adoption of the General Assembly resolution on further practical measures for the prevention of an arms race in outer space and sponsoring the Assembly resolution on the prevention of an arms race in outer space. Since 2005, we have annually submitted, together with numerous other sponsors, the resolution on transparency and confidence-building measures in outer space activities to the Assembly, and proposed establishing the specialized Group of Governmental Experts on Transparency and Confidence-building Measures in Outer Space Activities, which convened in 2012–2013, and the Group of Governmental Experts on Further Practical Measures for the Prevention of an Arms Race in Outer Space, which operated in 2018–2019.
2. Russia has submitted an array of international initiatives aimed at reaching the objectives related to the prevention of an arms race in outer space, the core of which is developing, through negotiations, a multilateral legally binding instrument on the matter to ensure the prevention of the placement of weapons in outer space and of the use or threat of force against outer space objects or with their assistance, based on the draft treaty on the prevention of the placement of weapons in outer space and of the threat or use of force against outer space objects, prepared jointly with China. Its updated version was submitted at the Conference on Disarmament in Geneva in June 2014.
3. In order to provide impetus to the international work on such a multilateral instrument, Russia, together with China, suggested that the Secretary-General should prepare a relevant substantive report based on the views and proposals of Member States on the provision of guarantees for the prevention of an arms race in outer space



and the maintenance of outer space for peaceful purposes and submit it to the General Assembly at its seventy-seventh session.

4. The prevention of such an arms race, as provided by the decisions of the first special session of the General Assembly devoted to disarmament, held in 1978, remains a prerequisite for and means of maintaining outer space for peaceful purposes. The Russian principled position is that, without reliable guarantees of maintaining outer space free of weapons, enshrined in an international legally binding document, there is no prospect of addressing issues related to the peaceful use of outer space and the security of outer space activities.

5. Transparency and confidence-building measures in outer space activities represent a crucial element of the efforts to address the objectives related to the prevention of an arms race in outer space. We consider such measures to be an interim step towards elaborating a legally binding instrument on the prevention of an arms race in outer space. These measures cannot substitute such legally binding instruments and are of a purely temporary and auxiliary nature, in particular intended to serve as an element of a verification mechanism.

6. In addition, transparency and confidence-building measures should be aimed at a complete ban on the placement of weapons in outer space and the threat or use of force against outer space objects or with their assistance. The role of such measures is reaffirmed in the report of the Group of Governmental Experts on Transparency and Confidence-building Measures in Outer Space Activities and in the Disarmament Commission guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level.¹

7. The final report of the Group of Governmental Experts ([A/68/189](#)) that the Russian Federation proposes to consider as a starting point of the Commission's activities under agenda item 5 is an important phase of the work on such measures and the prevention of an arms race in outer space. To make our discussions within the Commission effective, the broadest approach towards this issue should be taken through comprehensive deliberations.

8. The Russian Federation assumes that the Commission's mandate on the topic derives from paragraph 72 of the Group's report, which contains a recommendation to the General Assembly to decide how to further advance such measures and provide for their universal consideration and support, including by referring to the other recommendations made to the Commission.

9. The work on transparency and confidence-building measures in the framework of the Commission also provides for the reaffirmation by Member States of their commitment to the existing international legal norms and principles governing activities in outer space, namely the provisions of the Charter of the United Nations, the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty), the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, the 1963 Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, the 1972 Convention on International Liability for Damage Caused by Space Objects, the 1974 Convention on Registration of Objects Launched into Outer Space and the 1977 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

10. The Russian Federation sees a dangerous trend in the implementation by some Member States of their intentions on weapons placement in outer space and the use

¹ Elaborated in accordance with General Assembly resolution [39/63](#) E of 12 December 1984.

of outer space for combat operations in order to ensure dominance and supremacy. Any steps aimed at the use of outer space for military operations exert the most negative impact on international peace and security and are fraught with an abrupt destabilization and an arms race in outer space, which would completely undermine the prospects for arms limitations and reductions in general.

11. Therefore, we call upon Member States to reaffirm their commitment to the decisions of the first special session of the General Assembly devoted to disarmament, which provide for the exploration and use of outer space for peaceful purposes, the prevention of an arms race in outer space and the launch of relevant negotiations in line with the Outer Space Treaty.

12. The Russian Federation believes that Member States should take on commitments at the national and international levels to completely exclude outer space from the sphere of an arms race and maintain it for peaceful purposes for the benefit of all humankind. It is also important to fix the commitment not to place any type of weapons in outer space (including in orbit around the Earth or on celestial bodies), as well as prohibit the threat or use of force against outer space objects or with their use.

13. The Russian Federation believes that the main goal of discussing this topic within the Commission is to identify the transparency and confidence-building measures (including those described in document [A/68/189](#)) that could be used for addressing the issue of the prevention of an arms race in outer space and to prepare recommendations for their implementation at the national level on a bilateral or collective basis. We invite States to brainstorm to define the measures that could be applied in this regard. We think that it would be useful to extensively utilize the report of the Secretary-General on transparency and confidence-building measures in outer space activities ([A/65/123](#)) in the work within the Commission.

14. The Russian Federation considers it appropriate to introduce into international and national practice the transparency and confidence-building measures recommended by the relevant Group of Governmental Experts. We advocate their voluntary implementation at the national level to the maximum extent possible and feasible and in line with the interests of Member States. We are convinced that the implementation of the measures will produce the greatest effect if they are used on a permanent, not temporary, basis, together with legally binding documents or incorporated into legally binding documents. At the same time, it does not mean that such measures cannot or should not be used to address specific issues related to ensuring the security, transparency, long-term sustainability and predictability of outer space activities.

15. According to paragraph 20 of the Group's report, in general, transparency and confidence-building measures are an instrument by which Governments can exchange information with the aim of building mutual trust and reducing the possibility of miscalculations, thus helping to prevent military confrontation and to strengthen regional and global stability. In other words, confidence-building measures are directly related to both military and any operational activities in outer space. They are aimed at ensuring that such activities pose no threats and do not cause conflicts.

16. At the same time, many transparency and confidence-building measures involve disclosing sensitive information concerning the defence and security of States. Therefore, despite the fact that such measures are considered voluntary and not legally binding according to the recommendations of the Group, we believe that their implementation could be planned, inter alia, in a treaty format on a bilateral or multilateral basis, similar to bilateral agreements on the prevention of dangerous military activities within the Organization for Security and Cooperation in Europe

(the Code of Conduct on Politico-Military Aspects of Security, the Vienna Document 2011 on Confidence- and Security-Building Measures, etc.).

17. The Russian Federation views as important the criteria contained in the provisions of the Group's 2013 report, which, in the ideal case, should correspond to the transparency and confidence-building measures in place. The list of these criteria provides guidance to States that put forward initiatives to introduce a measure into international practice. At the same time, we proceed from the fact that the criteria proposed by the Group are of a purely recommendatory nature and a discrepancy of such a measure with any of them cannot be considered or used as a pretext to block it. Otherwise, there is a risk of facing a situation in which these criteria will be applied to counteract the introduction of new initiatives for political reasons.

18. We are convinced that, when developing and reviewing such measures, first of all, we should take into account the purpose that they were designed for. This means to us that, in relation to each specific measure, we will first of all have to make sure that it would really serve the purpose of preventing an arms race in outer space, as well as to study the circumstances under which it could be applied and the maximum effect that could be obtained. After that, we should ascertain that such a measure would not contradict current international space law. It is obvious that a transparency and confidence-building measure that does not fully correspond to (or, moreover, contradicts) international treaties, for example the Outer Space Treaty, can hardly be considered grounded. A reservation should be made in this case that such a "compliance" criterion should be applied with all prudence, especially when it comes to the measures designed to regulate the issues not fully covered by current international space law. The last criterion, which we consider one of the most significant in this context, refers to the feasibility of such measures. In other words, every measure should be feasible in terms of technical, financial, political and other prerequisites.

19. The inclusive international political commitment to no first placement of weapons in outer space remains, for the moment, the most viable and effective existing transparency and confidence-building measure designed to maintain international peace and ensure equal and indivisible security for all, as well as enhance the predictability and sustainability of Governments' activities in terms of the exploration and use of outer space for peaceful purposes. This initiative is unprecedented in its significance as a transparency and confidence-building measure. At the same time, its globalization is an important step towards the treaty on the prevention of the placement of weapons in outer space and of the threat or use of force against outer space objects, so the commitment to no first placement should not be viewed apart from international efforts on the prevention of an arms race in outer space in accordance with the relevant General Assembly resolutions.

20. Thirty Member States fully participate in the no first placement initiative (Argentina, Armenia, Belarus, Bolivia, Brazil, Burundi, Venezuela, Vietnam, Guatemala, Indonesia, Kazakhstan, Cambodia, Kyrgyzstan, Cuba, Myanmar, Nicaragua, Pakistan, the Congo Republic, the Russian Federation, the Seychelles Islands, Syria, Suriname, Sierra Leone, Tajikistan, Togo, Turkmenistan, Uzbekistan, Uruguay, Sri Lanka and Ecuador). Since 2014, the General Assembly has been annually adopting a resolution with the same title calling upon States, primarily spacefaring ones, to make the political commitment to no first placement. The resolution is traditionally supported by two thirds of the Member States. The relevance of no first placement is reflected in the work of the Collective Security Treaty Organization, the Commonwealth of Independent States, the grouping of Brazil, Russia, India, China and South Africa, and the Shanghai Cooperation Organization, as well as in many bilateral documents.

21. In terms of the criteria set out in the Group's report, we consider that the initiative fully corresponds to them. As for the verification of no first placement, we assume that the political commitment made at the highest State level does not need to be verified. The implementation of this commitment is ensured in the same way as in the case of the Outer Space Treaty – the dividends from the consistent implementation of the no first placement initiative are infinitely greater than the negative political effects in case of violation of this commitment or withdrawal from it. Besides, we cannot ignore the fact that no similar initiatives exist to date.

22. It is important that the initiative take into account the needs of developing States in space exploration. Accession to it does not imply any financial or technological resources. For taking a relevant political decision, only political will is needed.

23. In general, we believe that, if all States, primarily spacefaring ones, make the commitment to no first placement, the situation in terms of the placement of weapons in outer space will become more predictable; there will be a well-founded certainty that, in the foreseeable future, outer space will be free from strike systems; and a favourable environment will be in place, enabling substantive negotiations to conclude a relevant treaty.

24. The Russian Federation calls upon all States to consider pledging their political commitment to no first placement of weapons in outer space.

25. The Russian Federation is also ready for discussions on other proposals on transparency and confidence-building measures in outer space activities that could be implemented on a multilateral basis with a view to accomplishing the objective of the prevention of an arms race in outer space.
