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The CD and PAROS
A Short History
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The CD Discussion Series

Between December 2010 and July 2011, the UNIDIR project "The Conference on Disarmament: Breaking the Ice" and the Geneva Forum are organizing a series of thematic discussions to examine the myths and realities of the CD—as well as the critical challenges facing it—with the aim to increase understanding of the history, processes and issue areas of this unique negotiating forum.

The Conference on Disarmament and the Prevention of an Arms Race in Outer Space

Ambassador (ret.) Paul Meyer

The consideration of outer space from an arms control and disarmament perspective has a long pedigree at the CD. As with many of its agenda items, the CD was responding to a request of the UN General Assembly, which in turn was being animated by real world security concerns. In the case of outer space, the initiative was taken by the Soviet Union, which in August 1981 sought to have the issue placed on the Assembly's agenda as a separate item and offered up a draft treaty prohibiting the placement of weapons in outer space. This national initiative built on a brief reference in the Final Document of the Tenth Special Session (on Disarmament) of the General Assembly to the need for appropriate action to prevent an arms race in outer space. As noted in the UN Yearbook for 1981:

> concern was expressed during the General Assembly session that rapid advances in science and technology had made the extension of the arms race into outer space a real possibility, and that new kinds of weapons were still being developed despite the existence of international agreements such as [the Outer Space Treaty] which prohibited nuclear and other weapons of mass destruction from being placed in orbit or elsewhere in space.[1]

Action was duly taken at that General Assembly to request the CD's engagement on the matter, but already there was evidence of the differing perspectives of Member States regarding both the nature of the threat and the most appropriate way of responding to it. Unfortunately, these differences have tended to be

accentuated in the intervening years, although the CD also witnessed periods of relative harmony in its treatment of what became known as PAROS.

Back in 1981, the difference in approach was manifested in two resolutions being adopted by the General Assembly on the outer space item. While both resolutions envisaged the need for the CD to negotiate an international agreement on PAROS, there was a difference regarding the exact focus of this agreement. The first resolution (A/RES/36/97), sponsored by the Western Europe and Others Group (WEOG), sought the CD to focus on negotiating "an effective and verifiable agreement to prohibit anti-satellite systems". The second resolution (A/RES/36/99), sponsored by the Eastern European and other states, wanted the CD to focus on negotiating a treaty to prohibit the stationing of weapons of any kind in outer space. While some states within the neutral and non-aligned group urged that the two resolutions be amalgamated to avoid presenting the CD with two sets of instructions, the lead sponsors of the resolutions demurred saying that each resolution has its own identify and approach and should be handled separately. Thus it can be said that differences of perspective and priority have coloured the CD's consideration of PAROS from the beginning.

The CD for its part took a cautious approach to acting upon the General Assembly's direction. PAROS as an item was added to the CD's agenda in 1982 and consultations were undertaken by the CD President in 1983 and 1984 to determine if agreement existed on the establishment of an Ad Hoc Committee of the CD on PAROS. The differences in approach manifested in the General Assembly were clearly present in the CD context as well. Essentially there was a split between those states belonging to the Group of 21 and Eastern states, which wanted the mandate of the Ad Hoc Committee to have a specific, negotiating character, and the Western states, which favoured a mandate to consider relevant issues as a prelude to more focused negotiations. These differences were finally bridged, as is often the case in multilateral diplomacy, with a compromise that allowed each camp to see elements in the final result that reflected their preferences. On 29 March 1985 the CD agreed to establish an Ad Hoc Committee on PAROS with the mandate "to examine as a first step at this stage, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space".[2] In implementing this mandate a tripartite programme of work was followed: i) examination and consideration of issues relevant to PAROS, ii) existing agreements relevant to PAROS and iii) existing proposals and future initiatives on PAROS. In addition to some consideration by the CD of the PAROS item in plenary session, the Ad Hoc Committee held 20 meetings that year between 24 June and 26 August under the chairmanship of Ambassador Saad Alfarargi of Egypt.[3]

Not unexpectedly, the differing views on the pace and priority for the Committee continued throughout its initial year of meetings. In particular, the question of when it should progress from a *discussion* to a *negotiation* mandate for the PAROS item was central. The Group of 21 wanted the initial discussion stage to conclude with the 1985 session and to have negotiations commence in 1986. Other delegations however "held that the 1985 mandate was realistic and should not expire at the end of the current session if the Committee had not completed the kind of exploratory work envisaged in it".[4] As it turned out, the prolongation of the Ad Hoc Committee's consideration of its programme characterized the entire length of its decade-long existence. The Committee met annually between 1985 and 1994 with essentially the same programme of work and

frequency of meetings and with equal treatment, through time allocation, being shown to each of the three subject areas. The practice of appointing Friends of the Chair to organize open-ended consultations on issues of specific interest was introduced into the Committee's work. For example, the Ad Hoc Committee's report for 1994 notes that two such Friends were active that year in conducting thematic consultations—Alexander Vorobiev of the Russian delegation on confidence-building measures and Natalino Ronzitti of the Italian delegation on terminology and other relevant legal aspects.[5] This was in addition to presentations from experts and a variety of Working Papers submitted by delegations (the numbering system employed by the Committee would indicate that at least 74 Working Papers were received by the Committee during its 10-year life span).

In the case of the consultations on terminology and legal issues, the conclusion highlighted in the Committee's report was that while delegations considered terminology important, completion of work on terminology was not deemed a precondition for negotiating new instruments or measures. With respect to the work on confidence-building measures (CBMs), the discussion focused on three main clusters of CBMs—measures to improve the transparency of pre-launch activities, "rules of the road" measures and measures required for monitoring purposes. In this case the Friend of the Chair compiled proposed measures discussed and draft guidelines. While it would seem that the proceedings in the open-ended consultations on terminology/legal issues and on CBMs were generally carried out in a collegial and technical manner, the discussions there and in plenary were not without political and diplomatic content. The wider transformation of the political–strategic environment post-Cold War had apparently not yielded significant changes in the attitudes of certain states towards PAROS. There was still considerable reluctance on the part of some states to support actual measures to prohibit the weaponization of outer space or control in any additional way the military activities in that realm.

As indicated in the Chair's summary of the general discussion, members of the particular regional groupings within the CD held conflicting views as to the actual threat posed by an arms race in outer space and the best means to address it. Members of the Group of 21 and China stressed that the existing legal instruments relating to outer space were inadequate to prevent an arms race. Specifically these delegations, along with the Russian delegation, noted that existing legal instruments "did not prevent launching into space and testing in space of conventional weapons as well as weapons based on new physical principles, such as lasers, very high frequency weapons, particle beam weapons and others". These delegations also expressed concern that "given the similarities of requisite technology, the unrestrained development of ballistic missile defences could lead to development of ASAT weapons".[6] The solution to this problem in the eyes of these delegations, and for which the international political situation was then deemed conducive, was the conclusion of a multilateral and verifiable treaty banning an arms race in outer space. There was ample material produced by the Ad Hoc Committee since its inception to allow for the rapid elaboration of such a treaty. The views of the Western Group were evidently more diverse. According to the Chair's summary, some Western delegations maintained that there was no arms race in outer space, nor any significant ongoing development by any state with respect to space weapons. In the opinion of these delegations there was "no need for new legally-binding instruments, or a need to revise existing agreements in this respect. Instead, wider adherence to existing Agreements should be encouraged."[7] At the same time, the Chair mentioned that some Western

delegations had originated and supported proposals to establish international agencies to monitor outer space activity.

The discrepancies in assessment of the threat also extended to the willingness to elaborate CBMs. China and the Group of 21 were particularly concerned that the Ad Hoc Committee not be lead astray in its consideration of CBMs from its higher purposes: "work in the Ad Hoc Committee should not be devoted solely to the formulation of CBMs and should in no way detract, retard or negatively affect, the attainment of its primary objective, namely, the conclusion of an international agreement, or agreements, on the prevention of an arms race in outer space".[8] Despite the quality and quantity of the work produced on CBMs during the span of the Ad Hoc Committee's existence, the underlying tension remained between those who saw CBMs as an end in themselves and those who were only willing to countenance them as interim or supplementary steps to new legal instruments.

Although the last paragraph of the Ad Hoc Committee report from 1994 recommended that the Committee be re-established in 1995, this was square bracketed by the Western Group at the Committee's final meeting on 23 August 1994 with a note that this bracketing was not related to the substantive issues discussed by the Committee. It was sufficient, nevertheless, to sound the death knell of the Ad Hoc Committee on PAROS, which has not been re-established since that time. The PAROS Committee had fallen victim to the contagion of linkage that has plagued the CD for many years. Without digressing too far, the chronic clashes over priorities for the CD had in the wake of completion of work on the CTBT led to the re-establishment of the PAROS Committee being linked to re-establishment of an Ad Hoc Committee on FMCT with a result that no work on either topic (or any other CD agenda item for that matter) would be authorized by the consensus-governed CD. With the failure to renew the mandate of the Ad Hoc Committee on PAROS, activity on this subject in the CD would take on new forms, albeit with a dramatically reduced amount of time devoted to it.

The failure to renew the Ad Hoc Committee on PAROS did not reflect a lack of interest in the subject matter. Many CD member states saw PAROS as a natural topic for consideration by that body. In January 1998 Canada proposed that an Ad Hoc Committee on Outer Space be established with a mandate to negotiate a convention for the non-weaponization of outer space. This initiative was also designed to delineate non-weaponization of outer space from its militarization, which had already occurred, and thus to suggest a possible middle ground between those states actively exploiting the military uses of outer space and those that decried military activity as incompatible with the "peaceful uses" principles enshrined in the Outer Space Treaty. The Canadian proposal also sought to bridge the discussion versus negotiation mandate issue, by suggesting "as an interim step towards full negotiations" the appointment of a CD Special Coordinator "to explore prospects for the early establishment of an Ad Hoc Committee with a negotiating mandate".[9] Although the proposal was renewed at the beginning of 1999, the compromise suggested by Canada did not fall on fertile ground.

The next major contribution to the CD on the subject of outer space security came from China, which in February 2000 submitted a Working Paper on PAROS which reiterated the need to re-establish an Ad Hoc Committee on this agenda item. The Chinese paper noted that some states believe that, in the absence of a current arms race in outer space,

no action is required, but went on to argue that "history and reality have both shown not only that there are indeed attempts, programmes and moves unilaterally to seek military and strategic superiority in or control over outer space but that there have been new developments in this respect. Such development, if unchecked, may lead to the weaponization of outer space in the near future".[10] Beyond calling for the re-establishment of the Ad Hoc Committee with a mandate "to negotiate and conclude an international legal instrument prohibiting the testing, deployment and use of weapons, weapon systems and components in outer space", the Chinese paper also outlined basic elements for such a new international legal instrument.[11]

As the first decade of the twenty-first century proceeded, the disconnect between the international community's interest in seeing some form of activity on the PAROS item in the CD (expressed annually via a PAROS resolution by the General Assembly, which is adopted on a near universal basis) and the absence of any official action in the CD became all the more acute. The submission of Working Papers on the PAROS item was limited essentially to China, Russia and Canada. Russia and China joined forces in 2002 to jointly present a working paper outlining possible elements of a future international legal instrument on the prevention of deployment of weapons in outer space. The two delegations were active in seeking views and input on their proposal from other CD members. Several compilations of comments and suggestions on their original proposal were submitted by China and Russia subsequently as CD documents. The two delegations also contributed Working Papers on specific aspects of their treaty proposal including on verification, definitions and existing legal instruments. In February 2008, Russia and China submitted a revised version of their original proposal in the form of a draft treaty on the Prevention of the Placement of Weapons in Outer Space (or PPWT).[12] Canada for its part submitted two Working Papers in 2006 on space-based verification and a gap analysis on existing international restraints on outer space weapons. Two further working papers were submitted by Canada on transparency and confidence-building measures in outer space in 2007 and 2009 respectively.[13] Canada also began a practice in 2006 of submitting, as official CD documents, the reports from the annual (since 2002) UNIDIR-organized conferences devoted to outer space, which, while being independent events, constitute a high-profile Geneva-based discussion of salient topics in outer space security involving both governmental and non-governmental experts.[14]

Other CD members were largely absent from the contribution of official documents relating to the CD's PAROS item. The United States for example submitted only two documents during the decade on PAROS, the text of remarks by a US official at an informal conference and a critique of the Russian–Chinese PPWT draft.[15] The European Union launched a major initiative on a Code of Conduct for Outer Space Activities in 2008 and issued a revised version of its draft in 2010, but never submitted these texts for circulation as CD documents.

Despite the relatively low level of engagement as measured by official written contributions on the subject, PAROS as a CD agenda item and the re-establishment of an Ad Hoc Committee devoted to it continued to enjoy wide spread support. A dedicated subsidiary body on PAROS figured on all the various attempts by CD Presidents to devise a programme of work acceptable to the Conference as a whole. These proposals always sought a *discussion* mandate initially for an eventual PAROS Ad Hoc Committee, but PAROS continued to feature as one of the so-called four "core issues" from among the

CD's seven-point agenda which merited dedicated subsidiary bodies. The latest version of a draft programme of work, from 2010, proposed the establishment of a working group on PAROS "to discuss substantively, without limitation, not excluding the possibility of multilateral negotiations in the Conference on Disarmament on all issues related to the prevention of an arms race in outer space".[16]

In the absence of a programme of work, successive CD Presidents have attempted to provide for some structured discussion of the PAROS item, either through scheduled debates in plenary or informal discussions organized by designated Coordinators. The latter efforts produced summary reports of informal discussions (normally held over four days), which have been organized since 2007. These informal discussions have allowed for the introduction of new information and a relatively broad participation of delegations in an exchange of views, but do not appear to have closed the gap between those supporting the negotiation of an instrument on PAROS and those who are not prepared, at this stage, to endorse this action. As described by Ambassador Soares of Brazil, the Coordinator of the 2010 informal discussions on PAROS:

> there were different views on the readiness ("ripeness") of the subject in the CD. Some delegations stated that it is urgent to start negotiations on a PAROS instrument ... some delegations, on the other hand, believe that the present circumstances show that conditions for negotiations of a legally-binding instrument are not yet given. They believe that the first step could be the establishment of Transparency and Confidence Building Measures (TCBMs).[17]

So 30 years after the subject was first brought before the CD, PAROS remains a regular feature of CD discussion, if not yet the object of an agreed approach to its official treatment within the CD. It remains to be seen whether developments external (or internal) to the CD will eventually alter this status quo.

Notes

1 *UN Yearbook 1981*, United Nations, p. 80.

2 Conference on Disarmament, *Report of the Ad Hoc Committee on Prevention of an Arms Race in Outer Space*, document CD/642, 4 September 1985.

3 See *UN Yearbook 1985*, United Nations, p. 79.

4 Ibid.

5 Conference on Disarmament, *Report of the Ad Hoc Committee on Prevention of an Arms Race in Outer Space*, document CD/1271, 24 August 1994, p. 3.

6 Ibid., p. 6.

7 Ibid., p. 7.

8 Ibid., p. 8.

9 Conference on Disarmament, *Working Paper Concerning CD Action on Outer Space*, document CD/1487, 21 January 1998.

10 Conference on Disarmament, *China's Position on and Suggestions for Ways to Address the issue of Prevention of an Arms Race in Outer Space at the Conference on Disarmament*, document CD/1606, 9 February 2000, p. 2.

11 Ibid., pp. 3 and 5.

12 See CD/1679 (28 June 2002) for the original China–Russia paper, CD/1769 (14 February 2006) and CD/1818 (14 March 2007) for the compilation of comments, and CD/1779, CD/1780 and CD/1781 (all 22 May 2006) and CD/1839 (29 February 2008) for the draft PPWT.

13 See CD/1784 (14 June 2006), CD/1785 (21 June 2006), CD/1815 (20 February 2007) and CD/1865 (5 June 2009).

14 See CD/1829 (13 September 2007).

15 See CD/1680 (10 July 2002) and CD/1847 (26 August 2008).

16 Conference on Disarmament, *Draft Decision for the Establishment of a Programme of Work for the 2010 Session*, document CD/1889, 6 July 2010.

17 Conference on Disarmament, *Report on Informal Meetings on Agenda item 3—PAROS*, document CD/1899, 14 September 2010, annex III, p. 15.

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Ambassador (ret.) Paul Meyer

Ambassador (ret.) Paul Meyer is Senior Fellow at The Simons Foundation and Fellow in International Security at the Centre for Dialogue, Simon Fraser University, Vancouver, Canada. He retired in September 2010 from the Department of Foreign Affairs and International Trade Canada after a 35-year career as a Foreign Service Officer working primarily on international security issues. He served as Director General of the Security and Intelligence Bureau (2007–2010) and as Canada's Ambassador and Permanent Representative to the United Nations and Conference on Disarmament in Geneva (2003–2007). He served as the CD's Coordinator for informal discussions of its PAROS agenda item during the 2007 session. His current research interests include outer space security, nuclear non-proliferation and disarmament, cybersecurity and the role of diplomacy in conflict prevention.

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