Open-ended working group on reducing space threats through norms, rules and principles of responsible behaviours
Geneva, 28 August – 1st September 2023
Item 6 of the agenda
Consideration of issues contained in paragraph 5 of General Assembly resolution A/RES/76/231

Document of the Russian Federation regarding the possible elements of the final report of the Open-ended Working Group, established by the UNGA resolution 76/231, prepared by the Chair on agenda item 6(c)

Submitted by the Russian Federation

1. The Russian Federation has considered agenda item 6(c), possible elements of the OEWG final report, prepared by Chair of the Open-ended Working Group (OEWG) established by UNGA resolution 76/231.

2. We are compelled to state that the text is unbalanced and does not take into account the entire range of views of UN Member States on space security issues, reflecting mainly Western approaches. In particular, the non-consensual term "responsible behavior" and a number of understandings (applicability of international humanitarian law to outer space activities; "space objects requiring special protection", etc.) have been used again. A significant part of the document is devoted to issues within the competence of the UN Committee on the Peaceful Uses of Outer Space (COPUOS) that are successfully discussed on its platform. We are convinced that it is counterproductive to duplicate COPUOS mandate and discussions within the OEWG, or include relevant to COPUOS wording in the OEWG report.

3. For our part, we consider it necessary to include the following understandings in the draft OEWG final document:

   (a) To reaffirm the commitment to the decisions of the UN General Assembly 1978 First Special Session on Disarmament that provides for the conduct of exploration and use of outer space for peaceful purposes, prevention of an arms race in outer space (PAROS) and launch of relevant negotiations in line with the 1967 Outer Space Treaty.

   (b) To note that PAROS serves the interests of maintaining international peace and security, being an essential condition for the development and strengthening of international cooperation in the exploration and use of outer space for peaceful purposes.

   (c) To recognize the imperative and priority of elaboration and conclusion of an international legally binding instrument on PAROS in all its aspects, and the fact that transparency and confidence-building measures (TCBMs), as well as any political commitments, cannot prevent an arms race in outer space, including the placement of weapons in outer space, the threat or use of force in, from or against outer space, or maintain outer space as an environment free from armed conflict and combat operations.
To stress that the existing international treaties on outer space and thereby envisaged legal regime, despite playing a positive role in the regulation of outer space activities, are unable to completely prevent the placement of weapons in outer space and the threat or use of force in or from outer space against the Earth, as well as from the Earth against objects in outer space, and to preserve outer space for exploration and use for peaceful purposes. To outline the need to strengthen and consolidate this regime.

To stipulate as a priority task the conduct of negotiations on the conclusion of an international legally binding instrument on PAROS in all its aspects.

To urge an earliest start of substantive work on a multilateral legally binding instrument on PAROS based on the draft Treaty on the prevention of placement of weapons in outer space, the threat or use of force against outer space objects submitted by China and the Russian Federation at the 2008 Conference on Disarmament and its updated 2014 version.

To indicate that, until such agreement is concluded, other measures may help ensure that weapons are not placed in outer space. In this regard, the international initiative / political commitment not to be the first to place weapons in outer space remains relevant.

To reaffirm the need to study TCBMs while developing effective and verifiable bilateral and multilateral legally binding agreements on PAROS and ensuring preservation of outer space for peaceful purposes. To stress the importance of TCBMs as an integral element of an international legally binding instrument on PAROS. It is these measures that are designed to ensure, inter alia, the resolution of disputes related to the implementation of the future treaty.

To reaffirm also that TCBMs should aim at enhancing space security and sustainability, and especially on PAROS, and elaborating of a legally binding instrument on PAROS. Such measures should complement, but not substitute for, a legally binding instrument on PAROS. At the same time they should contribute to the complete prohibition of the placement of weapons in outer space, the threat or use of force against or by means of space objects.

To state the commitment to the Group of Governmental Experts’ report on TCBMs of 2013 and the 2023 consensus recommendations of the UN Disarmament Commission to promote the practical implementation of TCBMs in outer space activities with the goal of preventing an arms race in outer space, in accordance with the recommendations set out in the report of the Group of Governmental Experts on TCBMs. Multilaterally elaborated TCBMs will have the best chance of to be adopted by the international community.

To note that in general TCBMs are an instrument by which Governments may share information with the aim of mutual confidence building and reducing misperceptions and miscalculations, thereby helping to prevent military confrontation and to foster regional and global stability. Such measures may also assist in assuring of the peaceful intentions of States and can help States to increase awareness, enhance clarity of intentions and create conditions for establishing a predictable strategic situation in both economic and security areas.

To stress that the exclusion of outer space from the sphere of an arms race and its preservation for peaceful purposes should be an immutable policy norm for States and a universally recognized international obligation.

To call upon all States, primarily those with major space capabilities to:

• To take urgent action to permanently prevent the placement of weapons in outer space, the use or threat of force in outer space, from outer space against the Earth, as well as from the Earth against objects in outer space;

• To seek through negotiations the earliest conclusion of relevant reliably controlled legally binding multilateral agreements.

Specifically, UN Member States should make the following commitments:
not to use space objects as a means of destroying any targets on Earth, in the atmosphere or outer space;

not to create, test and deploy weapons in outer space for any purposes, including for missile defence, as anti-satellite means, attacking targets on Earth or in the atmosphere, as well as to eliminate all such systems already possessed by States;

not to create, test, deploy and use outer space weapons for missile defence, as anti-satellite means or for attacking targets on Earth or in the atmosphere;

not to destroy, damage, disrupt normal functioning or change flight trajectory of other States’ space objects;

not to use civil outer space systems, outer space technologies and services for the purposes, other than their declared peaceful designation;

not to assist or incite other States, groups of States, international, intergovernmental or any non-governmental organizations, including non-governmental legal entities established, registered or located on the territory under their jurisdiction and/or control, to participate in the above activities.

(o) To declare that the category of outer space hazards and threats emerging from the peaceful exploration of space is a subject of discussion within the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS). Any decisions regarding this category should be made exclusively within the COPUOS platform. To call upon further discussion of above-mentioned category within COPUOS.

(p) To note that COPUOS, including its Scientific and Technical and Legal Subcommittees, is to play a fundamental role in increasing transparency and confidence among States, as well as in ensuring the preservation of outer space for peaceful purposes. This is enshrined in the report of its 58th session.

4. We expect that the above principled approaches of the Russian Federation will be taken into account in the OEWG draft final report to ensure its adoption by consensus at the final session in August 2023.