

**Постоянное представительство
Российской Федерации
при Организации
Объединенных Наций**

*136 E 67th Street
New York, NY 10065*



**Permanent Mission
of the Russian Federation
to the United Nations**

Phone: (212) 861-4900

Fax: (212) 628-0252

517-7427

ВЫСТУПЛЕНИЕ

**представителя Российской Федерации в IV комитете 71-й сессии
Генеральной Ассамблеи ООН по пункту повестки дня
«Международное сотрудничество в использовании космического
пространства в мирных целях»**

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Mr. Chairman,

Speaking generally, the Russian Federation takes a positive view of the way the negotiating process within COPUOS developed this year. The Committee has very actively taken up various issues of holding in 2018 of an international “UNISPACE+50” forum to commemorate the anniversary of the first United Nations Conference on outer space. Most importantly, the Committee took a decision in favour of a sensible compromise regarding extending, by 2018, the work on drafting the set of guidelines for the long-term sustainability of outer space activities. A really hard-won dialogue on very important issues of safety of space operations, as accentuated, among others, by Russia, turned out to be quite productive at the intersessional meeting of the Working group on the Long-term Sustainability of Outer Space Activities held in Vienna from 19 to 23 September this year.

The Russian side introduced updated versions of a multitude of draft guidelines presented earlier. They are quite convincing in showing that we see things in a very natural and pragmatic way. The indices of practicality of Russian proposals are sufficiently high. It's clear that Russia takes issues of space safety and security very seriously. Adherence to the elaboration under the auspices of the UN of a space operations safety regime has been specifically provided for in the Military Doctrine of the Russian Federation, among other documents. Such a regime is viewed as one of the important means to prevent conflict situations. It would be very good if the Military of other States could support space safety and security regulation in the same straightforward manner. Aggregation of the Russian policy in this domain continues. The positive goal-setting process that we have in place in Russia will produce more results.

The desire on the part of some States to bring space traffic management issues to the top and quite evident measures on their part to communicate to this topic a sense of urgency have become so widespread, as manifested both within and outside the Committee, that Russia deemed it necessary to somehow caution all participants to the discourse against hasty decisions and excessive fantasizing on the subject matter. And, of course, there should be no craving for stretching (against all common sense) the agenda of UNISPACE+50 to include decisions on space traffic management. This would be too premature. The working paper submitted by the Russian Federation at the 59-th session of COPUOS (A/AC.105/2016/CRP.13) contains a pragmatic and impartial examination of current ideas as to what space traffic management could be like. Quite a large number of research publications on this topic should not confuse: a series of substantiated thoughts and realistic perspectives on what could be the essence of a new regulation has not been produced so far, neither by academia, nor at political level. What's available is publications that purport to correctly outline basic assumptions and to provide for obvious and exclusive approaches to validating the doctrine of such traffic management.

The logic, as well as practical circumstances suggest that a strategy for ensuring safety of space operations as shaped by politically strong guidelines for the long-term sustainability of outer space activities should serve as the basis for discussing such hypothetical regulation in the format of space traffic management. If aspects related to suborbital flights are aligned as a separate category, then it would be possible to outline the regulation with regard to the majority of issues related to perspective space traffic management only after years of implementing the guidelines for the long term sustainability of outer space activities. It would be very important that the concepts of the long-term sustainability of outer space activities and the safety of space operations do not remain abstract notions in political terms. The phases of formulating and implementing the guidelines pertaining to safety and security are to indicate whether States are really inclined to be more demanding with regard to their own practice of conducting space activities, in particular, as it involves observance of new safety and security criteria. Even if ultimately (by 2018, as planned) it would really become possible to work out a comprehensive and effective regulation of safety of space operations, such regulation would have to pass examination through implementation of the guidelines. In other words, time will be needed to test the regulation.

It should be fully understood that taking up the issue of the feasibility of establishing new regulation in the format of space traffic management would have no relevance in case a full-fledged regulation of safety of space operations within the pending set of guidelines is not achieved. Therefore, achieving by 2018 consensus on cross-functional proposals addressing important issues of safety of space operations should be treated by States as means to a better understanding of the feasibility of space traffic management and validating the concept of such management.

The currently discussed set of draft normative provisions on different institutional and operational aspects of safety of space operations has the potential to give rise to a steady practice of safe conduct of activities in outer space capable of coping with threats to operational safety, both at the current stage and in the years to

come. Thus, everything will decisively depend on whether it would be possible to reach major points of agreement and complete work having a fully functional set of the guidelines.

The Russian proposal to establish under the auspices of the United Nations of an information platform meets the understanding of supremacy of reliable and accurate space situational information serving the needs of safety of space operations. Expansion of such information, as it is to be received and shared through the platform, will provide for the situation where decision making process involving States and other participants in space activities will be based on a more complete understanding of the situation in outer space

The idea of an information platform perfectly meets the needs and tasks associated with the safety of space operations. In case the concept of the platform gets the real chance to be fully implemented and States succeed in joining efforts in an attempt to establish such a platform, we will witness a true breakthrough. Besides, making it possible to jointly use a common mechanism of accumulating and using data on objects and events in outer space, the platform would also become a mechanism for developing competencies and building up potentials that would enable all interested States and participants to better plan and conduct their activities in outer space.

Ideally, the tasks assigned to the platform in terms of ensuring safety of space operations should consist of making the fullest possible inventory of objects, drastically increasing the volume and quality of shared information on objects and events in outer space. This would be achieved through comparing and merging information from different sources, implementing current and providing support for drafting missing common standards that would guide the work with monitoring information and standards that would guide the process of assessing potential dangerous situations in outer space.

With the positive expectations associated with the platform being fully justified, there should be a general perception that the formation of a new way of informational interaction pertaining to the monitoring of objects and events in outer space will be a prolonged process. Besides, this process should correlate with success, in enhancing transparency and confidence building in outer space activities. There are constraints considered to be of an objective nature or, at least, inevitable during a rather long period. These constraints characterize the provision of orbital information related to specific groups of objects that perform tasks in the field of national security. It's apparent that determining and formalizing the entire set of tasks of informational support as applied to the hypothetical concept of space traffic management would be an even more challenging problem.

The information platform as reasonably conceived for implementation considering current realities would make it possible to jointly decide on the approaches to solving technically complex issue of verifying orbital information and ensuring the required (mathematically substantiated) periods of its renewal. The platform should become an instrument supporting the process of adoption by States (and not only by them), either on individual or cooperative basis, of decisions that would be well-considered and well-founded. The mechanism of the platform, as we see it, would provide for the placement of information in the common data bank in a standard structured form and then the merging of information of the same kind, as acquired from different sources, using agreed rules, thus providing for a higher degree of its reliability and accuracy.

Sustaining safety of space operations especially in the format of space traffic management makes it necessary to fully understand the acceptable level of self-dependence of operators in adopting operational decisions, bearing in mind both, the inalienable rights of operators as proprietors or as eligible persons representing the interests of proprietors of space objects, and the inalienable obligations of States that, acting under the 1967 Outer Space Treaty, exercise jurisdiction and control with

regard to such space objects. There is a need to look into this complex interaction of rights, responsibilities, interests and competencies in a very diligent way if the intention is to proceed with conceptualizing space traffic management.

Commercial operators develop the practice of reaching direct arrangements with each other with a view to mitigating potentially dangerous situations in outer space involving their own space objects. They exchange information on a mutual basis on the trajectories of motion of their space objects, making use of the opportunities they have. At the same time they rely to a great degree on information provided by existing services (interaction between Space Data Association with the relevant entity of the United States can serve as an example) so as to be better informed of the objects (the priority being the functioning spacecraft of third parties) and events in outer space.

The role of States exercising jurisdiction and control with respect to space objects operated by commercial operators, as it has relevance to decision-making on mitigating potentially dangerous situations in outer space, should be analyzed thoroughly, considering Article VI of the 1967 Outer Space Treaty and the resolution of the UN General Assembly 68/74 of 11 December 2013 ("Recommendations on national legislation relevant to the peaceful exploration and use of outer space"). This issue should be addressed and resolved from the point of view of the degree to which a State may prescribe the operator: the procedure according to which it should use any information on objects and events in outer space (apart from its own information) for the purposes of identifying and estimating potentially dangerous situations; the procedure for adopting decisions on the need to take actions to mitigate the dangerous situation that has emerged; and the procedure for interaction with third parties as part of the process of mitigating the dangerous situation.

The configuration of ideas and regulatory provisions that characterizes in general the hypothetical scheme of space traffic management obliges to understand

who should actually have the ruling power when deciding on actions that are to be taken to resolve a controversial or potentially dangerous situation.

In this context we cannot but point out the inadmissibility of attempts that are getting ever more persistent and can be observed within the international discourse on the topic of space traffic management to separate the notions of "national" and "commercial" space activities. According to Article VI of the 1967 Outer Space Treaty there is only one notion that is "national activities in outer space". Impartiality within the communications between States on the issues of safety of operational activities is a separate subject for discussion especially considering that in some countries attempts are being made to make corporations active participants in the process of introducing changes in the regulation of space activities.

We are concerned with the fact that, as part of deliberations within academic research circles on the "new order of things" with which space traffic management is to be associated, it is being considered appropriate to give sharp and incorrect assessments as to how adequate international space law is and even portend its replacement by new regulation. It is amazing that a so-called "big bang" approach to reforming the system is not excluded. With such flirting with radical ideas the international community may wind up having many problems.

We advise adopting a conservative and realistic pursuit of the space traffic management topic. The process of systemizing and synthesizing understanding as regards elements and institutions of the space traffic management regime should

not be artificially accelerated, whatever the positive slogans behind such speeding up might be. We may search for direct analogies in other areas of international law but this should be done sensibly, without indulging in simplifying and manipulating things.

Mr. Chairman,

The Office for Outer Space Affairs of the Secretariat proves to be very competent in fostering and setting invigorative trends in the United Nations activities

in the space domain. It is successful in proposing such institutional innovations as global framework for addressing issues pertaining to the regulation of space activities and cooperation in outer space. In doing so, the Office has rushed to bring into common use a rather particular term - Global Space Governance. By itself, this cliché is essentially an invention of one respectable educational institution in Canada. This product may, of course, be of interest but it is also associated with quite definite problems. To start with, "Space Governance" as literally translated into Russian sounds odd in terms of physics and synthetic in terms of policy. Probably the word "space", as used in this context, denotes something more than a cosmic environment. Perhaps, what is meant is "space activities". If this is so, then the task should be formulated accordingly. Besides, this notion may be broad in its meanings and implications. It would be important to make sure that some States do not seek to use this "formula" as a blessing for the space dominance doctrines. The Office should pay attention to this issue.

Mr. Chairman,

We cannot but be somewhat amazed with the attitude towards the Russian proposal to analyse, within the priority agenda item of COPUOS, the legal basis for, and modalities of, resorting, hypothetically, to self-defence in accordance with the UN Charter as applied to outer space. Here we witness the indifference of some delegations, sort of criticism on the part of those few who deems it unacceptable to extend this right to outer space, and, finally, "neutrality" of those that have provided such right to self-defence in their space operational documents, interpreting this right broadly and, moreover, as a norm of customary law, which, by itself, is even more extraordinary. We have noticed that while the Committee keeps itself aloof from analysing this issue, UNIDIR in cooperation with Secure World Foundation busy themselves with the topic of self-defence on outer space.