

Concept Paper on International Initiative “No First Placement (NFP) of Weapons in Outer Space”

NFP Background

While the Outer Space Treaty (1967) prohibits the deployment of nuclear weapons and other weapons of mass destruction in Outer Space, the Treaty does not explicitly cover either conventional arms or new weapon technologies. As a result, there is a legal gap with regard to a possible placement of weapons other than WMDs in Outer Space.

The First UN GA Special Session on Disarmament as far as in 1978 listed the objective of prevention of an arms race in Outer Space (PAROS) as a priority for international community. PAROS has been on the agenda of the Conference on Disarmament (CD) since 1985. In 2008 Russia and China introduced at the CD a draft Treaty on Prevention of the Placement of Weapons in Outer Space and of the Threat or Use of Force against Outer Space Objects (PPWT). Subsequently, in 2014 Russia and China submitted to the CD an updated version of the PPWT draft reflecting considerations of interested states, thus giving an additional impulse to further work on the draft. However, no progress has been made due to CD failure to agree on its program of work. The preamble of the annual UNGA resolution on PAROS sponsored by Egypt and Sri Lanka recognizes that “negotiations for the conclusion of an international agreement or agreements to prevent an arms race in Outer Space remain a priority task for the CD” and makes a special reference to “the introduction by China and the Russian Federation at the Conference” of the draft PPWT.

In its address to the UNGA First Committee on October 5, 2004, Russia committed **not to be the First to Place Weapons of any kind in Outer Space and called upon UN Member States to follow the lead**. Since then 32 nations¹

¹ Argentina, Armenia, Belarus, Bolivia (Plurinational State of), Brazil, Burundi, Cambodia, Comoros, Congo, Cuba, Ecuador, Guatemala, Indonesia, Kazakhstan, Kyrgyzstan, Lao People’s Democratic Republic, Myanmar, Nicaragua, Pakistan, Russian Federation, Seychelles, Sierra Leone, Sri Lanka, Suriname, Syrian Arab Republic, Tajikistan, Togo, Turkmenistan, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of) and Viet Nam.

have formally adhered to a NFP policy. And now NFP can be reasonably considered as an international initiative.

The UNGA resolution on Transparency and Confidence-building Measures (TCBMs) in Outer Space Activities (A/RES/68/50) as well as the Final Report by the Group of Governmental Experts of 2013, both adopted by consensus, take note of the efforts made by those states that are pursuing the “no first placement” policy.

In 2014 a group of like-minded delegations at the UNGA First Committee made one more step for the sake of preserving Outer Space free from weapons of any type by introducing a draft resolution “No first placement weapons in Outer Space”. The document invites the members of the international community to a broad dialogue on the subject. In particular, its OP 5 encourages all states to consider a possibility of upholding a political commitment on NFP. The annual UNGA resolution on NFP enjoys broad international support.

NFP Rational

A possibility of Outer Space to be turned into a new arena of armed confrontation concerns many nations. Due to the prolonged stalemate of the CD and the US opposition to any binding arrangement on PAROS a prospect of negotiations on PPWT at the Conference remains remote. Even in the most favorable case talks on PPWT or other legally binding instrument on PAROS will take months or even years.

Meanwhile the risks that the Outer Space may be transformed into a springboard for aggression and war have lately become increasingly real. A number of UN Member States pursue a policy aimed at placing weapons in outer space, increasing the capability to exert a force against space objects, as well as use outer space for conducting combat operations. Ambitious programmes are underway to develop weapon systems designed for the threat or use of force in, from or against outer space.

In light of the absence of a legal instrument on PAROS or any other framework preventing placement of weapons in Outer Space, it is just a matter of time and political or security perceptions of the US, French or other leadership as to when space weapons will be deployed. In this case “sit and wait” scenario is not an option at all for any responsible nation.

Therefore, the international community is in urgent need of developing some sort of an arrangement that would be of practical value to prevent that from happening. Regrettably, nobody has proposed anything viable to that end. In this sense, **there is no alternative to the NFP initiative promoted by a growing number of nations.**

NFP Objectives, Substance and Forms

NFP represents a voluntary political undertaking. The point is simple – **a nation publicly and in good faith commits Not to be the First to Place Weapons in Outer Space. This is the only requirement for NFP. All other elements are optional.** An interested nation(s) may make an extended commitment adding to NFP core commitment, for example, a definition of a space weapon, means for verification, other forms of TCBMs etc.

As for a format there is also a great degree of flexibility. The NFP political commitment can be a stand-alone statement made nationally or bilaterally or multilaterally, or part of a broader international document. It is up to a nation(s) to decide on the matter.

Efforts on the NFP promotion pursue the following important objectives.

First, altogether with draft PPWT, the NFP is intended to help bridge the gap in international space law and create conditions to maintain Outer Space weapon-free.

Secondly, the NFP initiative is an integral part of international efforts to launch negotiations on the PPWT draft or any other legally binding instrument(s) on PAROS at the CD.

Finally, the NFP must be regarded as a meaningful TCBM. It drastically increases the level of predictability in outer space activities. By taking commitment not to be the first to place weapons in Outer Space nations make an important step and prove their responsible attitude with regard to outer space environment. The broadest possible international adherence to this policy will greatly contribute to strengthening international peace and security.

When globalized, NFP will be the only effective measure to facilitate advancement of PAROS goals. To that end, all UN Member States are called upon to adhere to NFP International Initiative and vote in favor of UNGA NFP resolution as cosponsors.

Misunderstandings around NFP

In addition to the previous section this one is devoted to addressing major concerns, reservations and misunderstandings with regard to the NFP scope and elements.

First, some, mostly Western partners claim that it is impossible to implement the NFP initiative without a definition of “a space weapon” or “weapons in Outer Space”. The assertion is questionable at least on the following grounds. To begin with, **for NFP** as a political commitment and a TCBM (unlike a legally binding instrument) **a definition is not required at all**. Furthermore, the 1967 Outer Space Treaty bans the WMD placement in Outer Space but does not provide for the WMD definition. However, nobody casts doubts on relevance, validity and effectiveness of the Treaty.

Another example. There is no internationally agreed definition for terrorism, but no one questions urgency and importance of joint efforts to combat this threat to global security.

Finally, for those who view a definition of “a space weapon” as absolutely necessary to consider adherence to NFP there are two major options. One they may use for practical purposes the definition(s) contained in Article I of the PPWT draft (CD document CD/1985), two – elaborate their own national, bilateral or

multilateral definition/understanding of a weapon in space. For unknown reasons, neither of both was utilized by the NFP critics.

Second. Some other partners express dissatisfaction about lack of NFP verification provisions. Such an assertion also looks questionable – **for NFP**, being a political commitment, **verification may be desirable but not obligatory**. For example, the moratorium on production of fissile material for nuclear weapons is being successfully observed by four nuclear weapon States including NFP opponents – US, UK and France – and none of them has ever complained about absence of verification. Such a selective approach is just one more evidence of double standards. Besides, nobody prohibits verification champions to elaborate and implement verification procedures of their own. Up to now there has not been a single specific proposal to that end.

Third, an assertion that the NFP initiative does not meet the TCBMs' criteria developed by the relevant UN Group of Governmental Experts is none-convincing but misleading. Those criteria require that a proposed TCBM be clear, practical and proven, meaning that both the application and the efficacy of the proposed measure have been demonstrated by one or more actors; be able to be effectively confirmed by other parties in its application, either independently or collectively; and, finally, reduce or even eliminate the causes of mistrust, misunderstanding and miscalculation with regard to the activities and intentions of States. **The NFP critics should be reminded that NFP effectiveness has been proven over the years by growing number of participants in the NFP International Initiative, broad support for relevant UNGA resolution including co-sponsorship.**

Fourth. Some critics refer to ground-based anti-satellite weapons which in their view are not covered by the NFP initiative. Above all, NFP is not a formula “one size fits all” and has been designed to address the most acute and urgent issue related to a growing threat of space weaponization. But even on this point the NFP is effective. Adhering to NFP, all space-faring nations would have virtually less

grounds for developing or using ASAT capabilities against space assets of other countries. With the universal NFP commitments in place it would be pointless to spend significant resources on ASATs development and therefore there would be no incentive to acquire and possess such weapons.

Last but not least, some find the NFP initiative ambiguous and express concerns that it could allow states prepare with placing weapons in Outer Space in the second or third place, or even encourage them to preemptively develop offensive space capabilities, in order to be able to react to the placement of weapons in space by another state. The rationale for the NFP is quite the opposite. **When globalized i.e. all nations, especially those with relevant capabilities, undertake the NFP and everybody will be committed in good faith Not to be the First in Placing Weapons in Outer Space there will be no second, third and so on.** Correspondingly, there will be no incentive or any other reason to develop space weapons. **Universal NFP commitment will also form a favorable environment for launching negotiations on PAROS at the CD, a prospect of no less importance.**

For all those reasons NFP staunch opponents – the US and their allies – use any pretext and all means and will continue to do so in order to fail NFP that runs counter to their declared plans for eventual weaponization of Outer Space. In this regard their denial of NFP is of no surprise.

On the other hand, the position of some countries raises serious questions. In multilateral diplomacy there is an established tradition – in case of disagreement not to limit the discussion only to critical observations but to suggest alternative options. With regard to NFP no proposals have been made. Therefore, in light of above-mentioned **the Russian side kindly invites NFP opponents both to consider and submit in any convenient form specific proposals to improve NFP or to present alternative initiative.** On its part, the Russian side is willing to engage in constructive dialogue on its substance. For instance, the **Russian side is**

open for discussion on an idea of a comprehensive no-placement of weapons in Outer Space if interested nations put forward a relevant initiative.

Otherwise, further inaction or continuation with the same pattern of criticism towards NFP leads to the two logical conclusions – **a nation in question** either tacitly approves the US and NATO planning to weaponize Outer Space or even does not exclude an option for developing its own plans aimed at placing weapons in Outer Space.

Conclusion and way forward

The **NFP** International Initiative, being a politically binding commitment and a unique TCBM, **is not a substitute to a legally binding instrument on PAROS and constitutes a provisional measure** for the period up to entrance of future treaty into force. In absence of any viable practical alternative **only NFP can contribute to preserving Outer Space free of weapons, and, correspondingly, to the strengthening of international peace and ensuring equal and undiminished security for all.**

Universal NFP commitment will also form a favorable environment for launching negotiations on PAROS at the CD, a prospect of no less importance.

UNGA Resolution “No First Placement of Weapons in Outer Space” would facilitates the process of the NFP globalization. Thus, understanding the urgency of further effective steps in this regard Russia intends to submit a draft resolution for the consideration of the UNGA First Committee. On these grounds Russia once again invites all interested stakeholders to adhere to the NFP International Initiative without any further delay and vote in favor of the UNGA resolution on NFP as its co-sponsor.