
Conference on Disarmament

23 September 2024

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Note Verbale dated 10 September 2024 from the Permanent Mission of Belgium to the United Nations Office, the Conference on Disarmament and Other International Organisations in Geneva, transmitting the statement on behalf of the European Union on Prevention of an Arms Race in Outer Space related to item 3 of the CD agenda as delivered in the Conference on Disarmament on 28 March 2024*

The Permanent Mission of Belgium to the United Nations Office and specialized institutions in Geneva presents its compliments to the Secretariat of the Conference on Disarmament and has the honour to submit the statement of Belgium on behalf of the European Union on Prevention of an Arms Race in Outer Space related to item 3 of the CD agenda as delivered in the Conference on Disarmament on 28 March 2024.

The delegation of Belgium has the honour to request that the statement be issued as an official document of the 2024 session of the Conference on Disarmament and listed under a respective item of the CD agenda.

The Permanent Mission of Belgium to the United Nations Office and specialized institutions in Geneva avails itself of this opportunity to renew to the Secretariat of the Conference on Disarmament the assurances of its highest consideration.

* The present document is being issued without formal editing.



Annex

European Union, Statement on Prevention of an Arms Race in Outer Space, Conference on Disarmament, Geneva, 28 March 2024

Mr. President,

I have the honour to speak on behalf of the European Union and its Member States.

The candidate countries North Macedonia,¹ Montenegro, Albania, Ukraine, Republic of Moldova and Georgia align themselves with this statement.

The EU and its Member States regard outer space as a global commons, to be used for the benefit of all. Ensuring space security and preventing an arms race in outer space are essential conditions for the peaceful exploration and use of outer space in a safe, stable, sustainable and secure manner and for strengthening international peace and security in the common interest of humankind.

Outer space has witnessed a surge in security challenges over recent years with threats and perceived threats multiplying and endangering the long-term sustainability of the space environment. Satellites and other space-based assets, their corresponding ground segments, and their associated data links are vital for the functioning of today's societies, as well as for progress on crucial global issues such as achieving the UN Sustainable Development Goals. Therefore, improving space security is paramount for all States, be they space-faring nations or not.

In this regard, we welcome the fruitful exchanges among all Member States and other stakeholders that have taken place during the open-ended intersessional informal consultative meeting of the Group of Governmental Experts on further practical measures for the prevention of an arms race in outer space. We hope to see the content of these discussions and the working papers submitted accurately reflected in the report of the group.

Mr. President,

The Final Document of the United Nations General Assembly (UNGA) First Special Session on Disarmament in 1978 recognised that "further measures should be taken and appropriate international negotiations held in accordance with the spirit 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." This acknowledgment highlighted the importance to tackle existing and evolving challenges and threats in outer space further through all relevant ways and means.

The EU reaffirms the applicability of international law to outer space, including the United Nations Charter and the 1967 Outer Space Treaty, as well as international humanitarian law and consensual principles developed in the UN framework. The Outer Space Treaty as well as the guiding principles developed in the UN framework constitute the cornerstone of the global governance in outer space. We highlight the obligations of the Outer Space Treaty, in particular those comprised in Article IV that obliges the State Parties not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner. All space activities must be conducted in accordance therewith and encourage all States to ratify the Outer Space Treaty and fully implement its provisions. Thus, we underline the importance of the universalisation of the Outer Space Treaty for the preservation of a secure, safe, stable and sustainable outer space environment for present and future generation.

Strengthening and complementing the current international legal framework in preventing an arms race in outer space to enhance space security requires a concerted effort

¹ North Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.

to fully implement the existing applicable law in good faith and to the best of our practical abilities. In this regard, we promote the application and implementation of international humanitarian law and human rights law in the context of outer space. It is essential that future instruments and measures, whether legally binding or non-legally binding, including political commitments, avoid rewriting or duplicating the provisions already established, as they may introduce legal uncertainty or create opportunities for “law shopping”. Instead, any future instruments and measures should serve as complementary elements, augmenting the existing legal regime. Any possible future legally binding frameworks for space security must be effective and verifiable and cover all relevant threats.

A robust legal regime for space security can encompass a variety of legally and non-legally binding instruments, including those based on capabilities and behaviours. Historically, many legally binding instruments on outer space and other domains drew from previous non-legally binding commitments and principles or through the adoption of different resolutions in the UN framework. Moreover, norms of responsible behaviours within legal regimes governing other domains, such as maritime, cyber or telecommunication, constitute good examples, best practices and lessons learned and can serve as inspirations for our endeavours.

Thus, we consider that the goal of PAROS is achievable by a combination of legally-binding and non-legally binding instruments and measures. While reaffirming the importance of developing verifiable legally-binding instruments in this field, the EU and its Member States believe that developing norms, rules and principles of responsible behaviours is the most pragmatic and immediate way forward to contribute to PAROS and to tackle the most pressing threats. This approach complements the relevant disarmament and arms control tools and helps to further strengthen the existing normative and legal framework.

Trust and confidence are at the centre of any security-building process. Establishing a climate of trust among States is an essential prerequisite for the development and strengthening of legally binding instruments. Strict compliance with international space law, and first and foremost the Outer Space Treaty, is foundational to build this necessary trust. Ambiguous statements and opaque policies, on the contrary, hinder progress in this direction. In this regard, we strongly support the implementation of TCBMs discussed and agreed upon in the 2013 GGE report, and we welcome the new report of the UN Secretary General on their implementation, ten years after their adoption. The EU also welcomes the work of the United Nations Disarmament Commission’s Working Group II on promoting the practical implementation of transparency and confidence building measures in outer space and the adoption of its recommendations by consensus last year.

Furthermore, sharing information on space launch vehicle programmes, including prelaunch notifications, is already established practice under the Hague Code of Conduct (HCoC). The EU and its Member States encourage all States to subscribe to the HCoC and to fully implement its provisions.

Mr. President,

We remain concerned about the multiplication of ambiguous, unfriendly or hostile activities in outer space and underline the importance of addressing such developments promptly and as part of international efforts to prevent threats to space systems. Among the most urgent threats are destructive direct ascent anti-satellite tests, the harmful effects of which can be the destruction of the targeted satellite as well as the collateral generation of multiple space debris. We have urged on numerous occasions all States to refrain from destroying space objects and thus generating large amounts of space debris. Not only does it causes harm to the peaceful exploration and use of outer space but also increases the risk of miscalculation and unintended escalation. We have also welcomed the commitments made so far by 38 UN Member States, including all EU Member States and most recently Peru, not to conduct destructive direct-ascent anti-satellite missile tests. We encourage all States to make such commitment as soon as possible, welcoming increasing support for UN General Assembly Resolution 77/41.

As firm believers in multilateralism with the United Nations at its core, the EU and its Member States strongly believe that it is now urgent and in the interest of all States to pragmatically and immediately improve space security and to act swiftly in order to agree on

a global, common and multilateral solution through greater coordination and cooperation, with the involvement of all UN Member States and relevant organisations. The EU reiterates the importance of an inclusive format and a multi-stakeholder approach including engagement with international organisations, commercial actors, and civil society representatives, when addressing space threats to international peace and security. The EU and its Member States therefore continue to be fully committed to engage actively and constructively in discussions that contribute to the overarching goal of the prevention of an arms race in outer space.

I thank you, Mr. President.
