

Responsible behaviors in outer space find their roots in Art. IX of the 1967 Outer Space Treaty: States shall conduct all their activities in outer space with “due regard to the corresponding interests of all other States parties”.

New elements have been added to the picture, which require new commitments based on the principles of prevention, due diligence and no harmful interference to reduce the dangers of misunderstanding or miscalculation of activities which could give rise to apprehension, particularly in a situation where States lack clear and timely information.

Transparency and confidence-building measures (TCBMs) have been developed in a variety of environments for possible use worldwide to help eliminate misperceptions and underlying security concerns, to provide reassurance about intentions, to reduce the danger of inadvertent conflict (e.g., by providing early-warning indicators), and to create better conditions for the introduction of more stringent measures generally.

With respect to outer space, TCBMs do not constrain or limit any State’s use of outer space for peaceful purposes as codified in the 1967 Outer Space Treaty. They do not impose any requirements on countries that might act as a barrier to space activities of developing countries. On the contrary, commitments to transparency and sharing of information would help the preservation of the space environment in the interest of all States.

Role of UNODA in implementing TCBMs

- The objectives of confidence-building measures have long been considered to be the same as the main tasks of the United Nations, particularly in the maintenance of international peace and security and in the field of disarmament.¹
- The First Special Session of the General Assembly of 1978 devoted to disarmament recognized that collateral measures specifically designed to build confidence would contribute to the creation of favorable considerations for further disarmament measures and the relaxation of international tension.²
- The seventieth session of the First Committee took a number of steps to advance the implementation of the 2013 report of the Group of Governmental Experts on TCBMs.

The draft resolution introduced by Russia and co-sponsored for a second consecutive year by China and the United States included several new and substantively enhanced operative provisions.

¹ Comprehensive study on confidence-building measures, A/36/474, paras 137-144

² A/S-10/4, para 24

- The resolution now *calls upon* Member States and the relevant entities and organizations of the United Nations system to support the implementation of the full range of conclusions and recommendations contained in the report.

This builds upon language in earlier resolutions, retained in the present text, which *encourages* Member States to continue to review and implement the TCBMs and *requests* the relevant United Nations entities to assist in their effective implementation.

- It also *encourages* Member States to hold regular discussions on the prospects for implementing TCBMs in the Committee on the Peaceful Uses of Outer Space (COPUOS), the Disarmament Commission and the Conference on Disarmament, with a view to promoting practical action.

This builds upon the previous decision of the General Assembly to refer the recommendations in the GGE report to those bodies for consideration, as appropriate.

- UNODA's main activities in assisting States in the implementation of TCBMs have been in the field of conventional arms. This has involved two primary instruments:
 - The first is the Register on Conventional Arms, established in 1991.

Its main objective is to promote transparency in the international trade of major conventional weapon systems.

It requires all Member States to report on their exports and imports of specified arms and also encourages reporting on national holdings and national defense policies.

UNODA functions as the repository for the Arms Register. The Office also has a standing mandate to assist Member States to build capacity to submit meaningful reports.

The Register is not a static instrument and has been subject to formal review on a triennial basis by a group of governmental experts. These reviews have resulted in the progressive expansion of the scope of the Register, as well as recommendations to ensure reporting keeps pace with technological developments in the field of arms. The GGE has recently reviewed the list of categories to be agreed upon at the upcoming GA.

The Register is of limited application to issues of outer space, as we cannot yet speak of any international trade in space weapons.

- The second instrument is the United Nations Report on Military Expenditures, developed in 1980.

It encourages all countries to report annually on their military-related expenditures for the previous year.

In comparison the Register, UNODA has a broader mandate to support improvement and participation in the Milex Report, including by:

- making recommendations on necessary changes to the content and structure of the standardized reporting system;
- examining possibilities for enhancing complementarity among international and regional reporting systems;
- promoting awareness through the three regional centres for peace and disarmament; and
- conducting training and technical instruments.

Since 2015, pursuant to resolution 69/38, UNODA has encouraged Member States with military and national security space activities to include in their report such military space expenditures as well as other national security space activities, as applicable.

They may supplement their report with explanatory remarks regarding submitted data, such as total national security space expenditure as a share of gross domestic product and major changes from previous reports.

After two years, not a single Member State has provided such information.

This year, however, for the second time since the development of the Milex Report, a group of governmental experts will be convened to review the operation and further development of the Report, including the establishment of a process for periodic reviews in order to ensure its continued relevance and operation.

This GGE should provide governments with an opportunity to explore how to promote reporting on their military space expenditures.

- UNODA also has standing capacity to assist governments and regional organizations in developing bilateral or regional military CBMs tailored to specific situations. However, this capacity has generally been limited to the field of conventional weapons.

- However, in 2015 UNODA provided assistance to the European Union the convening of a multilateral meeting in New York aimed at advancing the proposal for an International Code of Conduct in Outer Space Activiti

Next steps in the implementation of TCBMs within the UN system

- There continues to be a need for States to discuss the implementation and further development of outer space TCBMs in all the relevant United Nations forums (e.g. COPUOS, the First and Fourth Committees of the General Assembly, CD and UNDC).

United Nations Disarmament Commission

- At the 2016 substantive session of the United Nations Disarmament Commission, China, Russia and the United States proposed the following for a third agenda item:

“In accordance with the recommendations contained in the report of the GGE on TCBMs in Outer Space Activities (A/68/189), 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.”

- While no delegation raised any substantive issue with the proposal, there were various views raised regarding the impact of a third item on the two other items on the agenda for the present cycle (Transparency in conventional weapons and nuclear disarmament) as well as continued interest in some quarters in insisting that the UNDC can only move forward if there is progress in all of its working groups.
- In addition to a general exchange on the prospects for implementing TCBMs, it would be useful for the 2016 session of the Disarmament Commission to address the following measures:
 - Exchanges of information on the principles and goals of a State's outer space policy: ODA could play a primary role in facilitating exchanges on the **military and security** aspects, including through the publication of information provided by States.
 - Exchanges of information on major military outer space expenditure and other national security space activities: the Disarmament Commission could support this measure by encouraging States to **provide such information to the Report on Military Expenditures**, and, if desirable, by encouraging the 2016 group of governmental experts to consider incorporating major

military outer space expenditures into the standardized reporting form.

- Consultative mechanisms: To the extent that the Disarmament Commission regularly discusses the implementation of TCBMs, it could play a direct role in serving as a forum for clarifying information provided by States on their use of outer space for national security purposes (57(a)), on their space research and application programmes (57(b)) and on clarifying ambiguous situations (57(c)).
- The success of any effort to make use of the Disarmament Commission to advance outer space TCBMs will require the active leadership of the three main sponsors of the First Committee resolution: China, Russia and the United States.
- The forthcoming session of the First Committee will provide States with another opportunity to move forward the proposal for a third item.

Coordination within the United Nations system

- UNODA and OOSA have developed close cooperation in recent years in support of outer space TCBMs.
- UNODA joined UN-SPACE in 2016 and hosted its annual meeting in New York.
- UNODA and OOSA also cooperated in the preparation of the Special report by UN-Space on the implementation of the report of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities as pertaining to the United Nations system.
- The measures in the GGE report vary in the extent to which they can be readily implemented by States or by United Nations entities, within existing mandates and resources, and without further deliberation by States.

In that connection, COPUOS is effectively elaborating a number of the TCBMs through the elaboration of guidelines on the long-term sustainability of outer space.

Since the previous draft of the guidelines, key measures are now more robust and are more inclusive of both civil and military activities in outer space, including those relating to information exchanges and notifications related to outer space activities (paragraphs 39–41).

At the same time, gaps persist on the advancement and elaboration of other measures, especially those pertaining to the exchange of information on the military aspects of

national space policies (paragraph 37) risk reduction notifications (paragraphs 42–44) and consultative mechanisms (paragraph 57).

The risk reduction notification measures generally relate to the safety of space operations and may be better addressed in Vienna.

Consultative mechanisms, however, which would be aimed primarily at resolving concerns over military and national security-related activities, could be addressed either in New York or Vienna.

While it remains unclear to what extent international organizations will have role in facilitating the implementation of these measures, any role for the United Nations Secretariat will likely be carried forward by OOSA pursuant to existing mandates or, less likely, through the development of new international mechanisms.

As said, the work within COPUOS does not cover the full range of the GGE report nor do several of the draft guidelines fully address military and security-related aspects of TCBMs.

Accordingly, United Nations disarmament bodies will retain a possible unique role in advancing the practical implementation of TCBMs.

- The UN-SPACE should provide a solid basis for the report by the Secretary-General, requested in resolution 70/53, to be submitted in 2017, on the coordination of transparency and confidence-building measures in outer space activities in the United Nations system.
- The 2017 report will also include an annex containing submissions from Member States giving their views on transparency and confidence-building measures in outer space activities. UNODA will solicit inputs from Member States in early 2017.