STATEMENT BY H. E. AMBASSADOR REGINA MARIA CORDEIRO DUNLOP,
DEPUTY PERMANENT REPRESENTATIVE OF BRAZIL TO THE UNITED NATIONS,
AT THE THEMATIC DEBATE ON CLUSTER 3 OF THE FIRST COMMITTEE – "OUTER SPACE (DISARMAMENT ASPECTS)"

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(check against delivery)
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.

Never before has the world depended so much on space-based technologies, especially in areas such as information, communication, banking, transport and many others. 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. Brazil believes, therefore, 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 need for such an instrument has been recognized by the Agenda of the Conference on Disarmament as one of the “four of its core issues”. More than 30 years ago, the CD was called upon by the SSOD-1 to consider the question of preventing an arms race in outer space. In addition, the United Nations General Assembly resolution 65/44 on the “Prevention of an arms race in outer space” made the following observation: “The Conference on Disarmament has the primary role in the negotiation of a multilateral agreement on the prevention of an arms race in outer space, in all its aspects”.

Mr. Chairman,

From 1985 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 reach an agreement on a legal instrument. Since 1994, it has been only possible to discuss the matter informally. Besides 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 this item of the CD agenda forward has stimulated delegations to put proposals on the table. One of these is on Transparency and Confidence Building Measures (TCBMs). In this sense, Brazil takes note of the United Nations General Assembly resolution 65/68 on “Transparency and confidence-building measures in outer space activities”, which requests the Secretary-General to establish a group of governmental experts to conduct a study, commencing in 2012, on outer space transparency and confidence-building measures. While stressing the priority of negotiating a legally binding instrument on strengthening the international regime on outer space, Brazil recognizes that global and inclusive transparency and confidence-building measures could be important complementary measures.

However, Mr. Chairman, although such measures can be relevant in certain circumstances, they are not legally binding. Brazil understands that not having agreement on a PAROS treaty may lead States to explore intermediate alternatives. However, there should be efforts in the CD to push forward towards negotiations which should be focused on a legal instrument.
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 more precise language are needed. The encouraging aspect of this initiative is that this document has already been the object of 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, as well as the meeting in 2011, Brazil believes 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. 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, which prevents 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 that 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.