Recommendations to promote the practical implementation of transparency and confidence-building measures 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 Transparency and Confidence-Building Measures in Outer Space Activities

I. Introduction

1. At its 2018, 2022 and 2023 sessions, the Disarmament Commission considered the agenda item entitled “Preparation of recommendations to promote the practical implementation of transparency and confidence-building measures 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 Transparency and Confidence-Building Measures in Outer Space Activities” in its Working Group II.

2. On the basis of its deliberations, the Disarmament Commission agreed on the following conclusions and recommendations.

II. Conclusions

3. The Commission reaffirmed the will of all States that the exploration and use of outer space, including the Moon and other celestial bodies, shall be for peaceful purposes and shall be carried out for the benefit and in the interest of all countries, on a basis of equality and in accordance with international law, irrespective of their degree of economic or scientific development.

4. The Commission also reaffirmed that preventing an arms race in outer space is in the interest of maintaining international peace and security and is essential for international cooperation in the exploration and use of outer space for peaceful purposes. The Commission recalled that the Group of Governmental Experts on Transparency and Confidence Building Measures in Outer Space Activities endorsed efforts to pursue political commitments, for example declarations regarding the peaceful use of outer space, noting that such commitments can form the basis for the consideration of concepts and proposals for legally binding obligations.

5. The Commission recognized that negotiations for the conclusion of an international legally binding instrument or instruments to prevent an arms race in outer space in all its aspects remain a priority task of the Conference on Disarmament, and reiterated the need for an agreed, balanced and comprehensive programme of work of the Conference. The Commission recognized that concrete proposals on transparency and confidence-building measures could form an integral part of such an instrument.
6. The Commission noted the introduction by China and the Russian Federation at the Conference on Disarmament of the draft treaty in 2008\(^1\) and the submission of its updated version in 2014.\(^2\)

7. The Commission noted the discussions of the Open-ended working group established by General Assembly resolution 76/231 of 24 December 2021, which met in 2022 and 2023.

8. The Commission recalled the work done in 2018 and 2019 by the Group of Governmental Experts established by General Assembly resolution 72/250 of 24 December 2017 and noted the establishment of a new Group of Governmental Experts by General Assembly resolution 77/250 of 30 December 2022, which will meet in 2023 and 2024.

9. The Commission recalled that transparency and confidence-building measures can augment the safety, sustainability and security of day-to-day space operations and can contribute to the development of mutual understanding, to the avoidance of miscommunication and to the strengthening of friendly relations between States and peoples.

10. The Commission stressed the importance to continue and to promote the practical implementation, on a voluntary basis, of the recommendations set out in the report of the Group of Governmental Experts on Transparency and Confidence-building Measures in Outer Space Activities (“the 2013 Report”).

11. The Commission recalled that a proposed transparency and confidence-building measure should: (a) Be clear, practical and proven, meaning that both the application and the efficacy of the proposed measure have been demonstrated by one or more actors; (b) Be able to be effectively confirmed by other parties in its application, either independently or collectively; and (c) Reduce or even eliminate the causes of mistrust, misunderstanding and miscalculation with regard to the activities and intentions of States.

12. Recalling paragraph 26 of the 2013 report, the Commission also recalled that transparency and confidence-building measures for outer space activities can also complement and contribute to, but not substitute for, an international legally binding instrument on the prevention of an arms race in outer space. Transparency and confidence-building measures should be aimed at increasing outer space safety, sustainability, security and especially at the prevention of an arms race in outer space and the conclusion of an international legally binding instrument on the prevention of an arms race in outer space. Transparency and confidence-building measures for outer space activities should complement, but not substitute for, the verification measures in legally binding instruments. Voluntary transparency and confidence-building measures, considered as complementary measures, could contribute to the consideration of concepts and proposals for legally binding measures for the prevention of an arms race in outer space as well as verification protocols included in legally binding international instruments.

\(^1\) CD/1839
\(^2\) CD/1985
13. The Commission stressed the importance of universal participation in, implementation of and full adherence to the existing legal framework relating to outer space activities, to which States are parties, or subscribe, in particular the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

14. The Commission noted that some transparency and confidence-building measures for outer space activities have already been implemented at the multilateral and/or the national level, as reflected in General Assembly resolution 77/251 of 30 December 2022. The Commission noted this fact without prejudice to this resolution.

III. Recommendations

15. The Commission recommends the following measures, on a voluntary basis and subject to national security considerations, to promote the practical implementation of transparency and confidence-building measures in outer space activities with the goal of preventing an arms race in outer space, building upon the report of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities:

a. Recalling paragraphs 37 and 39 of the 2013 report, to publish or maintain, as appropriate, access to information in the areas mentioned in these paragraphs.

b. Recalling paragraphs 37 to 40 of the 2013 Report, to engage in regular dialogues about national space policies and activities. These dialogues could be supported by the United Nations.

c. Recalling paragraph 39 and 40 of the 2013 Report, bearing in mind the disparities in capabilities and resources of States, space situation awareness cooperation should be open, transparent, non-discriminatory and voluntary:

i. To share space situational awareness data and information, to the extent practicable.

ii. In this connection, Member States to engage and to intensify discussions in the Committee on the Peaceful Uses of Outer Space on international cooperation on global space situational awareness capabilities.

d. Recalling paragraph 42 to 45 of the 2013 Report, to consider designating points of contact to facilitate the notification, in a timely manner and to the greatest extent practicable, of potentially affected States of scheduled maneuvers that may result in risks to the flight safety of space objects of other States.

---

3 Preambular paragraphs 9 and 10.
e. Recalling paragraphs 30 to 33 and 36 to 48 of the 2013 Report, to implement practically transparency and confidence-building measures in outer space activities in accordance with the purposes reflected in paragraphs 20 to 23 of the 2013 Report.

f. Recalling paragraphs 49 to 56 of the 2013 Report:

i. To recognize the growing scope and significance of international cooperation, both between and among spacefaring and non-spacefaring States and between States, and international organizations and private sector actors in the exploration and use of outer space for peaceful purposes.

ii. Taking into account the needs of developing countries in particular, to underline the necessity and the significance of further strengthening of international cooperation to reach broad and efficient collaboration in this field for the mutual benefit and in the interest of all parties, including with regard to the legitimate rights and interests of the parties concerned.

iii. In this connection, States with significant space technologies to consider international cooperation such as providing assistance and training and transferring technology, data and material to requesting States for the equitable and mutual benefit of and taking into account the legitimate rights and interest of all parties concerned, in particular the needs of developing countries, noting that the disparity in the space capabilities of States, the inability of most States to participate in space activities without the assistance of others, uncertainty concerning sufficient transfer of space technologies between States and the inability of many States to acquire significant space-based information are factors contributing to a lack of confidence among States.4

g. Recalling paragraph 71 of the 2013 Report:

i. To participate in, implement and fully adhere to the existing legal framework relating to outer space activities including the United Nations Charter and the treaties specified in paragraph 71 of the 2013 Report to which they are Parties. States that have not yet become parties to the international treaties governing the use of outer space to consider ratifying or acceding to those treaties.

ii. To strengthen supervision of private sector actors under their jurisdiction, in accordance with article VI of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies so as to reduce the potential for activities of such to increase the risk of misunderstanding, misperception, or miscalculation between States or increasing the risk of conflict in outer space, with a view to preventing an arms race in outer space.

---

h. Recalling paragraph 72 of the 2013 Report, to further advance and regularly review transparency and confidence-building measures in outer space activities with the goal of the prevention of an arms race in outer space, as appropriate, in relevant standing United Nations bodies reflected in paragraph 72 of the 2013 report.