Note Verbale dated 22 April 2024 from The Permanent Mission of the Arab Republic of Egypt to the United Nations Office, the World Trade Organization, and other International Organizations in Geneva transmitting the statement by the Chair of the Group of Governmental Experts on further practical measures for the Prevention of an Arms Race in Outer Space, as an official document of the Conference on Disarmament

The Permanent Mission of the Arab Republic of Egypt to the United Nations Office, the World Trade Organization, and other International Organizations in Geneva presents its compliments to the secretariat of the Conference on Disarmament, and with regard to the CD panel discussion convened on the 28th of March under agenda item 3 on Prevention of Arms Race in Outer Space, would like to request the circulation of the attached statement by the Chair of the Group of Governmental Experts on further practical measures for the Prevention of an Arms Race in Outer Space, as an official document of the Conference on Disarmament.

The Permanent Mission of the Arab Republic of Egypt to the United Nations Office, the World Trade Organization, and other International Organizations in Geneva avails itself of this opportunity to renew the assurances of its highest consideration to the secretariat of the Conference on Disarmament.
Annex

Statement by the Chair of the Group of Governmental Experts on further practical measures for the prevention of an arms race in outer space

1. I am pleased to have this opportunity to brief the Conference on Disarmament on the work of the Group of Governmental Experts on further practical measures for the prevention of an arms race in outer space. My remarks today are a summary of the report I provided to Member States in accordance with resolution 77/250. The full version of my report can be found on the public website of the Group, maintained by the Office for Disarmament Affairs.

2. The mandate of the Group is "to consider and make recommendations on substantial elements of an international legally binding instrument on the prevention of an arms race in outer space, including, inter alia, on the prevention of the placement of weapons in outer space."

3. Prior to the first session, the Group benefited from an informal virtual preparatory meeting by the Office for Disarmament Affairs and United Nations Institute for Disarmament Research in coordination with the Chair-designate of the Group.

4. The Group held its first session in Geneva from 20 November to 1 December 2023. During its session, the Group benefited from technical presentations made by external experts as well as by UNODA and UNIDIR. The Group also greatly benefited from the active engagement, presentations by its own members, including a record of 26 working papers.

The Group considered the evolving nature of outer space activities and space threats and related capabilities from the perspective of international security

5. It was also noted that the space environment has changed significantly over the past several decades, including the increase in actors that provide a growing range of benefits and services to civilians and militaries.

6. In order to properly assess and consider elements of an international legally binding instrument, it was considered that we need to build common understanding of the underlying security threats, including counter-space capabilities and behaviours that pose security threats.

7. The Group discussed threats to or involving space systems emanating from four vectors: earth-to-space, space-to-earth, space-to-space and earth-to-earth. There was convergence that the Group should take up a holistic and comprehensive approach in its work and address all vectors of threats.

On the evolution of efforts for the prevention of an arms race in outer space in all its aspects

8. It was recalled that the prevention of an arms race in outer space was first introduced during the first special session of the General Assembly devoted to disarmament. The Group considered that it should take into account all past work within the United Nations on outer space security. It was emphasized that the work of the Group should respect the division of labour outer space issues within the United Nations. The Group also considered that its outcome should serve as a foundation for future work on PAROS, including the forthcoming open-ended working groups.

On the existing legal and normative framework

9. Experts affirmed the applicability of international law to outer space, including the Charter of the United Nations and additional relevant outer space and arms control treaties. Experts considered the Outer Space Treaty as a foundation of international space law and general framework governing space activities.
10. A number of experts also affirmed the relevance of various non-legally binding instruments. It was also suggested that guidelines developed by the private sector and arrangements developed in other domains could be relevant to PAROS.

11. Experts considered that the existing legal and normative framework was insufficient to prevent an arms race in outer space.

12. Experts reaffirmed the applicability of Article 2, paragraph 4 of the UN Charter to outer space. A number of experts considered that any future instrument should restate this article without modification. Experts expressed various views on discussing the application of international humanitarian law in outer space.

With respect to general considerations

13. It was suggested that the Group should develop criteria for the effectiveness of provisions of a future legally binding instrument, including that any proposed measures must be practical, clear, scientifically and technically accurate, and tailored to the specific objective of that measure.

14. The view was raised that the Group should avoid perpetuating a false dichotomy between proposals for legally binding and non-legally binding measures as well as between the so-called behavioural approach and capabilities approach. It was recalled that non-legally binding measures can contribute to the development of legally binding instruments and that all such measures can be developed in a complementary manner. A concern was also raised regarding the concept of responsible behaviour, which was regarded as subjective, discriminatory, over simplified and prone to politicization.

15. Experts expressed various views on whether an instrument would require definitions. The view was expressed that definitions should include the minimum number necessary. It was stated that definitions should be practical, clear, scientifically and technically accurate and tailored to the specific objectives of the instrument. It was also suggested that the elaboration of definitions take into account multilingualism. It was noted that explicit definitions might not be required if the underlying concepts were sufficiently clear.

16. A number of experts considered that verification should be an integral part of any legally binding instrument and should be considered at every stage of the deliberative and negotiating process. It was noted that it was not the task of the Group to determine procedures or the technical aspects of verification or to draw definitive conclusions on the feasibility of any particular verification approach. It was suggested that a layered or packaged approach towards verification should be pursued. Such an approach could be based on multiple methods.

17. It was stressed that transparency and confidence-building measures (TCBMs) could complement but not replace verification measures in a legally binding instrument, nor could such measures be a substitute for a legally binding instrument. A number of experts suggested various measures that could be drawn from the 2013 report of the Group of Governmental Experts and the 2023 report of the United Nations Disarmament Commission. The view was expressed that TCBMs could also extend to civilian actors, including commercial actors.

Turning to the substantial elements of an international legally binding instrument

On elements relating to principles and objectives

18. The Group discussed provisions that could be the basis for the scope, principles and objectives of a legally binding instrument on PAROS. In this connection, experts generally affirmed or recognized the relevance to the prevention of an arms race in outer space of principles contained in the Outer Space Treaty. Experts also underscored the relevance to the prevention of an arms race in outer space of principles contained in the Charter of the United Nations. Experts also recognized the relevance of principles contained in disarmament and non-proliferation treaties.

19. It was suggested that the principle of due regard could be further elaborated. It was also suggested that the work of the Group should recognize the differentiated impacts of security
threats to space systems on women and girls as well as take small steps such as using non-gendered terms.

**On elements relating to obligations**

20. It was suggested that a legally binding instrument could include a general obligation not to use or threaten to use force against or by means of outer space objects.

21. Various proposals were also made for elaborating specific prohibitions relating to intentional acts that damage or destroy space systems or the use of space objects as a means of attack. In this connection, it was suggested, inter alia, that States should refrain from:

   (i) Attacks against space objects which may result in irreversible damage, including to imaging sensors;

   (ii) Destroying terrestrial infrastructure used to control space objects or space surveillance systems by any means, including through malicious use of ICTs;

   (iii) Using outer space objects as a means to destroy any targets on Earth, in airspace or outer space, including for anti-missile defence.

22. It was noted that certain destructive or disruptive acts could fall under the threshold for the use of force under the UN Charter, such as jamming, spoofing, or the testing of direct-ascent anti-satellite missiles against one's own satellites. In this connection, additional prohibitions were suggested including, inter alia, that States should refrain from:

   (i) Intentional acts constituting harmful interfering of space objects under jurisdiction of other States without their consent

   (ii) Destruction, damaging, and/or disrupting the normal functioning or altering the trajectory of outer space objects belonging to other States.

23. It was further suggested that an instrument could contain positive obligations, including those relating to the safe and professional conduct of operations.

24. The Group discussed possible provisions for the protection of infrastructure which provides critical services to civilians, including by obliging States to avoid jamming or spoofing activities against such systems.

25. It was suggested that a legally binding instrument could include obligations not to place weapons designed to attack outer space objects, terrestrial or aerial targets, in outer space, including in orbit around the Earth and celestial bodies.

26. With a view to address the relevant concerns on definitions and verification, a framework was presented for characterizing weapons placed in outer space, in order to facilitate analysis of the relationship between threats, characteristics, definitions and verification of threats emanating from any vector. Verifying the nature of an object placed in outer space was considered a key challenge.

27. The Group discussed the importance of space situational awareness as a means for characterizing or verifying the behavior of outer space objects. It was suggested that States consider an international mechanism under the auspices of the United Nations to facilitate data sharing with regard to space situational awareness and that States adhere to principles of openness, transparency and equality in sharing data.

28. In light of these challenges, it was suggested that balanced partial measures could be sought, such as banning: (1) the placement of missiles and/or other well-defined projectiles in outer space; and (2) the testing and use of direct-ascent anti-satellite weapons against satellites.

29. In addition to measures relating to the threat or use of force, it was suggested that a legally binding instrument could also prohibit the research, development, stockpiling, and deployment of weapons specifically designed to attack space objects.

30. Various proposals were also made for other measures that could reduce the risk of unintended escalation, conflict and an arms race in outer space.
On elements on consultative mechanism and settlement of disputes

31. The Group discussed how a legally binding instrument could address the resolution of disputes.

On elements on international cooperation

32. Experts recalled the elements on international cooperation in the Outer Space Treaty, taking into particular account the needs of developing countries.

33. It was emphasized that any measures should avoid undue restrictions on commercial development and the advancement of technology for peaceful purposes as well as protect sensitive information whether for national security reasons or for commercial proprietary reasons.

On elements on other aspects

34. The Group briefly discussed proposals on institutional arrangements. It was proposed that a future instrument could include review conferences, regular meetings of States Parties, and the establishment of a specialized international institutional body. The Group also discussed requirements for the entry into force.

In conclusion

35. It was suggested that a future agreement on PAROS could be approached through the pursuit of partial measures, which could focus on specific types of verifiable characteristics or capabilities, such as missiles.

36. Experts also recalled the report of the Secretary-General A/77/80 on further practical measures on prevention of an arms race and the Secretary-General's Policy Brief No. 7 entitled "For All Humanity - the Future of Outer Space Governance", in which he recommends that Member States include language on the pursuit of legally binding and non-legally binding measures in the outer of the Summit of the Future.

37. It was also proposed, without prejudice to the substance of existing proposals, that States Parties to the Outer Space Treaty could consider one or more additional optional protocols to the Treaty.