

THE PEOPLE'S REPUBLIC OF CHINA AND THE RUSSIAN FEDERATION

WORKING PAPER

**TRANSPARENCY AND CONFIDENCE-BUILDING MEASURES IN
OUTER SPACE ACTIVITIES AND THE PREVENTION OF PLACEMENT
OF WEAPONS IN OUTER SPACE**

1. This document contains preliminary considerations which could lay a foundation for discussions among all interested states. These considerations constitute food for thought and may be corrected and supplemented in the course of further discussions.

I. General approaches

2. Transparency and confidence-building measures (TCBMs) are conducive to resolving international problems, as well as to improvement and advancement of cooperative international relations. They facilitate management of situations which could lead to international tensions.

3. TCBMs minimize the risk of erroneous perception and assessment of military activities of other states, help to prevent military confrontation, to implement on this basis the principle of no threat or use of force, to foster regional and global stability.

4. TCBMs are neither a substitute for the measures of arms control and disarmament, nor a precondition of implementation of such measures. Neither can TCBMs replace verification measures. However, TCBMs may facilitate work on disarmament commitments and measures of their verification.

5. Confidence-building requires good will of the states who should decide themselves whether to commence the confidence-building process, what concrete steps to take and how to practically implement them.
6. By its nature, confidence-building is a phased process.
7. It is impossible to create a universal and comprehensive model of TCBMs. They should be developed as applicable to particular areas of activities.
8. While working out and implementing TCBMs, every state should be confident that its security is not damaged and that other states gain no unilateral military and other advantages.
9. TCBMs can be worked out and applied by the states individually, bilaterally and multilaterally. They can be either voluntary or binding - if the international community deems it necessary. Multilateral character of TCBMs substantially increases their practical value. To avoid overlapping, in the process of developing multilateral TCBMs it is important to maintain coordination between all international institutions dealing with the same issue.
10. The above general observations on TCBMs can also be applied to outer space activities of the states.

II. TCBMs in the context of international law and outer space activities

11. Application of transparency and confidence-building measures in outer space activities is not a new issue. TCBMs have long been recognized as a significant element of international law and order on outer space. This is reflected, in particular, in the UNGA Resolutions 45/55B, 47/51 and 48/74B which reaffirm "the importance of confidence-building measures as means conducive to the attainment of the objective of the prevention of an arms race in outer space". The annually adopted UNGA resolution on PAROS recognizes that "the concrete proposals on confidence-building measures could form an integral part of..." "... an international agreement or agreements to prevent an arms race in outer space...". The issue of TCBMs was raised again in the new resolution "Transparency and confidence-building measures in outer space activities", adopted by the UNGA 60th session (60/66).
12. In one way or the other, TCBMs are already incorporated in a number of international agreements on outer space: the 1967 Outer Space Treaty, the 1968 Astronauts Rescue Agreement, the 1972 Liability Convention and the 1975 Registration Convention. These agreements provide, *inter alia*, for informing, to the greatest extent feasible and practicable, the UN Secretary-General, as well as the public and the international scientific community, of the nature, conduct and results of activities in outer space; providing data on the launched outer space objects, as well as outer space objects that ceased to exist on orbits or changed their earlier reported orbits; cooperation in joint management of emerging problems, etc.

13. A number of TCBMs are implemented by the states unilaterally and represent their political commitments. Russia has been informing the international community through the Internet on the forthcoming launches of spacecraft and their mission since 2003. In 2004 Russia made an important pledge not to be the first to place any type of weapons in outer space. This initiative was supported by the member-states of the Treaty on Collective Security Organization who made similar statement in June 2005.

14. All these measures are not comprehensive either in relation to different types of space activities or to participation of states in their implementation. Traditionally, this was explained by the fact that only a limited number of states could afford outer space activities. In recent decades the situation has been changing rapidly: already about 130 states in the world have their space-related programs now. The humankind is increasingly dependent on the results of its outer space activities.

15. The international community has already taken steps to develop comprehensive recommendations on TCBMs in outer space. In 1990-1993, the UN Group of Governmental Experts carried out research on the applicability of confidence-building measures vis-a-vis outer space. A report by the UN Secretary-General on this issue was prepared and presented at the UNGA 48th session (A/48/305). This research was published by the UN and commended to the attention of all member countries. Besides, concrete proposals on this matter were submitted by France, Canada and other states.

III. TCBMs and the Working Paper CD/1679

16. TCBMs can play an important role in development, adoption and implementation of a new treaty on the prevention of placement of weapons in outer space, threat or use of force against outer space objects, proposed in CD/1679. As a matter of fact, the commitment by all countries not to place weapons and to prevent weaponization and arms race in outer space, per se, would be the most important confidence-building measure in outer space.

17. First, TCBMs would contribute to creation of favorable conditions for a new agreement. The development of recommendations on possible TCBMs in space is a relatively simple first step to strengthen outer space security. In case of success, it could be easier to agree on next steps. The joint endeavor on possible TCBM recommendations would, by itself, promote deeper understanding of the states' intentions, the current and prospective state of affairs in outer space. In this sense, the joint work on TCBMs would itself promote mutual confidence.

18. Second, the TCBM-based predictability of military activities in outer space would objectively reduce probability of emergence of sudden military threats in space and from space, would diminish ambiguities in the strategic situation in outer space and, consequently, would decrease the need for early preparation of states to neutralize such threats.

19. Third, the development of verification measures in relation to the treaty proposed in CD/1679 is not an easy task. Elaboration of the treaty without verification measures - which can be prepared at a later stage – may be a preferable option to start with. In this case, TCBMs could, to a certain degree, compensate for the lack of verification measures in the new treaty, the more so what is meant is confirmation of non-placement of weapons in outer space, free of any so far. TCBMs would enhance confidence of the parties to the treaty in compliance with its obligations.

20. Working out TCBMs does not impede the elaboration of a legally binding agreement on the prevention of placement of weapons in outer space, does not distract from it, but, on the contrary, serves it. Consideration of TCBMs in two bodies - the UN and the CD - would mutually enrich and stimulate both processes. After all, both target the same thing - ensuring outer space security.

21. So far, TCBMs are mentioned in CD/1679 in a sketchy way. This does not mean that the eventual set of TCBMs in outer space in the new treaty should be limited to them. The ongoing discussions show that they could be further developed. The main ideas presented in this regard are reflected in the “Compilation of Comments and Suggestions to the CD PAROS Working Paper (CD/1679)”. Like some other provisions of the future agreement on the prevention of placement of weapons in outer space, articulated in CD/1679 in a general way, the final legal language on TCBMs in the new treaty should result from the joint efforts of all interested states.

IV. Possible transparency and confidence-building measures in the context of the present-day outer space activities

22. The experience gained by the UN governmental experts during their above-mentioned endeavors in 1990-1993 should be a basis for updating our perceptions of transparency and confidence-building measures. The results of their work are the source of many ideas which have not lost their relevance today.

23. Below is a possible set of TCBMs which seem practicable today. This set of measures is not inclusive and may be regarded as a starting point for further discussions.

24. Eventual TCBMs can be divided into several categories:

- (a) measures aimed at enhancing more transparency of outer space programs;
- (b) measures aimed at expansion of information on outer space objects in orbits;
- (c) measures related to the rules of conduct during outer space activities.

25. Such measures can be carried out in various ways: exchange of information; demonstrations; notifications; consultations; thematic workshops, etc.

- A. *Exchange of information on:*
- (i) the main directions of the states' outer space policy;
 - (ii) major outer space research and use programs;
 - (iii) orbital parameters of outer space objects.
- B. *Demonstrations:*
- (i) experts visits, including visits to space launch sites, flight command and control centers and other objects of outer space infrastructure on a voluntary basis;
 - (ii) invitation of observers to launches of spacecraft on a voluntary basis;
 - (iii) demonstration of rocket and space technologies.
- C. *Notifications of:*
- (i) the planned spacecraft launch;
 - (ii) the scheduled spacecraft maneuvers which may result in dangerous proximity to spacecraft of other states;
 - (iii) the beginning of descent from orbit of unguided outer space objects and the predicted impact areas on Earth;
 - (iv) the return from orbit into atmosphere of a guided spacecraft;
 - (v) the return of a spacecraft with a nuclear source of power on board, in case of malfunction and danger of radioactive materials descent to Earth.
- D. *Consultations:*
- (i) to clarify the provided information on outer space research and use programs;
 - (ii) on ambiguous situations, as well as other issues of concern;
 - (iii) to discuss the implementation of the agreed TCBMs in outer space activities.
- E. *Thematic workshops:*
- (i) on various outer space research and use issues, organized on bilateral and multilateral basis, with the participation of scientists, diplomats, military and technical experts.
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