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FINAL RECORD OF THE NINE HUNDRED AND SIXTY-SIXTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 26 August 2004, at 10.15 a.m.

President:

Mr. MYA THAN

(Myanmar)

The PRESIDENT: I declare open the 966th plenary meeting of the Conference on Disarmament.

At the very outset, I should like to express our profound shock and sadness over the tragic incident of two almost simultaneous aircraft crashes in the Russian Federation that occurred on Wednesday, leaving 89 passengers and crew dead. On behalf of all delegations to the Conference on Disarmament, I should like to extend our deepest condolences to the families of the victims and to the Government of the Russian Federation.

We have been underscoring the need to have structured discussions and structured plenary sessions. I am gratified to inform you that we will achieve that this morning. All the speakers on my list will be speaking on PAROS - prevention of an arms race in outer space. So this morning's session will be devoted to PAROS.

I have the following speakers for today's plenary meeting: Ambassador Leonid Skotnikov of the Russian Federation, Ambassador Hu Xiaodi of China, Ambassador Paul Meyer of Canada, Mr. Jean-Michel Despax of France and Ms. Annika Thunborg of Sweden.

I now give the floor to Ambassador Skotnikov of the Russian Federation.

Mr. SKOTNIKOV (Russian Federation) (translated from Russian): Thank you, Mr. President. First of all I would like to congratulate you on taking up the position of President of the Conference on Disarmament. We are convinced that under your leadership the Conference will successfully complete the final straight this year. I would also like to thank all the previous Presidents of the CD who have steered our work this year. I am most grateful for the condolences you conveyed on the tragic events in the Russian Federation. I will pass those words of sympathy to the Government of the Russian Federation, so that they can then be communicated to the relatives of the victims of these tragic air disasters. I am deeply grateful for your words of condolence, Sir.

The issue of preventing the deployment of weapons in outer space and thus preventing an arms race in outer space is a clear priority for Russia among the items on the agenda of the Conference on Disarmament. The significance of outer space in the life of mankind, and especially in its further progress, is growing rapidly. We are ever more dependent on space technologies. Even now it is difficult to imagine the dramatic consequences for everyday life if the normal operation of spacecraft were to be disrupted, not to mention combat occurring in outer space. Today, to one extent or another, more than 130 States are involved in outer space activities, States which either have their own space programmes or are devising programmes for the use of information from space assets, including work for defence purposes.

On the one hand, the use of outer space is one of the most important ways of solving the global problems facing mankind, in such fields as energy, information, the rational use of natural resources, protection of the environment and addressing the consequences of natural disasters. On the other hand, if the situation were to develop unfavourably, outer space might become a new area of military confrontation, a source of new threats to one and all.

(Mr. Skotnikov, Russian Federation)

Space systems are being used on an increasing scale for military purposes. The concept of military activities in outer space has already evolved in principle in international practice. In the view of the Russian Federation, this includes any activity connected with the direct use of outer space for military purposes. Naturally we are talking about activities carried out in accordance with international law, including the Charter of the United Nations, for the purpose of maintaining international peace and security. In the course of such activities in the Russian Federation both individual spacecraft and entire orbital complexes have been developed and used. They allow us to perform such tasks as the detection of ballistic missile launches, visual and electronic reconnaissance, global communication and information relay, navigation, geodesic and weather forecasting support. The normal operation of various types of military systems in outer space contributes to the maintenance of strategic stability and international security by creating a more transparent and predictable regime for military activities, and also by helping to monitor compliance with arms limitation treaties.

Now, although these space systems do have a military purpose, they are not weapons, since they are not intended to strike an adversary in armed combat and do not create a threat of attack in space or from space. As a rule these space systems are not used solely for military purposes, but also for civilian purposes. In this way the Russian Federation's photoelectronic and optoelectronic reconnaissance systems are used to monitor man-made accidents and natural disasters and to develop recommendations on how to remedy their consequences. Space-based equipment designed to detect launches of ballistic missiles is used to detect forest fires in sparsely populated areas of Siberia and the Russian Far East. A space-borne navigation complex helps to ensure the safe operation of various transport systems and the conduct of search and rescue operations. At the same time, military space systems, depending on their designated purpose, can have not only positive but also negative effects on strategic stability and international security. We do not regard space systems created to perform information support tasks without the intention of causing damage to other objects as a threat to international security. However, this cannot be said about space systems which are intended from the outset to strike various objects directly or disrupt their normal operation and which could be referred to as "space weapons".

In general, the term "space weapons" means systems or devices based on any physical principles which are launched into earth orbit or placed in outer space by any other means, and which are designed or converted to destroy, damage or disrupt the normal functioning of objects in outer space, as well as targets on the earth's surface or in its atmosphere. Space weapons are designed to have a direct impact on an adversary's assets, and by their nature they can be either weapons of mass destruction or conventional weapons, including those based on new physical principles. The deployment of weapons in outer space would undermine the existing system of arms control agreements, first and foremost those relating to nuclear weapons and missiles, and would provoke a new spiral in the arms race. Transforming outer space into a potential theatre for military combat would harbour serious threats for the disruption of strategic stability and international security. The deployment of weapons in outer space would have a major effect on the military-strategic balance, create the illusion that a first strike could be made with impunity and multiply the importance of the surprise factor many times over. Such weapons would therefore be intrinsically destabilizing regardless of whether they were classified as offensive or defensive weapons.

(Mr. Skotnikov, Russian Federation)

Were they to be created, space weapons would in fact be a new type of strategic weapon. Those possessing them would secure considerable strategic advantages. This would inevitably lead to countermeasures being taken by other States to ensure their own security. Such measures - both symmetrical and asymmetrical, both in space and on the ground - could nullify all disarmament efforts in relation to nuclear weapons, missiles and other aspects and could give a strong impetus to the proliferation of weapons of mass destruction and their means of delivery and foster the emergence of new forms of terrorism, which as yet seem to be the stuff of fantasy.

The deployment of weapons in outer space enhances the risks arising from the short time available for decisions on their military use. In this context there is a considerable increase in the danger that wrong decisions might be taken or that the situation might spin out of control because of a malfunction or failure. Apart from anti-missile defence, space weapons are also capable of destroying spacecraft, in parallel and with much greater effectiveness. A State possessing space weapons would have the unhindered capacity to knock out the space systems of another party which it considered to be its adversary, inflicting substantial and in some cases irreparable technological damage. Even the very act of interference with a satellite belonging to another State, particularly in a crisis situation, might be perceived as an armed attack, with all the consequences that might ensue. Damage would not be confined to the military component of a space complex. Since the use of space assets involves both military and civilian users, in a highly integrated manner, as well as a large number of States and international organizations in the case of specific space programmes, such as space meteorology and navigation, damage to or disruption of such systems could have global implications. When looking at the military aspect of the use of space weapons against ground or airborne targets, it should be remembered that strikes from outer space could menace critical infrastructure in States whose normal functioning would have a direct bearing on national security. Nor can we ignore the dangers of the impact of space weapons on the earth's biosphere, which might have fatal consequences for all of mankind. Besides, even the testing of space weapons in low earth orbits leaves a large number of fragments, which could further aggravate the already acute problem of "space debris".

Thus the emergence of weapons in outer space is fraught with a mass of serious complications and dangers. Looking at the existing nuclear missile arsenals of Russia and the United States of America, strategic defensive systems, including those based in space, will not in the short run have a decisive influence on the maintenance of stability. However, with the planned deep cuts in nuclear weapons and missiles, such systems could dramatically destabilize the situation. The emergence of means of waging war in and from outer space has the potential to change the situation drastically. The development of space weapons is certainly not a choice we would make. We would like to underline that the Russian Federation has no current or short-term plans to create any space weapon systems or deploy them in outer space. Moreover, Russia is unswervingly abiding by its moratorium on the testing of anti-satellite systems.

Dramatic scenarios such as those mentioned just now have to be avoided. Outer space should remain an area of cooperation and mutual understanding, rather than confrontation. Sometimes, though admittedly not too frequently, we hear statements to the effect that existing international outer space law is sufficient to prevent an arms race in outer space and simply does

(Mr. Skotnikov, Russian Federation)

not require further elaboration. We find that difficult to agree with. There are obvious lacunae in international space law. The outer space activities which are unregulated and therefore not directly prohibited include the development, testing and deployment of anti-satellite weapons, the development, testing and deployment of space-based missile defence systems or their components, and the creation and deployment in outer space of means of optoelectronic and radioelectronic jamming of space-based, airborne or ground-based technical assets.

Filling these gaps partially is the purpose of the well-known proposal (CD/1679) made by Russia and China jointly with a group of other States for the drafting of a treaty to prevent the deployment of weapons in outer space and the threat or use of force against outer space objects. It is suggested that this treaty should lay down three basic obligations: first, not to place in orbit around the earth any objects carrying any kinds of weapons, install such weapons on celestial bodies or station such weapons in outer space in any other manner. This is adapted from the 1967 Outer Space Treaty and is applicable not just to weapons of mass destruction, as in that treaty, but to all types of weapons. During the discussion which took place after our joint document was issued we were given good advice, which we intend to follow, namely to add to that obligation language modified from the Moon Agreement banning the placing of objects carrying any kinds of weapons in orbit around or other trajectory to or around the moon or other celestial bodies.

The term “in any other manner” here means that weapons would not be placed in outer space by launching separate elements each of which is not a weapon but which would then be assembled to form a weapon. A weapon would be considered stationed in outer space if it orbits the earth at least once or follows a section of such a trajectory before further acceleration out of orbit, or if it is placed in a stable position anywhere beyond earth orbit. Thus the proposed ban on the placement of weapons in outer space does not apply to ballistic missiles, warhead platforms or actual warheads travelling through outer space. Although the first proposed obligation applies to all kinds of weapons, we see scope for certain agreed exemptions based on common sense, for example allowing weapons necessary for the personal safety of cosmonauts after landing on earth or any other celestial body.

The second obligation is not to resort to the threat or use of force against outer space objects. All Member States of the United Nations are bound by the obligation contained in the United Nations Charter to refrain in their international relations from the threat or use of force, and this obligation fully applies to activities conducted by States in outer space. The thrust of our proposal is to elaborate on the international legal principle regarding the non-use of force as far as such activities are concerned. We intend in particular to add a clarification to the effect that the ban on the threat or the use of force includes an obligation not to attack space objects, destroy them or interfere with their normal functioning in any other manner. This obligation in principle covers a very broad range of possible actions directed against space objects, for example destruction, damage, hampering of normal functioning, disruption of communication channels with ground control centres, deliberate changes in orbit parameters and so on. In any case, the intention is to prohibit such kinds of action against space objects rather than to prohibit the means by which such actions can be carried out. In other words, it is a ban on activities, not on hardware, although the one could obviously influence the other.

(Mr. Skotnikov, Russian Federation)

The third proposed obligation is not to assist or encourage States, groups of States or international organizations to participate in activities prohibited under the treaty. This is a fairly obvious non-proliferation norm. In practice, all three of these obligations are tantamount to prohibiting space-based weapons and prohibiting the use of force against space objects. We are convinced that our proposals are realistic and feasible and correspond to everybody's interest, especially now, when there are no strike weapons in outer space and no decision has been taken to place them there. Prevention is always better than cure.

Naturally, we are not seeking to prevent the above-mentioned space systems which are designed to provide information from operating in outer space. To reflect that idea, our joint document explicitly states that the treaty should not be construed as impeding research into and the use of outer space for peaceful purposes or military uses not prohibited by the treaty. We have already pointed out that nothing in the Russian/Chinese paper is carved in stone. This is not an immutable object, but rather an invitation to dialogue and a joint creative effort. We are grateful to all the States which have contributed to the discussions on this document. We are satisfied with the way discussions have been going.

To develop this topic further, Russia and China have jointly prepared and will distribute in the Conference on Disarmament today a report on issues related to verification of the implementation of the future instrument, as well as a review of existing international space law related to the weaponization of outer space. These papers will be introduced by our Chinese colleagues. We also plan to prepare a further report on terms and definitions for the proposed treaty. We hope that these reports will help to bring about further, more substantive and thoroughgoing discussion of the Russian/Chinese working paper. It is also a contribution to the future work of a CD ad hoc committee on the prevention of an arms race in outer space, which we hope will be re-established under the agreed programme of work of the Conference. In this connection I would like to confirm once again our willingness to support consensus on a programme of work for the CD based on the five Ambassadors' proposal. Allow me to remind you that as a first practical step, Russia proposes the introduction of a moratorium on the placement of military assets in outer space, pending the conclusion of an agreement on this issue by the international community. The Russian Federation would be prepared to assume such an obligation immediately if other leading space Powers were to subscribe to this moratorium.

The PRESIDENT: I thank Ambassador Leonid Skotnikov for his statement and for the kind words addressed to the Chair. I now give the floor to Ambassador Hu Xiaodi of China.

Mr. HU (China) (translated from Chinese): Mr. President, my delegation would like to congratulate you on your assumption of the presidency of the CD. We are confident that your rich diplomatic experience and wisdom will provide strong leadership for the work of the Conference. My delegation is ready to cooperate fully with you. We would also like to thank your predecessors, Ambassador Bekhbat of Mongolia and the Moroccan Ambassador, for their efforts to reactivate the CD.

(Mr. Hu, China)

Today I mainly wish to talk about the question of outer space. The peaceful use of outer space is the common objective of mankind, and at the CD the Chinese delegation has, on many occasions, elaborated on the urgency and necessity of preventing the weaponization of outer space and an arms race in outer space in the current situation. In our view the priority concern is to further consolidate the international consensus on the prevention of the weaponization of outer space and an arms race in outer space by means of a legal commitment or instrument. To this end, in June 2002 seven delegations, including those of China and the Russian Federation, put forward a working paper entitled “Possible elements for a future international legal agreement on the prevention of the deployment of weapons in outer space, the threat or use of force against outer space objects” (CD/1679).

Over the past two years various delegations have offered many pertinent suggestions to further develop and improve CD/1679, which have been compiled by the delegations of China and the Russian Federation for informal distribution in the CD. Some delegations have questioned the lack of provisions on “definition” and “verification”. A few delegations differ on the need to negotiate any new legal instrument on outer space.

This being so, and in order to advance the work of the CD on PAROS, the Chinese and Russian delegations have, after considerable study, jointly prepared two papers entitled “Verification aspects of PAROS” and “Existing international legal instruments and prevention of the weaponization of outer space”, and we are ready to distribute them today as informal papers. Our two delegations also plan to prepare another non-paper on the topic of definitions in a legal instrument on PAROS. These papers reveal the thinking of the Chinese and Russian delegations on the above-mentioned topics. We hope they will serve to clarify our positions and to promote common understanding.

I shall now briefly introduce the two papers that are to be distributed today.

The non-paper on verification begins by listing the PAROS verification measures that have been proposed by various parties so far, then analyses the feasibility of verification under a future legal instrument on outer space. It acknowledges that such verification will be highly complicated and difficult to put in place and will face great technological and financial challenges. It cites the case of the 1967 Outer Space Treaty, showing that the absence of a verification mechanism has not affected that treaty’s important role. It thus concludes that for the time being a future legal instrument on outer space can be formulated without a verification mechanism; as science and technology progress, the addition of a verification mechanism may be discussed again when conditions are ripe. The non-paper points out that, in view of the urgent need for a legal instrument, this course of action can prevent the verification issue from becoming an obstacle to an early start on PAROS.

The non-paper entitled “Existing international legal instruments and prevention of the weaponization of outer space” gives a detailed analysis of the major provisions of the Partial Test-Ban Treaty, the Outer Space Treaty, the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques and the related bilateral

(Mr. Hu, China)

agreements. It concludes that, although these international legal instruments do prohibit and/or restrict to some extent the deployment of weapons, the use of force and military activities in certain areas of outer space, they are unable effectively to prevent the testing, deployment or use of weapons other than weapons of mass destruction in outer space. In addition, none covers the threat or use of force from the earth (whether on land, at sea or in the atmosphere) against objects in outer space.

On this basis the non-paper stresses that in the light of advances in military research and technology, especially space weapon technology, and relentless progress in space warfare concepts, doctrines and drills, the international community must negotiate a new international legal instrument preventing the weaponization of outer space and an arms race in outer space in order to strengthen the existing international legal system on outer space by closing loopholes.

I would like to emphasize that the two non-papers only reflect some preliminary ideas from China and the Russian Federation: they will evolve as the situation develops. We believe they can play a positive role in deepening the understanding of all parties on PAROS, formulating consensus and pushing forward the CD's work in this field.

I would also like to make some observations on the programme of work of the CD. In order to facilitate an early start to substantive work in the CD, the Chinese delegation stated its readiness to join the consensus on the A-5 proposal on 7 August last year. I am referring to CD/1693/Rev.1. Frankly speaking, the Chinese side is not satisfied with the A-5 proposal, since its mandate on PAROS is far too weak, but at least it strikes a delicate and acceptable balance between various issues. The Chinese delegation demonstrated considerable flexibility by agreeing to the proposed mandate of the ad hoc committee on PAROS. My delegation hopes that other delegations will similarly show the necessary political will and flexibility by accepting the A-5 proposal so as to enable the CD to break out of the impasse and begin substantive work.

We attach importance to the position of the United States delegation on FMCT, as expressed on 29 July this year, and hope that the United States can further clarify its understanding of the issues relating to the mandate of the ad hoc committee on FMCT, FMCT verification, the content of the treaty framework, etc., so as to facilitate study in our various capitals.

As for the United States proposal on banning the transfer of persistent landmines, if all sides can agree that the CD should address or even negotiate on the transfer of landmines, the Chinese side will have no difficulty.

China is open-minded on the subject of new issues to be considered by the CD. However, we believe that such work should not impede the CD's efforts to come up with a comprehensive programme of work. The choice of new issues to work on should ideally be consistent with the nature of the Conference: the work we do should be directed towards the negotiation of international legal instruments.

The PRESIDENT: I thank Ambassador Hu Xiaodi of China for his statement, for his presentation of non-papers and for the kind words addressed to the Chair. I now give the floor to Ambassador Paul Meyer of Canada.

Mr. MEYER (Canada): Mr. President, let me first join others in congratulating you on assuming the lofty position of our CD President and to assure you that we look forward to working under your leadership towards a productive result from this Conference.

Today I would like to speak to a prominent element of the CD's envisaged programme of work - the prevention of an arms race in outer space. Delegations will recall the productive exchange of views on this subject during the informal CD plenary on 27 May. Canada's position, as confirmed by Prime Minister Paul Martin, is profoundly opposed to the weaponization of space and strives to protect space as a universal good. We are committed to seeing the Conference on Disarmament play a major role in this regard, through reinstituting an ad hoc committee to discuss PAROS in all its aspects. The re-establishment of such a Committee would also respond to the call of United Nations General Assembly resolution 58/36 and its many predecessors.

We were pleased by the favourable reactions to the 25-26 March workshop on "Safeguarding space for all" that the Government of Canada co-sponsored here in Geneva with several partners, most notably among them UNIDIR, and I understand that the report of that workshop is now available on the UNIDIR web site. At the workshop there was broad recognition of the importance of protecting the secure use of space for the increasing number of everyday peaceful space activities upon which the world relies. A variety of interesting practical ideas were discussed at this event, including the establishment of a model code of conduct to prevent dangerous activities in space and universal declarations of no first deployment of space-based weapons. If adopted, such measures could help build confidence that no nations will station weapons in space and could lead us closer to our objective of an eventual ban on space-based weapons.

Turning to the issue of a possible treaty banning space-based weapons, we appreciate the significant contribution China and Russia have made to CD thinking in this regard, including the leadership they showed in producing their joint working paper on elements of a PAROS convention (CD/1679). As a contribution to further work in this area, my delegation would like to discuss some key issues related to a space weapons ban. These include definitional questions related to such terms as "space objects" and "space weapons", as well as the need for verification provisions in a space weapons ban.

Delineating the scope of an arms control agreement is an important requirement of negotiation that is linked in turn to how one defines the principal elements of such an agreement. By way of an example, let us consider for a moment what we mean by "space object". This term is defined in the 1972 Liability Convention and the 1974 Registration Convention. Given the vagueness of these definitions, however, we may consider whether we should expand upon them

(Mr. Meyer, Canada)

or find a substitute formula. Various approaches may be taken. For example, one approach could consider any object physically located in outer space as a space object. Another approach could integrate the requirement that the object also complete one full orbit around the earth before qualifying as a space object.

Similarly, any treaty seeking to prohibit or limit space weapons will also require a definition of a “space weapon” in order to be precise about what the treaty will govern. Here again, a range of options present themselves. For example, some definitions are concerned primarily with the severity of action (destructive versus non-destructive and temporary versus permanent effects). Yet others focus on the method of action, i.e. kinetic energy or directed energy, used to achieve the desired effect. Additional considerations include whether a space object used to harm or threaten another space object should constitute a weapon (the distinction between an item designed for an offensive purpose or merely used with intent). Consequently, a definition of a weapon could, for example, consist of three elements: a description of the device, its intended effects and the method by which the effect is to be achieved.

The scope of any eventual treaty will therefore need to be made clear through specific definitions. Should a “space weapon” be defined in the context of the location of its target (only in space or only terrestrial, or both), or is a space weapon better understood by its own location (only those based in space or also those based terrestrially, but aimed at space objects, or again both)? This will help to clearly differentiate whether terrestrial-to-space, space-to-space or space-to-terrestrial weapon-to-target engagements are the scope of the intended prohibitions.

The creation of a definition of space weapon relevant to the negotiation of an eventual arms control accord on this subject will require that the CD take account of all of these aspects. Such a development of common understandings on key terms will be a crucial task for the work of a dedicated PAROS committee in the future.

Turning now to another vital dimension of the PAROS endeavour, Canada also believes that verification provisions must be included in any space weapons ban as a necessary element of any eventual treaty. When governments place their trust in international instruments, they must be secure in the knowledge that participating parties are living up to the commitments they have undertaken in signing the agreement. In agreeing to restrain their own activities, States will want to know that the treaty is effectively verifiable for everyone concerned and that any party not complying with its terms will be exposed. Some may argue that the verification issue is too contentious to include, while others may assert that verification provisions are essential in order to make the treaty’s provisions effective. Canada’s position is that the strategic importance of space requires adequate verification measures: the military advantage that could be acquired by circumventing an envisaged space weapons ban presents simply too great a risk to permit forgoing the measures necessary to confirm compliance with such a ban.

We are also of the view that deciding to negotiate a space weapons ban without verification provisions, in the hope of adding them later on, would only make such provisions more difficult to achieve in the long run - witness the sad experience of the proposed verification protocol to the BTWC in this context.

(Mr. Meyer, Canada)

While the technical challenges surrounding verification of a space weapons ban are significant and complex, we do not consider them to be insurmountable. Canadian research some years ago on this very topic yielded many effective approaches, and technological means and possibilities have improved greatly since that time.

Definitions and verification are two of the prominent issues with which we will need to come to grips in negotiating an eventual space weapons ban. I hope this brief discussion of some of the diplomatic, legal and technological considerations involved in such a negotiation will whet your appetite for the main course: renewed work in the context of a re-established ad hoc committee on the prevention of an arms race in outer space. I look forward to sitting down with you all at that table.

The PRESIDENT: I thank Ambassador Paul Meyer of Canada for his statement as well as for the kind words addressed to the Chair. I now give the floor to Mr. Jean-Michel Despax of France.

Mr. DESPAX (France) (translated from French): As my delegation is taking the floor in a formal plenary under your presidency for the first time, Sir, allow me to address to you my congratulations and those of my delegation on taking the Chair and assure you of the full cooperation of my delegation in fulfilling your mandate.

I am taking the floor today to react at this stage of our work to the statements we have just heard on the issue of prevention of the arms race in space. And in this regard I would like to make a few comments. As you know, my country has played an active part in work on this issue in our forum since the beginning of the 1980s. From the start of this discussion, France has come out in favour of the peaceful use of outer space. For France this remains a crucial issue for international security. In June 2001 the President of France stated that “the non-militarization of space is an essential element. It has been maintained thus far despite all the temptations of the cold war, and it should continue to be maintained. It would not be in anybody’s interests to open this fresh Pandora’s box. Nobody could maintain a monopoly in this sphere. The result would be a new arms race whose outcome would be a disaster for everybody”. This position expressed at the highest level still guides my delegation’s approach. From this stem three essential principles, in our view: free access to space for all for peaceful uses, preservation of the security and integrity of orbiting satellites, and the need to take into account States’ legitimate defence interests.

On the occasion of our statement in this forum on 4 September 2003, we said that we continue to support the setting up of an ad hoc committee on the prevention of the militarization of outer space, which was initially a French idea. That is still the case. France supports the setting up of an ad hoc committee on this subject in the Conference on Disarmament. But unfortunately, for more than two years now, this PAROS issue in our forum has been linked with other subjects, which are, however, of a different nature. We think that this situation is in many respects artificial. Certainly, we have had important efforts made by China and Russia to be

(Mr. Despax, France)

more flexible in their positions as regards a possible mandate for an ad hoc committee on this issue. We have taken good note of the proposal. But we remain convinced that the PAROS issue, like others, should be considered independently of other issues that we are dealing with, with no artificial linkages between these issues. In this respect we take note of the distribution of two specific non-papers on this PAROS issue today, which will be studied with the greatest care in my capital.

In the same spirit, my country considers that it could only be helpful if interested delegations were to officially submit a separate and specific draft mandate on the prevention of an arms race in outer space. We believe that such a procedure could help move our discussion forward in a wholly objective way on this important subject. It would also allow for more in-depth discussion.

The PRESIDENT: I thank Mr. Jean-Michel Despax of France for his statement and for the kind words addressed to the Chair. I now give the floor to Ms. Annika Thunborg of Sweden.

Ms. THUNBORG (Sweden): Mr. President, let me first extend my country's warmest congratulations to you on your assumption of the presidency and assure you of our full cooperation and support for your endeavours to start substantive work in the CD.

As Sweden stated earlier this year in the informal plenary in May, outer space must be preserved for peaceful purposes. The potential threat posed by the weaponization of outer space and the risk of a subsequent arms race are of great concern to my country. The exploration and use of outer space, including the moon and other celestial bodies, must be assured as the province of all mankind. While acknowledging the positive role that space technology can play in meeting the global challenges, it is also a powerful tool, not only for welfare but also for warfare.

The legal regime for outer space provides fundamental rules on international responsibility and liability for national space activities, both civil and military and for national security purposes. We are open to suggestions on different ways to strengthen this regime.

Sweden supports the establishment of an ad hoc committee in the CD to deal with outer space. We would suggest, as a first step, that time be allocated in the CD for informal technical meetings involving a wider range of actors in the space field, for example, from international organizations, space agencies, space law and the private sector. The overall space sector, both civil and military, involves different stakeholders, and it would therefore be fruitful to get their different perspectives. Since space activities are often of a dual-use nature and involve cross-cutting issues between civil and military activities, future work would benefit from an overall perspective. It would also be useful in order to delineate what can usefully be done in the CD and what should be or is being done in other forums. In so doing, we would have to take into account important work currently going on in the United Nations and elsewhere.

(Ms. Thunborg, Sweden)

The CD should come in where there is a need to complement and fill the gaps in the existing regimes as regards aspects of security, the military and weaponization, including the strengthening of existing instruments and the possibility of negotiating further or new international legislation.

It is our sincere hope that this work can commence in the CD without any further delay.

The PRESIDENT: I thank Ms. Annika Thunborg of Sweden for her statement and for the kind words addressed to the Chair. I now give the floor to Ambassador Serala Fernando of Sri Lanka.

Ms. FERNANDO (Sri Lanka): We were pleased to note that the majority of delegations have expressed support for the re-establishment of an ad hoc committee on the issue of PAROS in the CD during this year's open-ended informal consultations and the informal plenaries. Over the last several years, my delegation, together with the delegation of Egypt, have introduced at the First Committee of the General Assembly a resolution on the prevention of an arms race in outer space calling for the recommencement of stalled negotiations on PAROS at the earliest. Last year an unprecedented number of sponsors joined this initiative, enabling it to be adopted by 160 votes in favour with none against and 3 abstentions. This is of course a significant development.

Today there is widespread recognition of the notion that outer space should be preserved as a "sanctuary" for the common heritage of mankind. The Outer Space Treaty that came into force almost 37 years ago refers to the peaceful use of outer space. It has created an important norm for keeping weapons out of space, which has also contributed to the widespread increasing support for the PAROS initiative.

Since the 1960s we have witnessed unprecedented advances in space technology coming within the reach of an increasing number of both developed and developing countries. Fuelled by globalization, space applications, such as in broadcasting, meteorology, navigation, education and health, environmental and crop management, have become crucial to the everyday functioning of a modern society. At the same time, it is becoming increasingly clear that the line between commercial and scientific use of space technology, and military use of such technology, is fast blurring, to the point that there is an urgent need today to ensure that space, the last frontier of humankind, is used only for non-offensive and non-belligerent purposes.

My delegation has always held the view that preventing an arms race in outer space is an easier task than attempting to control and decelerate such a race after it has begun. Can we really afford an expensive competition in outer space when there remain so many other challenges before us, such as poverty, hunger, disease and deprivation?

The CD extensively addressed issues pertaining to PAROS through the Ad Hoc Committee on PAROS established between 1985 and 1994. The Committee did useful work, devoting most of its time to addressing issues relating to confidence-building measures, such as transparency in outer space activities, a "code of conduct" and "rules of the road" in outer space.

(Ms. Fernando, Sri Lanka)

In 2002 the delegations of China and the Russian Federation presented to the CD a working paper on possible elements for a future international legal agreement on the prevention of the deployment of weapons in outer space, and the threat or use of force against outer space objects, which has subsequently been revised through informal discussions. Today two non-papers have been presented to develop CD/1679 further. This is a positive contribution towards our efforts to elaborate an agreed mandate for a re-established ad hoc committee, which would take into account the urgent need to address the issue of PAROS in the CD.

As far back as 1985 Sri Lanka proposed a moratorium on the testing and development of space weapons preceding multilateral negotiations on a treaty to prohibit weapons in space. We see merit therefore in the recent calls for a series of independent declarations from major space-faring nations that they would not be the first to deploy weapons in space, which would provide considerable protection to existing space assets until a treaty could be negotiated.

The PRESIDENT: I thank Ambassador Serala Fernando of Sri Lanka for her statement. I have no more speakers on my list for this morning. I now give the floor to Ambassador David Broucher of the United Kingdom.

Mr. BROUCHER (United Kingdom of Great Britain and Northern Ireland): I had not intended to take the floor this morning, but we have just heard a number of interesting interventions on outer space, and I would like to react briefly to these. The United Kingdom delegation will reflect on what was said and may wish to return to this subject. I have two observations to make at this stage.

I agree with the French delegation that it is not desirable to link progress on different issues.

It is difficult to separate what happens in outer space from what happens here on earth. What is driving developments in outer space is the risk of proliferation of ICBM and nuclear-weapons technology. Therefore, it is on the ground that we have to start if we want to avoid an arms race.

The EU has recently outlined the measures that are being taken and can be taken to arrest proliferation. A fissile material cut-off treaty would be one such step, and the next step that the CD could and should take.

At the last informal plenary, Mr. President, you identified a number of historical precedents for the CD conducting one negotiation flanked by a number of ad hoc groups with discussion mandates. I wish to restate the United Kingdom's view that we should begin a negotiation on FMCT and that we need to approach each issue separately, on its own merits, and not as a comprehensive package. This might enable us to make progress.

The PRESIDENT: I thank Ambassador David Broucher of the United Kingdom for his reflections and observations. Does any other delegation wish to take the floor at this stage? That does not seem to be the case.

Before adjourning the plenary meeting, I should like to present to you the schedule of our meetings for next week. On Tuesday, 31 August 2004, I shall convene an informal plenary on "Assessment and stocktaking of informal plenary meetings". The next plenary meeting will be held on Thursday, 2 September 2004, at 10 a.m. If necessary, this formal meeting will be followed by the second reading of the draft report of the Conference. This concludes the formal plenary meeting this morning.

As announced last Thursday, this meeting will be followed in five minutes' time by an informal plenary meeting, during which we will proceed to the first reading of the Conference's draft report.

The meeting rose at 11.20 a.m.