
Conference on Disarmament

9 September 2014

English

Final record of the one thousand three hundred and twenty-eighth plenary meeting

Held at the Palais des Nations, Geneva, on Tuesday, 9 September 2014, at 10.10 a.m.

President: Mr. Mazlan Muhammad(Malaysia)



The President: I call to order the 1328th plenary meeting of the Conference on Disarmament.

Allow me to recognize in our midst today Ambassador Courtenay Rattray, Permanent Representative of Jamaica to the United Nations in New York. Ambassador Rattray is with us today to observe our deliberations in his capacity as the Chair designate of the First Committee of the United Nations General Assembly at its sixty-ninth session. On our collective behalf, I would like to wish him a warm welcome to the Conference on Disarmament. During his stay in Geneva, Ambassador Rattray will be meeting with regional groups to brief them on the upcoming work of the First Committee.

Allow me also to wish a warm welcome to Ambassador John Quinn, who has recently assumed his functions as the Permanent Representative of Australia to the Conference on Disarmament. He will be meeting with the Acting Secretary-General at 11 a.m. today. On behalf of the Conference and on behalf of my country, I would like to extend to our new colleague our very best wishes.

I would now like to update you on the status of my consultations since our last meeting, on Tuesday, 2 September 2014. Last week, I convened two informal plenary meetings devoted to paragraphs for which I had received comments from member States. At those two sessions, we managed to reach agreement on four paragraphs of the draft report. An informal session was convened last Thursday to deal with the remaining five issues that were still pending. At that meeting, agreement was reached on all the remaining paragraphs, with the exception of paragraph 5, for which one delegation requested to have a further look at a provisionally adopted text. As you are aware, the secretariat circulated to all delegations, on Friday, the text of the amended paragraphs in document CD/WP.581/Amend.1. From my consultations with delegations, I am of the view that there are still one or two paragraphs which need some minor changes. So, upon conclusion of the plenary today, I will convene an informal meeting to resolve any outstanding issues. It is my intention to finalize the draft during that informal plenary.

I am confident that delegations have had an opportunity to study the draft report and its amendments. Let me take this opportunity to thank all delegations for their constructive spirit and flexibility during the informal sessions last week. Taking into account the good work done last week, it is my hope that we can finalize the report today.

Once we have agreement on the draft, it is my intention to convene a plenary meeting either this afternoon or tomorrow to adopt the Conference's report. However, this will depend on the outcome of the discussions today. I am of course in your hands on how we move forward.

I will now turn to the list of speakers. I give the floor to the representative of the United States, Ambassador Robert Wood.

Mr. Wood (United States of America): I am pleased to have this opportunity to address some topics raised by other delegations in recent plenary meetings regarding the Conference on Disarmament agenda item on the prevention of an arms race in outer space. As my colleague Deputy Assistant Secretary of State Frank Rose emphasized when he addressed the Conference on 10 June, space is becoming increasingly congested from orbital debris and contested from man-made threats that may endanger the space environment. The globe-spanning and interconnected nature of space capabilities and the world's growing dependence on them mean that irresponsible acts in space can have damaging consequences for all of us. Therefore, it is essential that all nations work together to adopt approaches for responsible activity in space to preserve this domain for future generations.

In this context, the United States is particularly concerned about the continued development and testing by some States of destructive anti-satellite systems. The development of such systems is destabilizing and threatens the long-term security and sustainability of the outer space environment. Debris-generating anti-satellite weapons present a host of threats to the space environment that threaten all who benefit from outer space. On the security side, anti-satellite weapons directly threaten satellites and the strategic and tactical information that those satellites provide, and their use could be escalatory in a crisis or conflict. They also pose a direct threat to key infrastructure used in arms control verification, monitoring, military command, control and communications, and tactical warning of attack. A debris-generating test or attack may only be minutes in duration, but the consequences can last decades and indiscriminately threaten all the space-based assets of all spacefaring nations. It is for these reasons that the United States believes testing debris-generating anti-satellite systems threatens the security, economic well-being and civil endeavours of all nations. Mindful of this threat, we believe that it is essential that all nations work together to adopt approaches for responsible activity in space to preserve this domain for future generations.

In considering options for international cooperation to ensure space security and sustainability, we acknowledge that some of us would suggest we pursue a new legally binding arms control agreement. The United States is willing to consider space arms control proposals and concepts that are equitable, effectively verifiable and enhance the security of all nations. However, we have not yet seen any legally binding proposals that meet these criteria. This includes the revised draft Treaty on the Prevention of the Placement of Weapons in Outer Space and of the Threat or Use of Force against Outer Space Objects presented by Russia and China earlier this year. As Deputy Assistant Secretary Frank Rose noted we would do during his preliminary remarks on the updated draft Treaty on 10 June, the United States has completed an in-depth analysis of the draft text. At the request of the United States delegation, that analysis has been distributed to all Conference delegations as a document of the Conference, as contained in document CD/1998.

According to the United States analysis, the draft Treaty, like the earlier 2008 version, remains fundamentally flawed. Above all, there is no integral verification regime to help monitor the ban on the placement of weapons in space, and no prospect of achieving a capability to effectively verify an agreement banning space-based weapons with existing technologies and cooperative measures.

Moreover, we would note that, typically, arms control treaties that prohibit the deployment of a class of weapon also prohibit the possession, testing, production and stockpiling of such weapons to prevent a country from rapidly breaking out of such treaties. The draft Treaty contains no such prohibitions, and thus a party could develop a readily deployable space-based weapons break-out capability.

Finally, the revised draft Treaty does not address the most pressing existing threat to outer space systems: terrestrially based anti-satellite systems. There is no prohibition on the research, development, testing, production, storage or deployment of terrestrially based anti-satellite weapons. Thus, under the draft Treaty, such capabilities could be used to perform the functions of space-based weapons. For example, according to our reading of the text, the 11 January 2007 flight test by China of a ground-based direct-ascent anti-satellite weapon against its own weather satellite would have been permitted under both the 2008 as well as the revised 2014 draft Treaty. This would also be the case with that country's 23 July 2014 non-destructive direct-ascent anti-satellite flight test using the same interceptor missile type that it had used in its 2007 test.

Notwithstanding the continuing disagreement regarding the utility of a treaty on the prevention of the placement of weapons in outer space, there are many ways forward in which we do agree: spacefaring nations have cooperated in numerous ways since the beginning of the space age. Indeed, the United States is convinced that there are challenges that can and should be addressed through practical, near-term solutions, such as non-legally binding transparency and confidence-building measures (TCBMs) to encourage responsible actions in, and the peaceful use of, space. Such pragmatic, non-legally binding measures exist, have been agreed to by consensus in the past, can be implemented quickly, address the problem of debris and address the growing potential for actions that threaten the space environment. For example, there is the study on outer space TCBMs by the United Nations Group of Governmental Experts, whose report was endorsed by consensus on 5 December 2013 by the United Nations General Assembly and referred to the Conference on Disarmament and other parts of the United Nations system for further consideration. The Group's report endorsed voluntary, non-legally binding transparency and confidence-building measures to strengthen stability in space. It endorsed efforts to pursue political commitments — including a multilateral code of conduct — to encourage responsible actions in, and the peaceful use of, outer space.

The United States will continue to support efforts at the Conference and in other multilateral forums to advance the consensus recommendations of the Group of Governmental Experts for the pursuit of voluntary and pragmatic TCBMs for outer space activities. The United States also welcomes proposals for development of additional TCBMs as long as they satisfy the criteria established in the consensus report. Per the Group's consensus report, criteria for non-legally binding TCBMs for outer space activities should:

- Be verifiable by other parties in their application, either independently or collectively;
- Be clear, practical and proven, meaning that both the application and the efficacy of the proposed measure must be demonstrated by one or more actors;
- And finally, reduce or even eliminate the causes of mistrust, misunderstanding and miscalculation with regard to the activities and intentions of States.

In this regard, the United States believes that the European Union efforts to develop an international code of conduct for outer space activities can serve as the best near-term mechanism for States to implement many of the Group's recommendations. At the same time, we are compelled to note that some TCBM ideas that have been mentioned in recent Conference plenary meetings fail to meet the set of criteria for a valid TCBM, as identified in the Group's report. For example, in assessing the Russian initiative for States to make declarations of “no first use” of weapons in outer space, we conclude that it is neither verifiable nor does it adequately and satisfactorily define a “space weapon”.

The United States delegation believes that the informal discussions on the prevention of an arms race in outer space held during this session under our agreed schedule of activities have been very substantive and constructive in helping to clarify the issues, options and various positions of member States. For this we owe a debt of gratitude to my colleague from the United Kingdom, Ambassador Rowland, who I am pleased to commend for his very professional leadership in organizing our informal discussions as coordinator for this agenda item. The United States looks forward to continuing to engage constructively and pragmatically with other member States in order to strengthen international cooperation to address threats to space security and sustainability.

The President: I thank the representative of the United States of America for his statement.

I would like to extend a warm welcome to Ambassador Amr Ahmed Ramadan, the new Permanent Representative of Egypt to the Conference on Disarmament, and give the floor to him.

Mr. Ramadan (Egypt): I am delighted to join you here at the Conference on Disarmament. This is the first time I am speaking at the Conference as the Permanent Representative of Egypt, and it is indeed an honour for me to address this prestigious forum. I look forward to working with you and with my colleagues towards achieving the mandate of the Conference as the sole disarmament negotiating forum. I would like to express my pleasure at seeing the Permanent Representative of Malaysia presiding over the Conference, and I wish to commend the manner in which you have conducted the negotiations on the Conference's 2014 report. You have guided our work with professionalism, wisdom and dedication. I would also like to once again express appreciation for the dedicated efforts of your predecessor, Ambassador Anthony of Kenya.

As this is my first opportunity to address the Conference on Disarmament, I would like to share some reflections with you and colleagues. Egypt attaches the utmost importance to the Conference. It represents a key multilateral forum for addressing issues relating to the most dangerous and destructive types of weapons on Earth. The Conference is not a debating forum: its role is to negotiate multilateral disarmament agreements in order to achieve global peace and stability. This is the *raison d'être* of the Conference on Disarmament. We are very concerned that for the past 18 years the Conference has failed to adopt and operationalize a programme of work to commence its substantive negotiations. We trust that, in order to overcome this stalemate, we ultimately will demonstrate the political will needed to take forward the negotiating mandate of the Conference. We need to work collectively to end the Conference's impasse through consensus on a balanced and comprehensive programme of work, and we have no alternative but to seek this consensus.

Egypt welcomed the re-establishment in 2014 of the informal working group to produce a programme of work. We are of the view that the re-establishment of the informal working group in 2015 should be based on its added value to our endeavours to adopt a programme of work, taking into consideration that the adoption of a programme of work would be not an objective in itself but an important step towards the commencement of treaty negotiations.

Since we believe that priority should always be given to the adoption by consensus of a balanced and comprehensive programme of work to start negotiations, let me reiterate the position of Egypt on the elements of such a programme. First, we consider nuclear disarmament to be the top priority, as clearly underlined through the very first United Nations General Assembly resolution — resolution I (1) — and later reiterated at the special session on disarmament. Furthermore, the General Assembly recently adopted resolution 68/32, in which it called for the urgent commencement of negotiation in the Conference for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction. We therefore expect any proposed programme of work to include the establishment of a subsidiary body to deal with nuclear disarmament.

Second, Egypt has always been supportive of the idea of concluding a treaty banning the production of fissile material for nuclear weapons and other explosive devices, as long as such a treaty, in accordance with the 13 practical steps adopted at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of

Nuclear Weapons (NPT), would serve the objectives of both nuclear disarmament and nuclear non-proliferation. It is for this reason that we seek that any proposed programme of work contain a mandate on a treaty banning the production of such material for nuclear weapons and other explosive devices and clearly indicate that it would be dealing with stocks of already existing production of fissile material as well as future production.

Third, we are also interested in promoting and maintaining outer space as a peaceful environment that should serve as the common heritage of humankind. It is essential therefore that we further develop the legal regime governing outer space and prevent the arms race in outer space. The Conference has to live up to its mandate and commence negotiations on a legally binding instrument to prevent an arms race in outer space.

Fourth, we look forward to the Conference dealing with effective international arrangements for the five nuclear-weapon States to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Such an assurance is a legitimate demand of the non-nuclear-weapon States, and it is long overdue.

Our disappointment at the failure to implement the resolution of the 1995 NPT Review Conference on the establishment of a Middle East free of nuclear weapons and all other weapons of mass destruction is no secret. This issue raises serious concerns regarding the undertakings we assume in multilateral disarmament forums and the commitment of the parties to fulfil those undertakings. There is a growing movement to promote understanding of the consequences of the use of nuclear weapons and of the need to place these consequences at the centre of any future nuclear disarmament efforts. The first and second Conference on the Humanitarian Consequences of the Use of Nuclear Weapons, held in Oslo in March 2013 and in Nayarit in February 2014, the Open-ended Working Group on nuclear disarmament and the high-level meeting of the United Nations General Assembly on nuclear disarmament last September are all conducive to maintaining the focus on what these weapons truly mean for the future of humanity. We look forward to participating in the third Conference on the Humanitarian Consequences of the Use of Nuclear Weapons, which is scheduled to be held in Vienna in December 2014.

Mr. President, we wish you a successful presidency, and we remain ready to support any efforts aiming at reaching a consensus on a balanced and comprehensive programme of work.

The President: Thank you, Ambassador Ramadan, for that statement. That was the last speaker on my list. Does any other delegation wish to take the floor at this time? I recognize the Russian Federation.

Mr. Deyneko (Russian Federation) (*spoke in Russian*): We will not engage in a substantive discussion now on the issue of the prevention of an arms race in outer space because a substantive and comprehensive discussion took place in June which allowed us to have a constructive exchange of opinions on all these issues. Allow me, however, to make a few comments, the first being purely factual. If I understood correctly, the Permanent Representative of the United States used the phrase “no first use”. This is not an entirely accurate rendering of our initiative, which is entitled “not being the first to place weapons in outer space”. The idea behind the initiative stems from the philosophy underlying the draft Treaty on the Prevention of the Placement of Weapons in Outer Space, an updated draft of which was submitted by the Permanent Representatives of Russia and China at the plenary meeting of the Conference held on 10 June. Why? Because we are realists. We are aware that concluding a multilateral disarmament treaty will take a fairly long time. Until such a treaty can be concluded and enters into force, a safety net of some sort is needed which could keep outer space

free from weapons of any kind. That is the rationale behind the proposals and initiatives of the Russian Federation on not being the first to place weapons in outer space, which is a voluntary political commitment on the part of States not to engage in such action. If this initiative is accepted globally, we will have a reliable political guarantee of non-deployment of weapons in outer space.

I would like to emphasize that, in both cases, we are talking about a specific action: the non-deployment, or non-placement, of weapons in outer space — nothing more and nothing less. In other words, this is a specific legal or political measure intended to reliably prevent an arms race in outer space. I would recommend a careful reading of the name of the treaty in full. It is much longer than “the prevention of the placement of weapons in outer space”. I think, too, that you will find answers to some other issues by looking at the treaty’s name, including an answer to the issue of anti-satellite weapons.

These are some initial comments on the statement made by the American representative. I wish to emphasize that we are indeed appreciative of the critical observations made on both the Russian and Chinese initiative and on the Russian initiative concerning the military use of space. I call on all colleagues here in the Conference not to limit themselves to making general comments on the main elements of the treaty but also to put forward concrete proposals on how to improve the text. In this way, together we will be able to make a significant step forward. Moreover, if our text does not suit certain colleagues from a conceptual standpoint, it can be adjusted. Of course, another alternative can always be put forward but it would be preferable if such alternatives were submitted in writing.

The President: I thank the representative of the Russian Federation and I recognize the Permanent Representative of China.

Mr. Wu Haitao (China) (*spoke in Chinese*): The Chinese delegation would like to begin, Mr. President, by congratulating you on your assumption of the presidency of the Conference on Disarmament; we stand ready to extend to you our full cooperation. In addition, I would like to welcome our new colleagues representing Egypt and Australia.

As this year’s session of the Conference draws to a close, we would like to note the significant work carried out. The Chinese delegation wishes to express its appreciation to the President for his leadership during the negotiation of the Conference’s annual report.

Our colleague from the United States shared with us earlier his delegation’s position and views on outer space issues. I would like to take this opportunity also to reiterate my country’s position, views and proposals on that topic. China has always advocated for the peaceful use of outer space and opposes the weaponization of outer space and an arms race in outer space. I believe that this reflects a common view shared by all States on this issue. If we indeed all share that view, then in our opinion the most important thing is for the international community to negotiate a new international treaty on outer space as soon as possible so as to eliminate the threat to space security. That is why, in 2008, China and the Russian Federation jointly submitted to the Conference a draft Treaty on the Prevention of the Placement of Weapons in Outer Space. In June of this year, China and the Russian Federation prepared a revised version of the draft text based on the suggestions and recommendations put forward by States. We have already explained the considerations taken into account when submitting the draft. First, the vast majority of countries support the negotiation and conclusion by the international community of an international legal instrument on the prevention of an arms race in outer space. Second, over the years the Conference has set up ad hoc bodies on the prevention of

an arms race in outer space and has accumulated a wealth of experience in this sphere. Third, the draft text proposed by China and the Russian Federation establishes a very solid basis for the negotiation of such a treaty within the Conference.

I would like to emphasize that we hope delegations will carefully review the draft text put forward by China and the Russian Federation. I echo my Russian colleague's request that colleagues not just make general comments but instead closely examine the proposal. In particular, allow me to point out here that our draft expressly prohibits any placement of weapons in outer space and prohibits the threat or use of force in outer space.

Our colleague from the United States made reference to the space flight tests conducted by China in 2007. We have repeatedly made our position on this matter clear: that was a scientific experiment conducted for peaceful purposes and does not constitute a threat to any country. Our position on outer space issues is as I have just stated: China has consistently advocated for the peaceful use of outer space and opposes the weaponization of outer space and an arms race in outer space.

I am aware that many countries have concerns about the issue of verification. We feel that this matter could be dealt with in the course of the negotiation process. It is my hope that member States will be able to adopt a consensus position on verification with regard to outer space and other issues.

With regard to confidence-building measures, I see the process of negotiating a treaty on weapons in outer space and the process of creating confidence-building measures for outer space activities as mutually reinforcing. We are not ruling out the possibility of engaging in such a process of creating confidence-building measures, but we believe that the only way to fundamentally eliminate the threat to space security is by negotiating a legally binding international legal instrument.

The President: Thank you, Ambassador Wu of China, for that statement. I now give the floor again to Ambassador Wood of the United States.

Mr. Wood (United States of America): I apologize for taking the floor. I would like to make a clarification. In characterizing the Russian proposal, I should have said "no first placement" as opposed to "no first use". Also, I would encourage all member States to read the United States analysis of the draft Treaty on Prevention of the Placement of Weapons in Outer Space and of the Threat or Use of Force against Outer Space Objects, which should be out when distributed by the secretariat.

The President: Thank you. I invite now the representative of Algeria, Mr. Khelif, to take the floor.

Mr. Khelif (Algeria) (*spoke in Arabic*): The Algerian delegation should like to begin, Mr. President, by welcoming the Ambassador of the Arab Republic of Egypt and the Permanent Representative and Ambassador of Australia to the Conference on Disarmament.

The Algerian delegation has requested the floor after having heard the statement made by the Ambassador of the United States on the issue of preventing an arms race in outer space and the comments of the delegations of China and the Russian Federation on this subject. In the statement by the United States Ambassador, we were pleased to learn about his country's analysis of the Russian-Chinese draft concerning the non-placement of weapons in outer space. In our view this represents a good *modus operandi* that allows opinions to be exchanged and interactive discussion to take place on this subject. What we have gleaned from those statements is that member States are not opposed to this topic being addressed within the Conference. We were also pleased to hear that the United States, Russia and China, as well as other delegations, believe that security and peace in outer space must be strengthened and

that outer space must not be used for military purposes. As we have heard no objections, we believe that it may be possible to arrive at consensus language that will enable the Conference to begin substantive work in this sphere in the context of a comprehensive and balanced programme of work, without pre-empting the outcome. In order to find consensus language within the framework of a programme of work, we should undertake substantive work on the basis of all the initiatives and ideas that have been put forward in the Conference, without prejudging the results but rather letting the course of the negotiations and discussions lead us where they will. This could be a good way for the Conference to make progress on this and other issues.

The President: I thank the delegate of Algeria. I now recognize the United Kingdom.

Mr. Rowland (United Kingdom): Mr. President, I do not want to delay us moving on into your informal session, and I thank you for all the efforts you have put into getting us to where we are on the report, which I think is in a good place.

I just wanted to take this opportunity to welcome our new colleague from Australia, with whom I have already had the pleasure of working in the Group of Governmental Experts on a fissile material cut-off treaty. I look forward to working with him. I also wanted to welcome our new Egyptian colleague, and thank him for his statement.

If I understood our Egyptian colleague correctly, he reaffirmed his country's commitment to document CD/1299 and the mandate contained therein, but he did not name that document. This is reassuring, as there were some signs earlier in the year, prior to his arrival, that the Egyptian delegation's commitment to document CD/1299 was in some doubt. So I am reassured, and I look forward to working with him on this and other issues in the future.

The President: Thank you. Does any other delegation wish to take the floor? That does not seem to be the case. I would like to inform you that, in order to conclude the work on our draft report, we will now have a short break, after which we will convene in an informal setting to have a last reading of the draft that the secretariat circulated to you last week.

This concludes our business for today. The next meeting of the Conference on Disarmament will take place either this afternoon at 3 p.m. or tomorrow, Wednesday, 10 September, at 3 p.m. to formally adopt, hopefully, the report of the Conference to the United Nations General Assembly.

The meeting rose at 10.45 a.m.