

## **Document of the People's Republic of China Pursuant to UNGA Resolution 76/230 (2021)**

As a global commons, outer space concerns the security and welfare of humanity, and embodies the essence of a community with a shared future for mankind. The human history of the development and use of outer space in the past 65 years shows that while outer space is playing a more prominent role in driving human civilization and promoting economic and social development, security challenges and threats in outer space are also on the rise. In particular, the growing risks of the weaponization of and an arms race in outer space have become the fundamental threat to the peaceful uses of outer space.

**Preventing an arms race in outer space and ensuring its peaceful uses are a common consensus of the international community. It is also the top priority and the most pressing task and goal in outer space security.** In recent years, a certain superpower has been scaling up plans and actions to seek unilateral military and strategic advantages and gain control of outer space. The rising tension between the urgent needs of countries to safeguard the security of outer space and promote its peaceful uses and the superpower's pursuit of dominance in outer space has further exposed the inadequacy of the existing international legal instruments on outer space in meeting new challenges. It is therefore imperative for the international community to take further practical measures and close the loopholes in existing international law by negotiating an international legally binding instrument on the prevention of an arms race in outer space (PAROS), with a view to providing the most fundamental and effective guarantees for PAROS and the peaceful

uses of outer space.

## **I. Overview of the current situation of outer space security**

Outer space bears on the security and welfare of humankind. With their interests closely intertwined, countries share weal and woe in outer space. In recent years, more and more countries have been extensively and deeply engaged in space activities, and some commercial institutions are also getting involved in space launch and space application activities. Given the growing number of stakeholders in outer space, it becomes all the more important to maintain lasting peace and security in this new domain.

**In terms of safety**, with the significant increase in outer space activities and participants, problems such as orbital congestion, collision risks and space debris are bringing challenges to the long-term sustainability of outer space activities. **In terms of security**, the pursuit of dominance and excessive and improper military use of outer space by a certain country have heightened the risks of the weaponization of outer space and the use of outer space as a battlefield, and undermined outer space security and global strategic stability. **Judged by importance, issues in the two dimensions are not of the same level of priority, and should not be approached in the same way. It is important to avoid equating the two, still less reversing their order of importance. If the weaponization of and an arms race in outer space could not be prevented, the security and peaceful uses of outer space would be out of the question.**

Currently, the risks of the weaponization of and an arms race in outer space have become more relevant and imminent, which is mainly evidenced in the following three aspects:

**First, the atmosphere of competition and confrontation is building up in outer space.** Preoccupied with major power competition in outer space, a certain superpower keeps hyping up the threat of other countries and provoking military confrontation. In the meantime, the country stresses the importance of maintaining its own global leadership in outer space. Such hegemonic thinking and Cold War mentality are the fundamental reasons behind the growing risks of the weaponization of and an arms race in outer space.

**Second, the tendency of turning outer space into a battlefield is on the rise.** Driven by a certain superpower, some countries and military group have publicly defined outer space as a “war fighting domain”. They have established independent outer space military institutions, ramped up military investment in the field, developed outer space combat systems and military alliances at a faster pace, and advanced war preparedness in outer space on all fronts. A certain group of countries has defined outer space as an “operational domain” and placed it under “collective defense”. The above-mentioned military build-up and formation of military alliances for war preparation in outer space are a clear manifestation of the rising risks of the weaponization of and an arms race in outer space.

**Third, the vulnerability of outer space security is becoming more pronounced.** A certain superpower, being the first country to conduct anti-satellite weapon tests in outer space, has carried out more such tests and created more space debris than any other country. Its continuous development of global missile defense systems and long-range high-speed precision strike weapons poses a serious threat to outer space security and global strategic stability. The country has frequently tested high-orbit and low-orbit rendezvous proximity operations, and deployed an upgraded Counter Communication System(CCS) which can be used to

jam and even block the satellite communications of opponent countries. It has also occupied orbit/spectrum resources in outer space through commercial low Earth orbit satellite mega-constellations such as Starlink. These actions have disrupted other countries' normal activities in outer space, endangered the safety of outer space assets and astronauts, and increased the risk of conflicts in outer space.

## **II. Existing safeguard measures and international efforts on PAROS**

Since the beginning of mankind's use of outer space, the international community has been committed to preventing the outer space from becoming a new battlefield like the land, sea and air. In 1958, the UNGA adopted the resolution *Question of the Peaceful Use of Outer Space*, which explicitly stated the wish to avoid extending national rivalries into outer space. In 1978, the First Special Session on Disarmament of the UN specifically called for efforts to achieve the goal of PAROS through negotiations. For decades, the international community has made unremitting efforts to implement the above consensus.

**On legal regime,** from the 1960s to the 1970s, the international community formulated a number of international legal instruments including the *Outer Space Treaty*, which established basic principles such as the peaceful uses of outer space and incorporated the elements of PAROS. For instance, the 1963 *Partial Test Ban Treaty* prohibits nuclear weapon tests and nuclear explosion in outer space, the 1967 *Outer Space Treaty* bans the stationing of nuclear weapons or other weapons of massive destruction (WMD) in outer space by States Parties.

The existing legal regime, which is conducive to preventing the deployment of WMD and the conduct of other military activities in outer

space, has played an important role in ensuring the peaceful nature of outer space. However, these instruments have neither banned the deployment of weapons other than WMD in outer space, nor can they effectively prevent the threat or use of force against outer space objects. With such visible loopholes in preventing the weaponization of outer space, these instruments can no longer meet the current and long-term needs of maintaining security in outer space.

In this context, starting from 1981, the UNGA has adopted, by an overwhelming majority, resolutions on a yearly basis, demanding the Conference of Disarmament (CD) to negotiate a new international legal instrument on PAROS, with the view to filling the gap in the existing legal instruments on outer space and fundamentally addressing the immediate risks of an arms race and threats of weaponization in outer space. To this end, China and Russia jointly submitted to the CD a *Draft Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force against Outer Space Objects* (PPWT) in 2008, and an updated text in 2014, which has provided a sound basis for future negotiations on an arms control treaty for outer space. As proposed by China and Russia, the UN established a Group of Governmental Experts (GGE) on PAROS in 2018 to conduct in-depth and substantive discussions on the elements of relevant international legally binding instrument.

Unfortunately, a certain superpower, unwilling to subject the development of its military capabilities in outer space to any substantive constraint, has long stood in the way of outer space arms control process. It has totally rejected the PPWT text proposed by China and Russia on technical grounds, and even single-handedly blocked the adoption of a report by the UN GGE on PAROS, thus stalling the relevant international efforts.

**In terms of transparency and confidence-building measures(TCBMs)**, as an important step toward PAROS, the international community has made some progress on TCBMs. In 2013, the GGE on TCBMs in Outer Space Activities adopted a report, proposing a series of voluntary steps such as transparency of outer space policy, notifications on outer space activities and visits to space facilities. In 2019, the UN Office for Outer Space Affairs adopted the *Guidelines for the Long-term Sustainability of Outer Space Activities*, which laid out the provisions on focal points, conjunction assessment, space debris and registration of space objects.

The above TCBMs are implemented on a voluntary basis and not legally binding. They cannot effectively define the legal boundaries of space military activities, or fundamentally restrain such activities conducted by certain countries, nor can they promptly and effectively respond to threats of the weaponization of and an arms race in outer space. Therefore, the TCBMs can only serve as a supplement to international legally binding instruments, but cannot replace the negotiations on legally binding instruments on PAROS.

### **III. Further safeguard measures that can be taken by the international community**

Given the current situation of outer space security, the international community needs to better assess the situation, locate the root cause of the problem, enhance international cooperation, and adopt a multi-pronged approach in order to provide effective guarantees for preventing an arms race in outer space and preserving outer space for peaceful purposes. China believes that the international community could take the following further measures:

**First, embracing the vision of common, comprehensive, cooperative and sustainable global security.** With a view to building a community with a shared future for mankind, countries need to work together to make outer space a new frontier for win-win cooperation, not a new battlefield for competition and confrontation. The country with the most powerful space capability should earnestly undertake its special responsibilities, abandon the unilateral approach of seeking absolute advantage, absolute freedom and absolute security in outer space, and change the security strategy that puts the security of a certain country or a bloc over that of other countries.

**Second, advancing the negotiations on an international legally binding instrument on outer space arms control.** We need to actively support the CD in conducting its work promptly. Before formally launching negotiations, a technical expert group could be established to have in-depth discussions on such technical issues as the definition, scope and verification of a legally binding instrument on outer space arms control. A second GGE could be established to further refine and improve the existing consensus and outcomes, and make full preparations for the negotiations on the instrument. The parties could carry out discussions on the PPWT draft and give their constructive opinions in light of the new situation and developments so as to lay the foundation for the text of the future instrument.

**Third, taking appropriate TCBMs as a supplement.** While focusing on the ultimate goal of negotiations on an international legally binding instrument of outer space arms control, countries also need to strengthen dialogue and communication, bridge differences and build consensus, and explore appropriate and feasible TCBMs. Countries should take concrete measures to refrain from drawing ideological lines

or overstretching the concept of national security, and remove science and technology barriers intentionally created.

**Fourth, regulating the participation of commercial space enterprises in outer space military activities.** Some commercial space institutions have participated in military space activities on a large scale, which has accelerated arms expansion in outer space and blurred the boundary between military and civil activities. Countries should strictly abide by *the Outer Space Treaty* (1967) and earnestly assume their supervisory responsibility. They need to take actions to strengthen supervision and management of commercial space activities in their countries to avoid accidents and unconventional behaviors that may exacerbate confrontations and conflicts in outer space. In the meantime, they should require their commercial space enterprises to properly use telecom-spectrum and orbital resources in outer space so as not to undermine the rights of the developing countries to the peaceful uses of outerspace.

China kindly requests the Secretary-General to take into account China's position in his substantive report pursuant to OP7 of the UNGA resolution 76/230 of 24 December 2021 and include this document as an annex to his report.