Iran comments on Possible elements on Items 6(a) and 6(b) of the Agenda
of the Open-ended working group on reducing space threats through norms, rules and principles of responsible behaviours

February 23, 2023

We thank Mr. Chair for his written submission on “Possible elements on items 6(a) and 6(b)

In general, apparently Mr. Chair, has prepared this submission under his responsibility, and, the classification of the subjects and recommendations thereon, have been paraphrased as such that such recommendation and explanations are expected to be the final consensual agreement by the OEWG.

This means that the Chair has disregarded the differentiation and disagreements of the approaches between the two school of thoughts and positions, between the two groups of States as one favoring behavioral approach and the other against. The consensual agreement on behavioral approach has been taken for granted in Chair’s text. It should be noted that ultimately the States participating in OEWG are the ones that should decide by consensus on the final report in the Forth meeting. The Chair on his responsibility should not decide instead of States in OEWG. Therefore, the Chair’s submission should be comprehensive with due respect for the views and positions of all states participating in OEWG.

In Chair’s document, the measures have been categorized as division between “responsible” and “irresponsible” which is not balanced and neutral due to the controversy between two approaches namely the “behavioral approach” and “those favoring “PAROS” to be negotiated as legally binding instrument. As decision in OEWG is
Based on Consensus, there is no majority against minority, just like well-known practice in CD.

Behavioral approach while doesn’t have clear definition as benchmark, at least number of States in the OEWG are not convinced that such approach is the right and consensual criteria for paving the way towards negotiation of PAROS. The text has not paid attention to the views of those States against that in the OEWG. They expressed their positions explicitly and clearly by their Statements, interventions and as well as by their working papers.

As Chair has already noted, the UNGA 76/231, States that the OEWG shall work on the basis of consensus and also notes that a diversity of views has been articulated during the proceedings of the resolution. Consequently, we would like to reiterate that the legally binding instrument in particular for PAROS is a strong guarantee of compliance with rights and obligations by states to adhere to any treaty for PAROS.

We are open to universal and full, effective and non-discriminatory norms such as TCBMs as they are not substitute to legal agreements. We are of the view that for 6(a) and 6(b) the priority should be given to developing common understanding of the provisions of the whole existing legal treaties and principles relating to outer space. Common understandings on terms such as “due regard” “harmful interference” “peaceful use” vs “militarization and weaponization” of outer space as well as the applicability of the UN charter including its article 2(4) and Article 51 on self-defense require to be developed to reach a common understanding.

As said before, principally characterization of behaviors through norms instead of legal agreements inherently and as past experiences has shown, would become a tool for some countries to evade their own responsibility and put the blame on others. It creates ideological bias, double standard and discriminatory approach, political division, technical barriers, and abusive unilateral restrictions and coercive measures, as pretext to hamper the
peaceful use of outer space. We are of the firm view that, the OEWG should create condition for the negotiation of a legally binding instrument on outer space so as to prevent an arms race in outer space by identifying the root causes of threats to peaceful use of outer space.