

**ADVANCED UNEDITED**

Open-ended working group on reducing space threats through norms, rules and principles of responsible behaviours

Geneva, 9-13 May 2022

Agenda items 5 and 6 (a)

General exchange of views

Consideration of issues contained in paragraph 5 of General Assembly

Resolution A/RES/76/231:

To take stock of the existing international legal and other normative frameworks concerning threats arising from State behaviours with respect to outer space

Chair's Summary of discussions under agenda items 5 and 6 (a)

Prepared under the responsibility of Chair and without prejudice to the position of any State

I. General exchange of views

1. Delegations acknowledged the increasing reliance of humankind on outer space. In this regard, they highlighted the necessity of preserving outer space for peaceful exploration and use and they reaffirmed the goal of preventing an arms race in outer space.
2. Many delegations expressed concern regarding the development and testing of anti-satellite systems. A number of delegations expressed particular concern about the testing of direct-ascent anti-satellite missiles, including tests that create long-lasting debris. Concerns were also raised over jamming, and malicious cyber activities targeting navigation and communication satellites. Concern was also expressed about the possible placement of weapons in outer space.
3. Many delegations considered that the existing international framework applicable to outer space needs to be strengthened, in order to effectively address space security concerns and rapid technological developments.
4. Delegations discussed various possible approaches for reducing space threats. The need for a comprehensive and holistic approach was emphasized, addressing all scenarios, including Earth to space, space to space and space to ground. One such approach can include a focus on actions, activities and omissions that could be considered irresponsible. There was support for the further development and implementation of transparency and confidence-building measures. The 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 was also recalled.
5. Hope was expressed that agreed norms, rules and principles could be elaborated in a legally binding instrument. It was also noted that non-binding measures could also form the basis for a legally binding instrument.
6. A number of specific measures were proposed, which could form a basis for recommendations on possible norms, rules and principles of responsible behaviours relating to threats by States to space systems, including, as appropriate, how they would contribute to

the negotiation of legally binding instruments, including on the prevention of an arms race in outer space. Measures for international cooperation and capacity-building were also proposed.

II. General exchange of views on agenda item 6 (a)

7. Delegations reaffirmed the applicability of international law in outer space, including the Charter of the United Nations, customary international law and the treaties to which States are party. Delegations also affirmed the central role of the 1967 Outer Space Treaty. It was noted, however, that the treaty does not comprehensively address all threats to outer space systems.

8. Many delegations considered that specific requirements that follow from the principle of due regard, as contained in article IX of the Outer Space Treaty, should be elaborated in the context of reducing threats related to space systems.

9. Delegations discussed issues relating to the application of Articles 2(4) and 51 of the Charter of the United Nations as well as the application of other bodies of international law to the outer space domain. It was suggested that States should reach common understanding on what constitutes a use or threat of use of force and an armed attack in the context of outer space. One means of doing this could be to focus primarily on effects, impacts and consequences of acts affecting space systems as opposed to focusing exclusively on specific capabilities.

10. It was also suggested that States should reach common understanding on undesirable acts that fall into a so-called grey area, beneath the threshold for what is commonly considered to be an armed attack or a use of force. It was stated that war in outer space could never be won and must never be fought.

11. Many delegations considered it was important to develop common understanding on how international law applies to protect civilians, civilian objects and the natural environment from threats arising from State behaviours with respect to outer space. Concern was raised regarding the possibility that discussing the application of the law of armed conflict in the context of outer space could signal acceptance of armed conflict in outer space. It was recalled that reaffirming and developing rules of international humanitarian law cannot be construed as legitimizing any act of aggression or use of force inconsistent with the Charter of the United Nations.

12. It was considered that agreements that address incidents at sea and unplanned encounters at sea could provide examples of measures and practice that could be adapted and applied to regulate the manner in which military space objects interact, especially provisions relating to inspections, avoiding collisions and maintaining safe distance. The prohibition against the use of weapons against civilian aircraft was discussed as an example of a measure that could be adapted and applied in the context of outer space. The further development of practice pursuant to the Registration Convention was suggested as a means to provide additional information on the nature and functions of space objects.

13. Delegations discussed the potential for existing transparency and confidence-building measures to be implemented or further elaborated in order to address threats by States to space systems. The need for measures to regulate rendezvous and proximity operations was emphasized, especially in situations involving military space objects.

14. Many delegations welcomed the inclusion of other international organizations, commercial actors and civil society in the work of the Group.