

# Conference on Disarmament

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## **Note Verbale dated 16 September 2022 from the Permanent Mission of the Islamic Republic of Pakistan transmitting the text of the statements delivered by Pakistan delegation at meetings of Subsidiary Body 3 entitled “Prevention of an arms race in outer space”, established by decision CD/2229**

The Permanent Mission of the Islamic Republic of Pakistan to the United Nations and other International Organizations in Geneva presents its compliments to the Secretariat of the Conference on Disarmament (CD) and has the honour to transmit the text of statements delivered by Pakistan delegation at meetings of Subsidiary Body 3 entitled "Prevention of an arms race in outer space", established by Decision CD/2229.

The Permanent Mission of Pakistan requests the CD Secretariat to kindly register the text of the attached document as an official document of the Conference on Disarmament.

The Permanent Mission of the Islamic Republic of Pakistan to the United Nations avails itself of this opportunity to renew to the United Nations Office, Secretariat of Conference on Disarmament (CD) Geneva Branch, the assurances of its highest consideration.



## Annex

### **Statement by Mr. Muhammad Omar, First Secretary, at First and Second Meeting of Subsidiary Body 3, Conference on Disarmament, Geneva, 07 June 2022**

Madam Coordinator,

We congratulate you on your appointment as the Coordinator for this Subsidiary Body and assure you of our constructive participation.

We thank UNIDIR and Chair of the OEWG on space threats for their useful presentations.

My delegation associates itself with the statement delivered by the distinguished delegation of Nigeria on behalf of the Group of 21.

Madam Coordinator,

The salience and urgency of preventing the arms race in outer space merits not just a stocktaking exercise but also to situate this agenda item in the contemporary geo-strategic environment.

The nature and extent of security threats in, from and to outer space as well as earth has grown manifold. The most visible manifestation of these threats is the unstoppable arms race and placement of weapons in outer space.

Even more worryingly, such threats are magnified by the growing integration of weapons, technologies, platforms and dedicated force structures in the nuclear, cyber, conventional and outer space domains.

The mutually reinforcing nature of defensive and offensive capabilities such as the deployment of missile defence systems and their amalgamation with outer space systems represents yet another layer of threats to strategic stability at the global and regional levels.

In the absence of legal constraints, these systems allow pre-emptive and disarming strikes against terrestrial systems, entailing dangerous consequences for safety, security and sustainability at earth and in outer space.

The line between peaceful and military uses of outer space is being blurred as non-governmental actors themselves are no longer singularly confined to its peaceful exploitation. The growing fusion between civilian, intelligence and military institutions and endeavours is no longer a well-kept secret.

Some states openly speak about extending deterrence to outer space. Destabilizing capabilities such as Anti-Satellite Weapons (ASAT) and directed energy weapons are being complemented by placement of weapons in outer space with potential implications for outer space as well as on earth.

Today, the array of and nature of threats includes kinetic as well as non-kinetic weapons; from capabilities in various orbital situations, direct ascent capabilities as well as those from other terrestrial systems or from enablers of yet another set of terrestrial systems.

These developments undermine the spirit and principles of existing international law governing outer space. Left unaddressed, these growing risks pose serious threats to global as well as regional peace, security and stability.

Madam Coordinator,

This state of affairs also underscores inter alia that the existing normative and legal architecture governing the security dimensions of outer space has not kept pace with growing risks.

It also illustrates that the existing international legal regime has seemingly been unable to infuse “responsible behaviour” in reducing space threats or preventing an arms race in and weaponization of outer space.

Foreseeing the dangers of militarization of this space and recognizing the lack of legal rules to offset them effectively, the international community has for decades called for “further measures” and “appropriate international negotiations” to prevent an arms race in outer space.

The Tenth Special Session of the UN General Assembly devoted to disarmament (SSOD-I) and numerous subsequent resolutions of this universal body reaffirm realization of this long-standing imperative.

As UNIDIR noted, the CD worked on developing a legal framework to prevent an arms race in outer space with a focus on three dimensions. These included: one; effective and verifiable agreements aimed at preventing an arms race in outer space; two; agreement to prohibit anti-satellite systems; and three; a treaty on the prohibition of the stationing of weapons of any kind in outer space.

The mere fact that even today this Subsidiary Body is obliged to examine the same issues which the Ad Hoc committee on PAROS did over three decades ago is another reminder, not just of the lack of political will to negotiate but also a clear evidence of obfuscation by a handful of states. There can be no other explanation for such opposition except that these States seek to protect their monopolies and maintain their “full spectrum dominance”.

It is an unfortunate reality that despite overwhelming support for negotiating a legal instrument on PAROS, the CD continues to be prevented by a small number of states from doing so.

Madam Coordinator,

This is the current status of PAROS.

As for addressing challenges related to outer space, the urgent risks to global as well as regional peace and security that I have outlined above, the well-known gaps in the international legal regime governing the use of outer space, make PAROS an over-ripe topic and the CD should commence negotiations on a legally binding instrument, without further delay.

These dangers can no longer be dismissed, and the legal gaps can only be plugged by concluding a treaty by the CD that prohibits the placement of weapons in outer space and outlaws the threat or use of force against outer space objects. The rich body of work on PAROS at the CD provides us with more than ample substance to start work in this regard.

Countries blocking commencement of negotiations on legal instruments on PAROS owe an explanation for their continued opposition. During these discussions, my delegation would like to understand the reasons for their opposition and how such negotiations would affect their security interests. We would also like to point out the self serving approach of some of these countries during the work of at least another subsidiary body i.e. commencement of negotiations does not undermine security interests.

We urge these states to demonstrate responsible behaviour by lifting their long-standing opposition to the start of negotiations on legal instruments on PAROS at the CD.

Madam Coordinator,

As a first step to get us to commence these negotiations, this Subsidiary Body’s consideration of threats to and from outer space should lead to tangible deliverables.

We stress the centrality of three core principles and their reaffirmation as part of such recommendations. First, the principle enshrined in the Outer Space Treaty i.e. “use of outer space for the benefit and in the interests of all countries”. Second, the cardinal principle of ensuring equal security for all states and third, the primary responsibility of states with significant military capability vis-à-vis prevention of an arms race in outer space.

In addition to reaffirmation of the applicability of existing principles and rules related to outer space, we must also explore options for proposing new legal rules to plug the existing gaps in the international regime governing outer space. And lastly, we should clearly provide a roadmap that answers the fundamental question of how to start PAROS negotiations.

Madam Coordinator,

The United Nations system as a whole has a central role in addressing the issues related to security, safety and sustainability of outer space. There are several multilateral institutions, with distinct mandates, to deliberate and develop a set of measures to ensure that outer space remains a “global common” for all people and states.

The mandate and focus of this body remains PAROS negotiations.

We recognize the usefulness and value of TCBMs and codes of conduct. They are however at best complementary and voluntary. Continued insistence on these measures alone detracts attention from the urgent imperative of legal constraints to prevent an arms race in outer space and prohibit the placement of weapons in outer space.

The usefulness and relevance of these complementary measures can be leveraged in the preparatory process of negotiating legal instruments to prevent an arms race in and weaponization of outer space.

Without prejudice to the urgency of commencement of negotiations in the CD in this vital area, we can support the calls for establishment of a technical group of experts to examine issues surrounding definitions, scope and verification in support of legal instruments to prevent weaponization of outer space.

Madam Coordinator,

Pakistan is party to all of the five core multilateral treaties governing the peaceful uses of outer space.

As a common heritage of mankind, it is our collective responsibility to ensure that use of outer space remains exclusively peaceful and for the benefit and interest of all.

The draft Treaty commonly known as PPWT provides a concrete basis for starting negotiations in this body. We call on States blocking the commencement of negotiations on PPWT to revisit their approach and position.

I thank you, Madam Coordinator.

## **Statement by Mr. Muhammad Omar, First Secretary, at Third Meeting of Subsidiary Body 3, Conference on Disarmament, Geneva, 10 June 2022**

Madam Coordinator,

Thank you for convening this meeting.

In line with your proposal, my remarks today shall focus on possible norms, principles and rules, including legally binding instruments to prevent an arms race in and weaponization of outer space. However, given the interconnected nature of the subject, a context of the threats to and from outer space would remain necessary.

Madam Coordinator,

Our discussions so far in this subsidiary body have elaborated the spectrum of outer space threats. My delegation and others have also drawn attention to the increasing role of this domain as an enabler of threats itself, including through pursuit of certain capabilities. On top of it, the continued integration of various platforms and technologies, terrestrial as well as space based, further complicates the threat scenarios linked to outer space.

Delegations have highlighted developments which undermine and contravene the spirit and principles of existing international law governing outer space. A significant majority of states have underscored that these growing risks, together with the well-known gaps in the international legal regime governing the use of outer space, make PAROS a more than ripe agenda item for immediate commencement of negotiations on a legally binding instrument at the CD.

Contemporising and further strengthening of the existing normative and legal architecture governing the security dimensions of outer space remains critical to preserve the peaceful nature of this “global commons”, which we believe is also in the interests of all states. The work of this subsidiary body is therefore all the more timely and relevant.

Madam Coordinator,

With this backdrop, let me turn to the topic of norms, rules and principles, including legally binding instruments.

The international rules and principles governing the use and exploration of outer space, including celestial bodies, are enshrined in the five core multilateral treaties governing the peaceful uses of outer space. The legal gaps in the existing international outer space regime are also well understood i.e. there is no explicit prohibition on placement of weapons other than WMDs.

As has been also pointed out by several delegations, soft measures such as TCBMs, codes of conduct and the like are voluntary and find their true place and relevance in the framework of a solid legal regime to which they are complementary. Legal gaps can only be plugged by concluding relevant legally binding instruments by the CD. Development of new norms and principles in and of themselves do no substitute for legally established rules and their codification into outer space law.

Moreover, we have yet to see the viability of evolving new norms of responsible behaviour in outer space, as asserted by some, when the international environment on planet earth is marked by acute trust and confidence deficits.

The reality is that even the existing international legal regime has seemingly been unable to infuse “responsible behaviour” in reducing space threats or preventing an arms race in and weaponization of outer space. This only raises further questions on the claimed value of developing new norms of “responsible behaviour”.

Our conversations so far also point to the necessity of avoiding the pitfall of focusing on peripheral issues alone at the cost of core questions surrounding security in outer space. There is an international consensus on PAROS. This body would do well to guard against exerting too much effort in duplicating conversations suited for other UN platforms looking at safety-oriented aspects of outer space.

Madam Coordinator,

Finally on the matter of legally binding instruments, our detailed consideration of the array and nature of threats to and from outer space points to a number of options, which are relevant and address the concerns expressed by delegations. I wish to list two such possible legal measures, within the larger ambit of PAROS.

First, a treaty negotiated at the CD prohibiting the placement of weapons other than WMDs in outer space.

Second, a treaty negotiated at the CD that outlaws the threat or use of force against outer space objects.

While we do recognize the complexities related to verification in certain scenarios or definitional issues arising from certain aspects, these are not insurmountable challenges, especially given the widely supported proposal within this subsidiary body and at the CD to establish a technical group of experts to examine issues surrounding definitions, scope and verification in support of legal instruments to prevent weaponization of outer space.

In any eventuality, this dimension related to definitions and verification etc. in outer space would remain part and parcel of this unique domain even if we apply a behaviors-based lens alone.

Madam Coordinator,

Given the continued opposition of some to negotiate legal instruments on PARO, this subsidiary body should at least lay out a roadmap that answers the fundamental question of how to start PAROS negotiations. My delegation and indeed others have already provided elements which would be integral to such a blueprint.

It goes without saying that space security as an end in itself can hardly be ensured without credible and legally binding tools to guard outer space from increasing threats. Neither does it appear viable to solve outer space security in a piecemeal, selective or partial manner. A holistic approach to security in outer space remains the most practical option and has the added advantage to benefit all states.

My delegation wishes to once again draw attention to lessons of the past. Dismissing the imperative and urgency of legal instruments to prevent further weaponization in outer space should not obscure the past realities of nuclear arms race and growth in these arsenals.

Technological or military monopolies of the few do not last for too long. It is therefore both urgent and prudent to prevent weaponizing the outer space and the ensuing devastating peace, security and socio-economic consequences for states and societies. Further delay will be counter-productive.

We hope that all CD members would do their part in preserving the international consensus on PAROS and contribute in the development of effective legal measures to mitigate the full spectrum of space threats and risks emanating from a militarized, contested and congested outer space. Given that it is a global commons, the benefits of such outcomes would be in the interests of all.

I thank you, Madam Coordinator.

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