

Joint panel discussion of the First and Fourth Committees on possible challenges to space security and sustainability

New York, 12 October 2017

Co-Chair's Summary

1. In accordance with General Assembly resolution 71/90, on 12 October 2017 the Disarmament and International Security Committee (First Committee) and the Special Political and Decolonization Committee (Fourth Committee) convened a joint half-day panel discussion as a joint contribution by the First and Fourth Committees to the fiftieth anniversary 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 (Outer Space Treaty). The programme for the joint panel discussion was prepared by the Office for Outer Space Affairs and the Office for Disarmament Affairs, taking into account recommendations by the Committee on the Peaceful Uses of Outer Space, as contained in document A/72/20, paragraph 339 (See A/C.1/72/CRP.5 of 6 October 2017).

2. The Chairs of the First and Fourth Committees opened the plenary meeting. The Director and Deputy to the High Representative for Disarmament Affairs and the Director of the Office for Outer Space Affairs delivered keynote remarks. The Committee heard presentations from invited panelists drawn from the broader space community, including academia, civil society, industry and the private sector, taking into account gender-balanced representation and youth representation.

3. In his key note address, Mr. Thomas Markram, Director and Deputy to the High Representative for Disarmament Affairs, emphasized the importance of preventing any conflict from extending into outer space as growing military dependence on outer space is increasing its strategic significance and exposing the inherent vulnerability of space-based assets. He described the outer space legal regime as underdeveloped, while concepts for disruptive and destructive counter-space capabilities have been studied, developed and tested, and anti-ballistic missile systems deployed today could function as anti-satellite weapons. He said it was hopeful that the United Nations was experiencing a renaissance in efforts to increase security and sustainability in outer space, including through endorsement of transparency and confidence-building measures, development of guidelines for the long-term sustainability of outer space and new efforts to elaborate a legally binding instrument to prevent an arms race in outer space.

4. In her keynote address, Ms. Simonetta Di Pippo, Director of the Office for Outer Space Affairs, pointed to the fiftieth anniversary of the Outer Space Treaty, and the importance of the Outer Space Treaty to past, present and future activities in the peaceful uses of outer space, as reflected in the indicative themes of the programme of the joint panel discussion. In considering the broader perspective of space security, for which transparency and confidence-building measures in outer space activities provided important means, the UN-Space report¹, the Secretary-General report² and the additional contributions from Member States³ had given a

¹ A/AC.105/1116

² A/72/65 and Add.1

comprehensive basis for moving ahead. The Office was ready to work with Member States to build appropriate and robust information exchange and notification procedures building upon the long-standing treaty-based Register on Objects Launched into Outer Space and the notification procedures under the United Nations treaties and principles on outer space.

5. Ms. Charity Weeden, Senior Director of Policy, Satellite Industry Association, addressed the topic of satellite industry interaction with government to support the long term sustainability of space. She discussed the increasing role of commercial satellites, their applications and downstream benefits, and how the satellite industry engages with government to support the long-term sustainability of space. Commercial satellite technology had become important in many areas of space applications such as health, safety, societal development and economic growth. It was therefore increasingly important to look into the safety and security of space systems and critical infrastructures as well as space situational awareness, where exchange of information was becoming critical. She highlighted the importance of sustained dialogue, partnership and advocacy on regulatory matters with national governments. She also noted the importance of satellite industry participation in international engagements, including a series of High Level Fora organized by the Office for Outer Space Affairs under UNISPACE+50 as means for better dialogue within the broader space community. From a commercial perspective, it was fundamental to tackle the challenges posed to space assets and space systems, not least by protecting large investments in the satellite market.

6. Ms. Laura Grego, Senior Scientist, Union of Concerned Scientists, addressed the topic of outer space security: identifying challenges and solutions. She described space debris as a major concern to the space community as a whole and discussed the implications posed by the rapid development and spread of security-relevant space technologies. Space will continue to be important for national security purposes and will not be insulated from conflict on the ground. Therefore, the international community should engage on substantive discussions on these critical and time-sensitive issues. The fiftieth anniversary of the Outer Space Treaty provided an opportunity to engage stakeholders in those discussions, in which civil society had an important role to play. In this connection and in her capacity as a technical expert on the project, she also introduced the Manual on International Law Applicable to the Military Uses of Outer Space (MILAMOS), which is being prepared by a team of legal and technical experts coordinated by McGill University and is aimed at clarifying the constraints that existing international law places on the military use of outer space in times of peace, as well as in periods of tension and in outright armed conflict.

7. Ms. Daniela Genta, Policy and Market Access Director, Airbus, delivered a joint presentation on behalf of herself and Ms. Joanne Wheeler, Partner, Bird & Bird and addressed the topic of technological innovation in space activities and private actors' cooperation in support to the broader legal regime of outer space. They discussed the sustainability of space activities and cooperation with industry, including industry's role to support regulation and implement risk mitigation solutions. Industry is engaged in the implementation of the Sustainable Development Goals and in UNISPACE+50, including the High Level Fora, the "Space2030" agenda being developed under this process. They saw the fiftieth anniversary of the

³ A/AC.105/1145 and Addenda 1 and 2, as well as in previously issued documents A/AC.105/1080 and Addenda 1 and 2

Outer Space Treaty as an opportunity to increase awareness on the need to further develop the governance regime of outer space, including through non-legally binding instruments. International efforts on space debris mitigation were an example of concerted action to advance regulatory efforts under the overall legal regime of outer space.

8. Ms. Jessica West, Program Officer, Project Ploughshares, addressed the topic of a fragmenting regime – prospects for the future of outer space governance. She discussed outer space governance and its risk of fragmenting. Despite challenges on security, there were clear points of consensus, including on transparency and confidence building measures and preventing an arms race in outer space. The United Nations could play an enhanced role to coordinate and lead these various efforts, including through engagement with the private sector and civil society. She also mentioned the 14th edition of the Space Security Index. The fiftieth anniversary of the Outer Space Treaty was an opportunity to look into the reinforcement of the key principles and values of the Treaty. The Committee on the Peaceful Uses of Outer Space has a central role in the global governance of outer space activities. Together with the United Nations Disarmament Commission, they should take forward transparency and confidence-building measures in outer space activities. There was a need for better overall coordination on the safety, security and sustainability of outer space activities.

9. Delegations from 16 Member States and other entities, including on behalf of political and regional groups, participated in the interactive dialogue. The following is a summary of the discussion issued under the authority of the Chairmen of the First and Fourth Committees and reflecting their understanding of the views expressed.

10. Member States recalled that the exploration and use of outer space is the province of all humankind. Many Member States stressed that outer space should be preserved for peaceful purposes. They pointed to the increasing importance of outer space for economic and scientific development, and the consequent need to preserve an atmosphere of trust and security.

11. Many Member States also recognized the contribution of outer space activities to the fulfilment of the 2030 Agenda for Sustainable Development. In this connection, a number of Member States emphasized the importance of international cooperation, particularly between space-faring and non-space faring States as well as with regional and interregional organizations. Support was expressed for the Dubai Declaration, adopted at the High Level Forum: Space as a driver for socio-economic sustainable development, held in the United Arab Emirates on 24 November 2016.

12. Member States remarked on the the fiftieth anniversary of the Outer Space Treaty and emphasized the central role the Treaty had played in maintaining the peaceful nature of outer space, including by prohibiting the placement of weapons of mass destruction in outer space. The importance of achieving the universalization of the Outer Space Treaty was also emphasized.

13. In light of the many developments since the adoption of the Outer Space Treaty, a number of Member States drew attention to various possible challenges to the security and sustainability of outer space activities. These challenges included, inter alia, the rapid development of technology, the management of increasing space traffic, the mitigation of space debris, the difficulty in distinguishing between civilian and military space activities, the

emergence of new space actors, current practice with respect to surveillance satellites, developments relating to anti-ballistic missile systems, the need to address the issue of missiles in all its aspects within the framework of the United Nations, and the prospective pursuit of the extraction of natural resources in outer space.

14. With respect to the outer space legal regime, several Member States stressed the need to ensure adherence with the existing legal instruments applicable to outer space, including the Outer Space Treaty, the Rescue Agreement, the Liability Convention, the Registration Convention and the Moon Treaty. Many Member States also called for adherence to relevant arms control agreements, including bilateral agreements. A number of States considered that there exists a legal gap in the area of ensuring the security, safety and sustainability of outer space activities. There were various calls for the negotiation of new legally binding and non-legally binding measures. Various views were expressed on whether binding and non-binding measures could be pursued sequentially or in parallel.

15. A number of States affirmed the applicability of the right to self-defence, as specified in Article 51 of the United Nations Charter, in outer space. The view was also expressed that the application of the right to self-defence in outer space required further discussion.

16. Member States recognized the role of United Nations bodies, including the Conference on Disarmament, the United Nations Disarmament Commission and the Committee on the Peaceful Uses of Outer Space, in ensuring the security, safety and sustainability of outer space activities. The role of the International Telecommunications Union was also recognized.

17. Member States reaffirmed their interest in preventing an arms race in outer space. In this regard, many Member States called for negotiations in the Conference on Disarmament on a legally binding instrument on preventing an arms race in outer space. Among those supporting this view, the view was also expressed that fresh approaches may be required in light of the persistent stalemate in the Conference on Disarmament.

18. A number of Member States considered that the draft treaty presented to the Conference on Disarmament by China and the Russian Federation on the prevention of the placement of weapons in outer space, the threat or use of force against outer space objects, could form a useful basis for such negotiations. Several States expressed support for the proposal by China and the Russian Federation for the establishment of a group of governmental experts to consider and make recommendations on substantial elements of an international legally binding instrument on the prevention of an arms race in outer space, including on the prevention of the placement of weapons in outer space.

19. Member States expressed support for the implementation of transparency and confidence-building measures in outer space activities, as a contribution to the security and sustainability of outer space. Specific reference was made in this regard to the 2013 report of the group of governmental experts (A/68/189). A number of Member States expressed the view that they afforded priority to the pursuit and implementation of transparency and confidence-building measures in outer space activities. Support was expressed for the inclusion of an item on transparency and confidence-building measures in outer space activities on the agenda for the forthcoming cycle of the United Nations Disarmament Commission.

20. The view was expressed that transparency and confidence-building measures could form the basis for the development of future legally binding instruments and that such measures could serve as a basis for the verification of future legally binding instruments. The view was also expressed that non-binding transparency and confidence-building measures could not take the place of legally binding measures. A number of Member States expressed support for the elaboration of non-legally binding standards for responsible behaviour in outer space.

21. Member States recognized the progress that had been made by the Working Group on the Long-term Sustainability of Outer Space Activities within the Committee on the Peaceful Uses of Outer Space, including the agreement reached on an initial set of guidelines on the long-term sustainability of outer space activities. They hoped that agreement on the remaining guidelines could be achieved by the established deadline of June 2018.

22. The increasing involvement by industry and private sector entities was mentioned by a number of Member States as reflecting a crucial trend in overall space activities. Space technologies were seen as essential tools in addressing the challenges of climate change, in disaster management, and in societal development. Space debris, space weather and frequency spectrum protection were areas where further efforts were needed.

23. Some Member States called for better coordination between the Committee on the Peaceful Uses of Outer Space, the Conference on Disarmament and the United Nations Disarmament Commission.

24. Many Member States welcomed the convening of the joint panel discussion of the First and Fourth Committees and called for such joint meetings to be held more often.