



PEOPLE'S REPUBLIC OF CHINA
PERMANENT MISSION AT GENEVA

(Translation, please check against delivery)

Statement by H.E. Ambassador HU Xiaodi
at the 3rd Part of the 2004 Session of
the Conference on Disarmament

(26 August 2004, Geneva)

Mr. President,

The Chinese delegation would like to congratulate you on your assumption to the presidency of the CD. We are confident that, with your rich diplomatic experience and wisdom, you will provide able guidance to the work of the CD. My delegation is ready to cooperate fully with you. We would also like to take this opportunity to thank your predecessors, Ambassador Bekhbat of Mongolia and Ambassador Hilale of Morocco for the efforts they have made in re-activating our work in the CD.

Outer Space

Mr. President,

My intervention today focuses mainly on the question of outer space.

The peaceful use of outer space is the common aspiration of mankind. At the CD, the Chinese delegation has repeatedly elaborated on the urgency and necessity of preventing the weaponization of and an arms race in outer space under the current situation.

In our view, the priority concern is to further consolidate the international consensus on the prevention of the weaponization of and an arms race in outer space in the form of a legal commitment or a legal instrument. To this end, seven delegations including China and the Russian Federation tabled, in June 2002, a Working Paper entitled "Possible Elements for a Future International Legal Agreement on the Prevention of the Deployment of Weapons in Outer Space, the Threat or Use of Force against Outer Space Objects" (CD/1679).

Over the past two years, various delegations have put forward many pertinent suggestions to further develop and improve CD/1679, which were then compiled by the delegations of China and the Russian Federation for informal distribution at the CD. Some delegations questioned the lack of provisions on definition and verification in CD/1679. A few delegations held a different opinion on the necessity of negotiating a new legal instrument on outer space.

Considering these view and in order to advance the work of the CD under the agenda item on the prevention of an arms race in outer space (PAROS), the delegations of China and the Russian Federation jointly prepared, after considerable study, two non-papers on the issues of “verification aspects of PAROS” and “existing international legal instruments and the prevention of the weaponization of outer space”, and we are ready to distribute them in the form of informal papers today. The two delegations also plan to prepare one more non-paper on the issue of “definition in the legal instrument on PAROS”. These papers shed some light on the thinkings of China and the Russian Federation on the above-mentioned topics. We hope that they can serve to clarify our positions and promote common understanding.

Mr. President,

Allow me to make a brief introduction of the two papers.

Non-paper on “Verification”

The non-paper on “Verification Aspects of PAROS” begins by listing the verification measures of PAROS that have been proposed by various parties so far, and then analyses the feasibility of a verification regime of a future outer space legal instrument. It offers the view that a verification regime in a future outer space treaty will be highly complicated and difficult and will encounter great challenges technologically and financially. The non-paper cites the case of the 1967 Outer Space Treaty (OST) to show that without a verification mechanism the Treaty’s effectiveness is not negatively affected and it still plays an important role.

Thus the non-paper considers that for the time being a future outer space legal instrument can be formulated without a verification mechanism. With the development of science and technology, the addition of a verification protocol may be considered in future when conditions are ripe. The non-paper further points out that in view of the urgent need for a legal instrument on PAROS, this course of action can address the problem of verification becoming the obstacle to an early start of work on PAROS.

Non-paper on “Existing International Legal Instruments”

The non-paper on “Existing International Legal Instruments and the Prevention of the Weaponization of Outer Space” gives a detailed analysis of the major provisions of the Limited Test Ban Treaty (LTBT), the Outer Space Treaty (OST), the Agreement Governing the Activities of States on the Moon and other Celestial Bodies, the Convention on the Prohibition of Military or Any other Hostile Use of Environmental Modification Techniques and relevant bilateral agreements. It draws the following conclusions: although these international legal instruments do prohibit *and/or* restrict, to some extent, the deployment of weapons, use of force as well as military activities in certain areas of outer space, they are unable to effectively prevent the testing, deployment and use of weapons other than those of mass destruction in outer space. In addition, none of such instruments covers the threat or use of force from the Earth (including the land, the sea and the atmosphere) against objects in outer space.

On this basis the non-paper stresses that, along with the growing sophistication and R&D in the military technology, especially space weapons technology, as well as the relentless progress in the concept, doctrine and exercise of space warfare, it is necessary for the international community to conclude through negotiations a new international legal instrument on the prevention of the weaponization of and an arms race in outer space in order to strengthen the existing international legal system on outer space by closing its loopholes.

Here I would like to emphasize that the two non-papers only reflect some preliminary ideas on the part of China and the Russian Federation at the moment. These ideas will further evolve along with the development of the situation. We are convinced that these non-papers will play a positive role in deepening the understanding of all parties on PAROS, formulating consensus and pushing forward the CD’s work in this field.

Programme of Work of the CD

Mr. President,

I would also like to make some observations on the programme of work of the CD.

In order to facilitate an early start of the substantive work in the CD, the Chinese side stated its readiness to join the consensus on the "A5 Proposal" (CD/1693/Rev.1) on August 7 last year. Frankly speaking, the Chinese side is not satisfied at all with the "A5 Proposal" since its mandate on PAROS is far too weak. However, the "A5 Proposal" at least strikes a delicate and acceptable balance between various issues. Therefore, the Chinese side demonstrated considerable flexibility by agreeing to the proposed formulation of the mandate of the Ad-Hoc Committee on PAROS. The Chinese side hopes that other relevant sides can also show necessary political will and flexibility by accepting "A5 Proposal" so as to enable the CD to step out of stalemate and begin substantive work.

We attach importance to the position of the US delegation on FMCT put forward on July 29 this year: We hope that the US side can further clarify their consideration of issues related to the mandate of the Ad-Hoc Committee on FMCT, FMCT verification, contents within the treaty framework etc, so as to facilitate the studies by capitals.

As for the US proposal on banning the transfer of persistent landmines, if all sides can agree on addressing or even negotiating on the issue of "transfer of landmines", China will not have difficulty.

China is relatively open to "new issues" to be considered by the CD. However, we believe such work should not impede the CD's effort to come up with a comprehensive programme of work. The choice of "new issues" to work on by the CD should be preferably consistent with the nature of the CD, that is, the objective of such work should be the negotiation of an international legal instrument.

Thank you, Mr. President.