BRAZIL

First Committee
Thematic Debate on Cluster 3— "Outer Space (disarmament aspects)"

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Statement by H.E. Ambassador Luiz Filipe de Macedo Soares,
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Mr. Chairman,

The placement of a weapon in outer space would have extremely serious consequences. It would deepen global insecurity and affect all countries, those that have and those that do not have technological capacity to launch orbital objects.

The world we live in depends on space activities. An estimated 3,000 satellites are operational, providing vital services in an intricate web of information and communications. The interruption of such satellite services as a result of weapons in space would cause a major global collapse.

There is a widespread recognition of the impending danger resulting from the insufficiency of the legal coverage to deal with the problem of weapons in space.

As the Brazilian Foreign Minister, Ambassador Celso Amorim, stated in June this year: "Outer space must be preserved from "weaponization". The growing dependence of our societies on space activities makes it imperative that concerns related to the improper uses of outer space are adequately addressed. As a developing country engaged in a space program that is totally peaceful, Brazil expects unrestricted access to a weapons-free outer space."

In that sense, Brazil believes that it is in the best interest of the international community to start negotiations on a legally binding instrument to prevent the placing of any kind of weapon in outer space.

Apart from the evidence that there is enough technology today to create and launch space weapons, the confirmation of need for such an instrument lies in the fact that it is inscribed as one of the "four core issues" in the Agenda of the Conference on Disarmament. More than 30 years ago, the CD was called upon by the SSOD-1 to consider the issue of preventing an arms race in outer space.

Mr. Chairman,

From 1983 to 1994, an "Ad-Hoc" Committee of the Conference on Disarmament was established to examine "all existing agreements, existing proposals and future initiatives" according to document CD 584 in order to arrive at an agreement on a legal instrument. Since 1994, it has been only possible to discuss informally on the matter. In addition of blocking negotiations of an instrument, some member States denied even the possibility of formal substantive discussions, fearing they would turn into negotiations.

The lack of consensus to move forward this item of the CD Agenda has stimulated delegations to put proposals on the table. One of these is on Transparency and Confidence Building Measures (TCBMs). Although relevant in certain circumstances, such measures are not legally binding. Brazil understands that not having agreement on a PAROS treaty may lead States to explore intermediate alternatives. However, if there should be efforts in the CD to push forward towards negotiations they should be focused on a legal instrument.

Though it was not formally considered in the CD, another alternative is the adherence to the Code of Conduct for Outer Space Activities that is being developed by the European Union. As useful as it may be, it should be pointed out that it deals with the issue
of the peaceful use of space in broad guidelines, aimed at many areas of satellite operations. Its ample form will not suffice to fully cover the complexities of space security which requires a specific instrument. Codes of conduct, as a modality of regulating international activities, are a relatively new tendency, conceived as a midway solution when there is no clear agreement on a fully legal instrument. By not being legally binding, compliance is based solely on good will of States that wish to declare their observance to it. In the specific area of disarmament, Codes of Conduct would not suffice as effective arrangements because they lack important features needed in an international security instrument, besides being elaborated in a restricted forum not open to all States.

Brazil believes that the proposal of 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”, tabled in 2008 by Russia and China, is a contribution to start discussions on a legally binding instrument to regulate the matter. In its present wording, it is still an outline, with some elements that could be useful in a treaty, but further substance and a more precise language are needed. The encouraging aspect of this initiative is that this document has already been the object of a fruitful interaction among Member States of the CD.

Having coordinated the four informal meetings held by the Conference on Disarmament on the agenda item on PAROS during the 2010 session, I believe that there is a clear need for the establishment of a subsidiary body in the CD to allow direct discussions in order to advance the issue.

Brazil expects that the Conference on Disarmament adopts its Program of Work early next year, with the inclusion of a Working Group on PAROS. This could be the first concrete step to bring together all perspectives and proposals with a view to the negotiation of an instrument. Many substantive contributions to this debate are on the table. Now the CD must give due priority to direct its efforts and focus towards adopting a Program of Work in order to advance, among other issues, negotiations of legal texts that will ensure that outer space will be free of any weapon and that activities and objects in outer space will be exempt of any threat and of any use of force.

A forward movement in the CD implies political will to engage in discussions. Some member States blame the CD, affirming that it is a dysfunctional institution, because of its rule of consensus, among other reasons that prevent negotiations in certain areas. Surprisingly, concerning other items, like PAROS, the use of consensus is deemed perfectly legitimate. The criticism to this rule, as a jeopardizing factor to the CD, according to those States, applies only to difficulties surrounding agenda items they deem “ripe” for negotiation, which is the same as stating they are not willing to limit their military power. Hence, if we wish to advance the Program of Work of the CD, there has to be coherence and commitment of its members to engage in all the issues of the agenda for disarmament.

Thank you, Mr Chairman.