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**LETTER DATED 5 SEPTEMBER 2005 FROM THE PERMANENT
REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE CONFERENCE ON
DISARMAMENT ADDRESSED TO THE SECRETARY-GENERAL OF THE
CONFERENCE TRANSMITTING THE SUMMARY OF THE SECOND OPEN-ENDED
INFORMAL MEETING ON THE ISSUE OF THE PREVENTION OF AN ARMS RACE
IN OUTER SPACE HELD ON 16 AUGUST 2005 IN GENEVA¹**

I have the honour to transmit to you the summary of the second open-ended informal meeting on the issue of the prevention of an arms race in outer space (PAROS), organized by the Russian Federation. This meeting was held in Geneva on 16 August 2005.

The prime objectives of the meeting were discussing the document CD/1679 “Possible Elements for a Future International Legal Agreement on the Prevention of the Deployment of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects” and conducting in-depth exchange of views on the three thematic non-papers prepared and distributed at the Conference on Disarmament by the delegations of the Russian Federation and the People’s Republic of China, namely:

- 1) “Existing International Legal Instruments and Prevention of the Weaponization of Outer Space” dated August 26, 2004;
- 2) “Verification Aspects of PAROS” dated August 26, 2004;
- 3) “Definition Issues Regarding Legal Instruments on the Prevention of the Weaponization of Outer Space” dated June 9, 2005.

The total number of participants of this meeting exceeded 100, representatives of over 50 countries and the UNIDIR attended it.

* / Reissued for technical reasons.

¹ / This document is reproduced as received by the Secretariat.

In the course of the meeting an effort was made to take a look at the eventual treaty prohibiting placement of weapons in outer space and threat or use of force against outer space objects, as a whole, and also to exchange views on some specific elements of the treaty and to explore possibilities and obstacles for further elaboration on those elements.

The meeting, in our view, has contributed significantly to preparation of an updated version of the document "Compilation of Comments and Suggestions to the CD Working Paper CD/1679" of 31 July 2003. It will, hopefully, stimulate a transparent discussion in the Conference and facilitate reaching consensus on this very important subject-matter.

We intend to continue deliberations focused on concrete elements of the proposed treaty on prevention of weaponization of outer space, threat or use of force against outer space objects.

I would be grateful if you could issue and circulate this letter with the attached summary of the aforementioned meeting as an official document of the Conference on Disarmament.

(Signed:) Leonid SKOTNIKOV
Ambassador
Permanent Representative of the
Russian Federation to the
Conference on Disarmament

Summary of the second open-ended meeting on the issue of the prevention of an arms race in outer space (PAROS) held by the Russian Federation (August 16, 2005)

The second open-ended informal meeting on PAROS, organized by the Russian Federation, was held in Geneva on 16 August 2005.

Representatives from 54 Member States and Observer States at the Conference on Disarmament as well as experts from the UNIDIR, totalling more than one hundred persons, attended the meeting.

Introductory remarks were made by the Deputy Permanent Representative of the Russian Federation to the UNOG and other international organizations in Geneva Mr. Anton Vasiliev and the Permanent Representative of the People's Republic of China to the CD, Ambassador Hu Xiaodi.

Intensive and interactive debate that followed was focused on in-depth review of the document CD/1679 "Possible Elements for a Future International Legal Agreement on the Prevention of the Deployment of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects" of June 28, 2002 and analysis of the three thematic non-papers, distributed in the CD by the delegations of the Russian Federation and the People's Republic of China, namely:

- 1) "Existing International Legal Instruments and Prevention of the Weaponization of Outer Space" dated August 26, 2004;
- 2) "Verification Aspects of PAROS" dated August 26, 2004;
- 3) "Definition Issues Regarding Legal Instruments on the Prevention of the Weaponization of Outer Space" dated June 9, 2005.

More than 15 speakers took part in the debate. The UNIDIR introduced a summary of the proposals made by a wide range of experts from non-governmental and governmental institutions at conferences on PAROS organized in 2002, 2004 and earlier this year.

The importance of the issue of PAROS in security and disarmament agendas of many countries was repeatedly emphasized, as well as the wish to work on PAROS in the CD which was called the most appropriate negotiating forum to deal with this issue. The need was broadly acknowledged for a prompt re-establishment of the CD Ad Hoc Committee on PAROS to negotiate a new legal instrument on the basis of the CD/1679. It was underlined that exploratory and negotiating efforts should be coordinated with the other international fora dealing with specific aspects of outer space.

It was argued that the CD/1679 and the three subsequent thematic non-papers had been useful in helping to identify and consider possible elements of an eventual treaty on the prevention of placement of weapons in outer space, the threat or use of force against the outer space objects.

A view was expressed to enhance implementation of the important existing legal instruments related to outer space. It was also suggested to hold on the 40th anniversary of the Outer Space Treaty an international conference encompassing various UN bodies to discuss how to safeguard outer space security.

On the specific items of the agenda of the meeting the following views and proposals were expressed. (The co-authors of the CD/1679 mentioned that this was not an all-inclusive register and expressed their intention to prepare and distribute in the CD an updated and augmented version of the “Compilation of Comments and Suggestions to the CD Working Paper CD/1679”).

Definitions

An article on definitions was suggested to be included in the proposed treaty to clarify its intended scope. Conversely, it was also recalled that the 1967 Outer Space Treaty had no definitions. Others recommended that the number of definitions included in an international legal instrument on non-weaponization of outer space should be kept to a minimum. A number of such potential “candidate” definitions were raised by different participants.

The thematic non-paper on definitions issues of non-weaponization of outer space was suggested to form the basis of focused discussions in a working group or in CD plenaries. The view was also expressed that a technical examination of proposed definitions would be necessary.

Among others, the term “weapon”, as referred to outer space, may be properly fixed. The terms “peaceful purposes” and “for defensive purposes” should be explicitly defined. The issue of outer space objects, which can be used for defense purposes on the Earth, ought to be duly considered. There may also be a need to provide definitions for “space debris” and “launching state”.

Basic obligations

In this context, it was argued that a treaty should not only focus on deployment restraints but also on the whole cycle from research to use.

It was proposed that such an instrument need not be a blanket prohibition of all weapons in space. A gradation of measures could be envisaged: from prohibitive measures, through restrictive measures and to permissive measures.

A concern was voiced that it could be counter-productive to seek to include measures to prevent temporary and reversible disruption of normal functioning of outer space objects. Jamming technology is already widely available, as are other types of electronic warfare.

The use of outer space for peaceful and other military purposes

It was suggested that the UNGA:

- adopt a resolution defining the “peaceful uses of outer space” (prohibiting weapons in space but allowing military uses of space);
- seek an advisory opinion of the International Court of Justice on the definition of the “peaceful uses” clause;
- convene an open-ended working group or establish a CD Ad Hoc Committee to discuss a treaty on cooperative security in outer space.

Confidence building measures

The view was expressed that, in addition to discussing comprehensive legal norms for a ban on weaponization of outer space and threat or use of force against outer space objects, other measures for space security ought to be also included, such as: space monitoring; debris reduction; space cooperation; “rules of the road”, and further confidence building. It would also lay the necessary foundation for any future treaty.

A number of concrete CBMs was suggested that could be taken in parallel to negotiating a treaty on the prevention of weaponization of outer space and that would enhance security in outer space. Among other steps, nations could agree not to undertake weapon tests, including because they would create significant amount of debris. Self-declared moratoria on tests and placement of weapons in space would also be a political gesture of good will.

A code of conduct in outer space, as proposed, would mean: no simulated attacks on space assets and satellites, no dangerous manoeuvres, advance notice of manoeuvres, no harmful laser use, mitigation of debris, advance notice of launch, regulation of access and launch, and no interference with national technical means.

Verification

It was repeatedly noted that verification was an essential element of the proposed treaty and would contribute significantly to security of outer space. A concern was voiced over the statement that treaties “are still effective” without verification procedures.

Conversely, others argued that the technical challenges in ensuring effective verification of compliance with such an agreement, coupled with the political difficulties, meant that the development of a verification mechanism would have to be postponed and addressed within an additional protocol.

The view was expressed that verification was more than a purely technological issue and would require extensive discussion. The point was made that there were a number of steps that could be undertaken at an early stage, including better implementation of existing commitments, elaboration and adoption of CBMs.

It was stated that specific issues contained in the Russian-Chinese thematic paper on verification aspects of non-weaponization of outer space deserved a careful technical study. In this context one of the relevant issues is the cost of verification.

Executive organization

It was marked that provisions of the treaty should ensure that it addresses issues related to membership and authority of the Executive organization and its mandate to consider and resolve disputes. It was suggested that the OPCW and IAEA Board of Governors could serve as useful food for thought in this regard.

There was a view expressed that the role of the Executive organization in registration - one of the fundamental means of verification - should be explored.

At the same time, questions were raised on the necessity of setting up an Executive organization.

Entry-into-force of the treaty

Ratification by the P5 should not be the precondition for the treaty entry-into-force in order to avoid the fate of the CTBT. There was also opinion raised that this is unduly restrictive and could act to condemn the entry-into-force to failure. It might be more effective to define a number of ratifications for the entry-into-force rather than to establish an explicit list of countries all of whom must ratify the treaty.

Conversely, the point was made that the future treaty should be ratified by all P5 states. Otherwise, the effectiveness of the Treaty will be weakened.

A doubt was expressed over the relevance of ratification by 20 states as a precondition for the treaty EIF. It was underlined that the treaty would be effective only if ratified by all the states with capabilities in outer space.

Possible additional elements

The idea of adding a special provision banning anti-satellite weapons was advanced. This, it was thought, would appeal to states which have no direct space capability but which widely use outer space technology and assets for their socio-economic development.

There was a concern voiced on the debris problem: the presence of space debris from military activities and weapon tests and the over-crowding of certain satellite orbits obviate security in outer space. Specific technical measures to mitigate and prevent debris creation, as well as to track and to eliminate debris, could also be addressed in the treaty.

It was stressed that a specific language for issues of registration and liability in the context of PAROS should be provided for.
