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Direct-Ascent Anti-Satellite Missile Tests: State Positions on the Moratorium, UNGA Resolution, and Lessons for the Future

By Ching Wei Sooi



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Direct-Ascent Anti-Satellite Missile Tests: State Positions on the Moratorium, UNGA Resolution, and Lessons for the Future

Executive Summary

The topic of destructive DA-ASAT testing has recently become highly salient. In April 2022, the United States announced a unilateral moratorium, pledging to stop testing destructive direct-ascent anti-satellite missiles. The following month in May 2022, discussions on this and other related issues began within the United Nations Open-Ended Working Group on Reducing Space Threats through Norms, Rules, and Principles of Responsible Behaviours. To date, a series of other national pledges have followed, beginning with Canada in May 2022 and most recently Costa Rica and Norway in October 2023, bringing the total number of states up to 37.

On 7 December 2022, the United Nations General Assembly overwhelmingly adopted resolution A/RES/77/41 in support of the destructive DA-ASAT testing moratorium. 155 States voted in favour, with 9 against and 9 abstentions. Notably, the United States, India, China, and Russia are the only states to have demonstrated destructive direct-ascent anti-satellite missile capability – and at the time of writing, neither India, China, nor Russia support the moratorium and resolution.

This report provides insight into key questions such as: what prompted the moratorium and resolution, reasons behind their widespread support, and why is it that more states have not pledged the moratorium despite 155 votes in favour of the resolution.

HIGH-LEVEL FINDINGS INCLUDE:

- A significant number of states are concerned by destructive DA-ASAT testing
- A heavy emphasis on orbital debris was present throughout this initiative
- The difference in prioritisation of concerns between developed (stricter security concerns) and developing space powers (debris, access to space, and due regard under Article 9 of the OST)
- The geopolitical factor behind votes cannot be discounted – in some cases, surpassing the substance of the resolution in importance
- States voting against the resolution cite strikingly similar reasons

- Similar aspects of the resolution are cited as reasons both for support and opposition
 - *Narrowness of the Resolution*
 - *Geopolitics*
 - *Previous Destructive Direct-Ascent Anti-Satellite Missile Testing*
 - *The Debate of Norms versus Legally binding Instruments*
- The US spearheaded this initiative, and the support of some NAM states was instrumental to the resolution's widespread endorsement
- Developing states' need for greater technical and legal expertise vis-à-vis the effects of destructive DA-ASAT testing and the implications of a commitment

REASONS STATES FAVOUR THE RESOLUTION CAN BE GROUPED AS FOLLOWS:

- Supportive of Norms as a Governing Mechanism and/or Building Block towards Legally binding Initiative(s)
- Supportive of a 'Capability Neutral Approach'
- Supports the Promotion of Transparency and Confidence Building Mechanisms
- Addresses the Concerns of Developing States
- Diplomacy from the United States
- Supportive Despite Narrowness of the Resolution
- Geopolitical Influences
- Concerned by Previous Destructive Direct-Ascent Anti-Satellite Missile Testing
- Resolution Positively Affects/Does Not Negatively Impact National Security

REASONS STATES ARE AGAINST THE RESOLUTION CAN BE GROUPED AS FOLLOWS:

- Believes that Legally binding Instruments must be the First Step
- 'Sword & Shield' Suspicions
- Moralizing Rhetoric
- Opposition Because of the Narrowness of the Resolution
- Geopolitical Influences
- Concern and Suspicion over Past Rhetoric
- Concerned by Previous Destructive Direct-Ascent Anti-Satellite Missile Testing
- Resolution Negatively Affects/Does Not Improve National Security

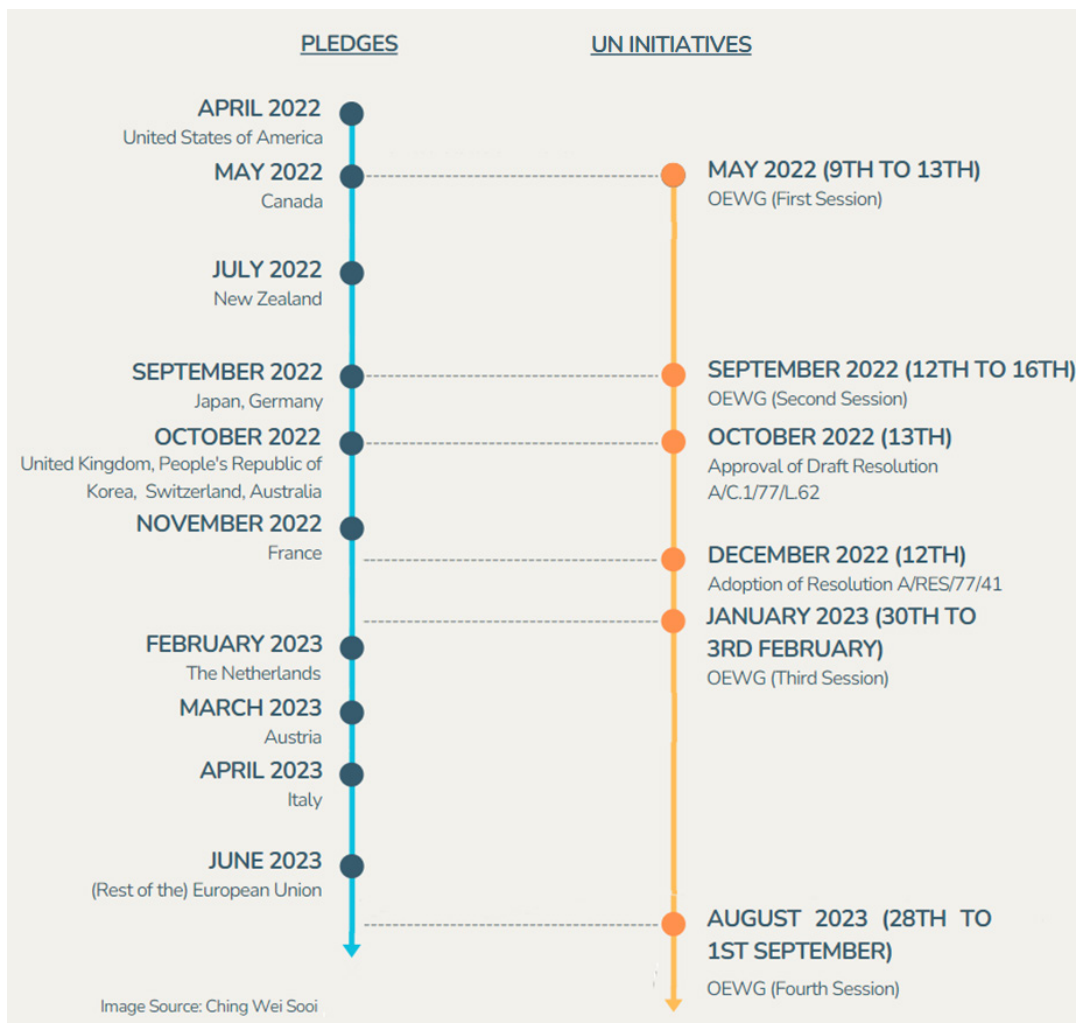
REASONS STATES ABSTAINED ON THE RESOLUTION CAN BE GROUPED AS FOLLOWS:

- Geopolitical Influences
- Strong Preference for Legally binding Instruments over Non-Legally Binding Measures
- Opposition Because of the Narrowness of the Resolution
- Others

The findings of this research indicate the emergence of a growing norm against destructive anti-satellite missile testing with noteworthy momentum behind this initiative. Additionally, taking into account the high number of states in favour of the resolution, there appears to be a softening dichotomy between the two approaches of norms versus legally binding instruments in addressing space security. Next, multiple interviewees expressed that the moratorium and resolution have become extremely politicized. More broadly, they are heavily concerned by the adverse geopolitical climate which exacerbates existing geopolitical deadlocks on preventing an arms race in outer space. Against that backdrop, this report notes however that the moratorium appears to be gaining significant support.

Further, developing states currently lack comprehensive technical and legal expertise on two fronts: the adverse effects of destructive DA-ASAT testing; and the technical and legal implications of making a commitment. The lack of thorough understanding respectively has been cited as a reason why more states have not announced their own moratoriums.

Timeline of Commitments vis-à-vis UN Processes:



Acronyms and Abbreviations

ASAT	Anti-satellite
COPUOS	Committee on the Peaceful Uses of Outer Space
DA	Direct-ascent
EU	European Union
OEWG	Open-Ended Working Group
LBI	Legally binding instrument
NAM	Non-Aligned Movement
PAROS	Prevention of an arms race in outer space
PPWT	Prevention of the Placement of Weapons and Threat or Use of Force
TCBM	Transparency and confidence building measures
UN	United Nations
UNGA	United Nations General Assembly

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Introduction

More states than ever before are pursuing spacepower: “the use and denial of thousands of machines in Earth orbit... for the purposes of war, development, and prestige.”¹ Consequently, more states are developing counterspace capabilities. Counterspace capabilities “refers to capabilities, techniques, or assets that can be used against another space object or a component of a space system in order to deliberately deny, disrupt, degrade, damage or destroy it reversibly or irreversibly, so as to gain advantage over an adversary.”² Anti-satellite (ASAT) weapons are “a subset of counterspace technology [which] focuses on targeting the satellite.”³ A further subset is kinetic, direct-ascent ASAT (DA-ASAT) weapons – the focus on this report.

DA-ASAT weapons are missiles launched from the Earth to destroy satellites, the destruction of which produces a massive amount of debris.⁴ The debris generated cannot be understated. “Historical testing of these destructive weapons has contributed significantly to the amount of debris that exists in orbit, posing a threat to all objects in space... [representing] some of the most significant debris-generating events in history that are creating problems for operational satellites today.”⁵ At the time of writing, destructive DA-ASAT tests have been conducted by the United States, Russia, China, and India. For further reference, the Secure World Foundation has published an infographic on ASAT weapons, their history, and the debris generated.⁶

While the development and testing of destructive DA-ASAT tests goes back to 1959, significant developments have recently begun to play out in high-level international fora, providing the impetus for this timely report. Discussions on this and other related issues have been ongoing in the United Nations Open-Ended Working Group on Reducing Space Threats through Norms, Rules, and Principles of Responsible Behaviours (OEWG) since May 2022. Just prior to the OEWG in April 2022, the United States announced a unilateral moratorium, pledging to stop testing destructive direct-ascent anti-satellite missiles. A series of other pledges followed, beginning with Canada in May 2022 to the European Union in June 2023 (Figure 1). To date, the most recent pledge by Costa Rica and Norway brings the total number of states up to 37.

On 7 December 2022, the United Nations General Assembly overwhelmingly adopted resolution A/RES/77/41 in support of the destructive DA-ASAT testing moratorium. 155 States voted in favour, with 9 against and 9 abstentions (Figure 2). States that voted against are: *Belarus, Bolivia, Central African Republic, China, Cuba, Iran, Nicaragua, Russia, and Syria*. States that abstained are: *India, Laos, Madagascar, Pakistan, Serbia, Sri Lanka, Sudan, Togo, and Zimbabwe*. Curiously, Uganda abstained when voting on the draft resolution but voted in favour for its adoption; the Central African Republic voted in favour for the draft resolution but against in its adoption; and the Democratic People’s Republic of Korea conspicuously did not register

1 Bleddyn E Bowen, *Original Sin: Power, Technology and War in Outer Space* (Oxford University Press, 2023) (‘Original Sin’).

2 Almudena Azcárate Ortega and Victoria Samson, *A Lexicon for Outer Space Security* (UNIDIR) <<https://doi.org/10.37559/WMD/23/Space/05>>.

3 Ibid.

4 Secure World Foundation, ‘Anti-Satellite Weapons’ (2022) <<https://swfound.org/media/207392/swf-asat-testing-infographic-may2022.pdf>>.

5 Ibid.

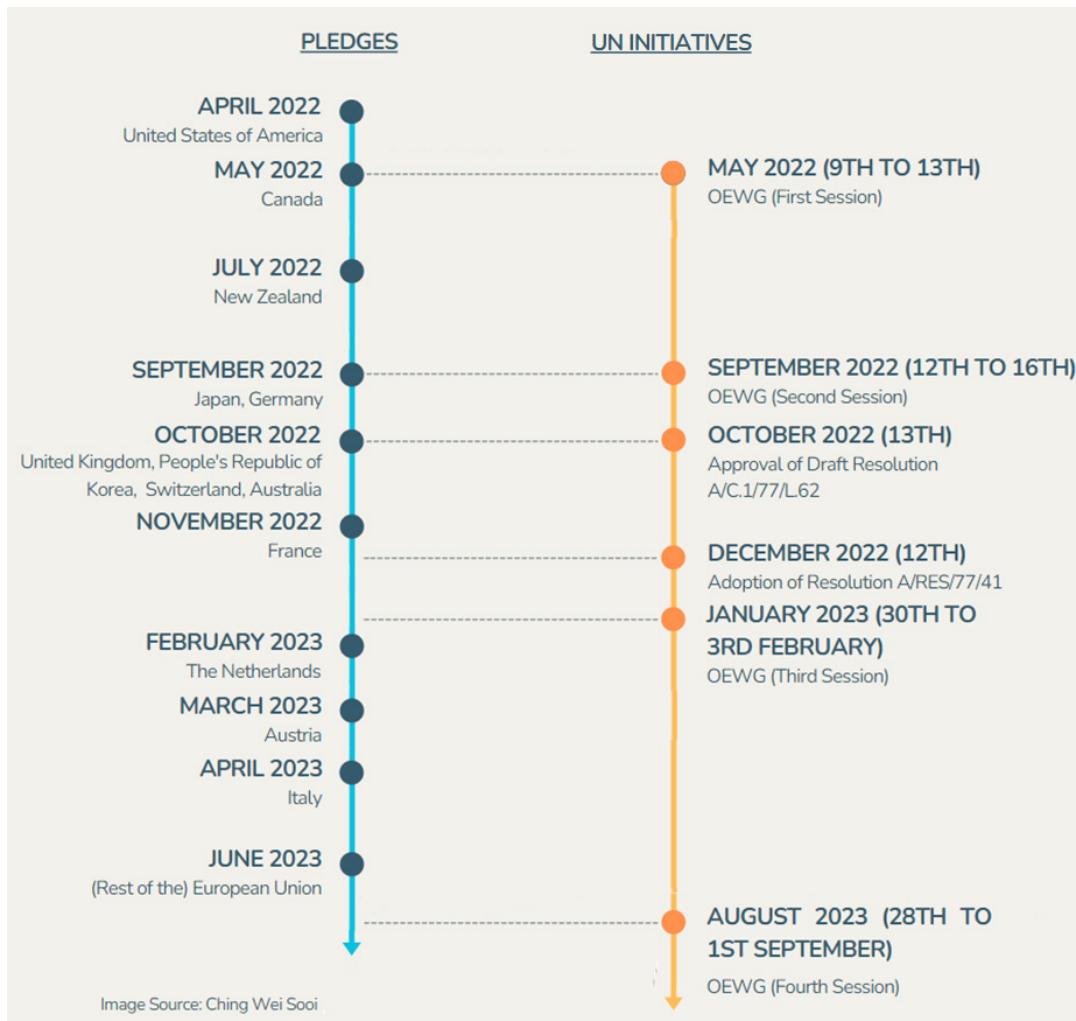
6 Secure World Foundation, ‘SWF Releases New Infographic on Anti-Satellite Weapons and Space Sustainability’ (7 June 2022) <<https://swfound.org/news/all-news/2022/06/swf-releases-new-infographic-on-anti-satellite-weapons-and-space-sustainability/>>.

a vote which “was unusual as Pyongyang normally goes out of its way to vote ‘no’ on all United States-sponsored resolutions.”⁷

The moratorium and resolution are remarkably substantial developments, especially against the broader context of deadlock in space security negotiations over, for instance, the prevention of an arms race in outer space (PAROS). As Jessica West of Project Ploughshare explains:

Commitments not to engage in destructive ASAT testing are one of the most concrete initiatives to emerge from the ongoing [OEWG], and ... one of the most tangible military [space] restrictions adopted to date. The working group has fundamentally changed the nature of the discussion on space security. New ideas are coming to the fore, and individual states are championing them far beyond the confines of the meeting room.⁸

Figure 1: Timeline of Commitments vis-à-vis UN Processes



7 Theresa Hitchens, 'US Call for Halting Kinetic Anti-Satellite Tests Gets Boost from UN Vote', Breaking Defense (9 December 2022) <<https://breakingdefense.sites.breakingmedia.com/2022/12/us-call-for-halting-kinetic-anti-satellite-tests-gets-boost-from-un-vote/>>.

8 Theresa Hitchens, 'EU Embraces Biden Administration's Limited ASAT Test Ban as UN Meeting Looms', Breaking Defense (17 August 2023) <<https://breakingdefense.sites.breakingmedia.com/2023/08/eu-embraces-biden-administrations-limited-asat-test-ban-as-un-meeting-looms/>>.

Accordingly, this report conducted research into state positions on the moratorium and the UNGA resolution on the destructive DA-ASAT testing moratorium. The overall goal is to better understand how states arrived at their positions, what factors influenced the decision, and how these insights might improve our understanding of the current space security landscape and provide lessons for the future. This report investigates why and how the commitment and resolution received such broad support, and concurrently, for what reason have more states not pledged the moratorium despite 155 votes in favour of the resolution.

Figure 2: Voting on the Destructive DA-ASAT Missile Testing Resolution ⁹

Voting Started		07-Dec-22		10:33:52		
Item 97 - A/77/383 DR II Destructive direct-ascent anti-satellite missile testing						
<input checked="" type="checkbox"/> AFGHANISTAN	<input checked="" type="checkbox"/> CAMEROON	<input checked="" type="checkbox"/> FINLAND	<input checked="" type="checkbox"/> KUWAIT	<input checked="" type="checkbox"/> NEPAL	<input checked="" type="checkbox"/> SAUDI ARABIA	<input checked="" type="checkbox"/> UKRAINE
<input checked="" type="checkbox"/> ALBANIA	<input checked="" type="checkbox"/> CANADA	<input checked="" type="checkbox"/> FRANCE	<input checked="" type="checkbox"/> KYRGYZSTAN	<input checked="" type="checkbox"/> NETHERLANDS	<input checked="" type="checkbox"/> SENEGAL	<input checked="" type="checkbox"/> UNITED ARAB EMIR...
<input checked="" type="checkbox"/> ALGERIA	<input checked="" type="checkbox"/> CENTRAL AFR REP...	<input checked="" type="checkbox"/> GABON	<input checked="" type="checkbox"/> LAO PDR	<input checked="" type="checkbox"/> NEW ZEALAND	<input checked="" type="checkbox"/> SERBIA	<input checked="" type="checkbox"/> UNITED KINGDOM
<input checked="" type="checkbox"/> ANDORRA	<input checked="" type="checkbox"/> CHAD	<input checked="" type="checkbox"/> GAMBIA	<input checked="" type="checkbox"/> LATVIA	<input checked="" type="checkbox"/> NICARAGUA	<input checked="" type="checkbox"/> SEYCHELLES	<input checked="" type="checkbox"/> UNITED REP TANZA...
<input checked="" type="checkbox"/> ANGOLA	<input checked="" type="checkbox"/> CHILE	<input checked="" type="checkbox"/> GEORGIA	<input checked="" type="checkbox"/> LEBANON	<input checked="" type="checkbox"/> NIGER	<input checked="" type="checkbox"/> SIERRA LEONE	<input checked="" type="checkbox"/> UNITED STATES
<input checked="" type="checkbox"/> ANTIGUA-BARBUDA	<input checked="" type="checkbox"/> CHINA	<input checked="" type="checkbox"/> GERMANY	<input checked="" type="checkbox"/> LESOTHO	<input checked="" type="checkbox"/> NIGERIA	<input checked="" type="checkbox"/> SINGAPORE	<input checked="" type="checkbox"/> URUGUAY
<input checked="" type="checkbox"/> ARGENTINA	<input checked="" type="checkbox"/> COLOMBIA	<input checked="" type="checkbox"/> GHANA	<input checked="" type="checkbox"/> LIBERIA	<input checked="" type="checkbox"/> NORTH MACEDONIA	<input checked="" type="checkbox"/> SLOVAKIA	<input checked="" type="checkbox"/> UZBEKISTAN
<input checked="" type="checkbox"/> ARMENIA	<input checked="" type="checkbox"/> COMOROS	<input checked="" type="checkbox"/> GREECE	<input checked="" type="checkbox"/> LIBYA	<input checked="" type="checkbox"/> NORWAY	<input checked="" type="checkbox"/> SLOVENIA	<input checked="" type="checkbox"/> VANUATU
<input checked="" type="checkbox"/> AUSTRALIA	<input checked="" type="checkbox"/> CONGO	<input checked="" type="checkbox"/> GRENADA	<input checked="" type="checkbox"/> LIECHTENSTEIN	<input checked="" type="checkbox"/> OMAN	<input checked="" type="checkbox"/> SOLOMON ISLANDS	<input checked="" type="checkbox"/> VENEZUELA
<input checked="" type="checkbox"/> AUSTRIA	<input checked="" type="checkbox"/> COSTA RICA	<input checked="" type="checkbox"/> GUATEMALA	<input checked="" type="checkbox"/> LITHUANIA	<input checked="" type="checkbox"/> PAKISTAN	<input checked="" type="checkbox"/> SOMALIA	<input checked="" type="checkbox"/> VIET NAM
<input checked="" type="checkbox"/> AZERBAIJAN	<input checked="" type="checkbox"/> COTE D'IVOIRE	<input checked="" type="checkbox"/> GUINEA	<input checked="" type="checkbox"/> LUXEMBOURG	<input checked="" type="checkbox"/> PALAU	<input checked="" type="checkbox"/> SOUTH AFRICA	<input checked="" type="checkbox"/> YEMEN
<input checked="" type="checkbox"/> BAHAMAS	<input checked="" type="checkbox"/> CROATIA	<input checked="" type="checkbox"/> GUINEA-BISSAU	<input checked="" type="checkbox"/> MADAGASCAR	<input checked="" type="checkbox"/> PANAMA	<input checked="" type="checkbox"/> SOUTH SUDAN	<input checked="" type="checkbox"/> ZAMBIA
<input checked="" type="checkbox"/> BAHRAIN	<input checked="" type="checkbox"/> CUBA	<input checked="" type="checkbox"/> GUYANA	<input checked="" type="checkbox"/> MALAWI	<input checked="" type="checkbox"/> PAPUA NEW GUINEA	<input checked="" type="checkbox"/> SPAIN	<input checked="" type="checkbox"/> ZIMBABWE
<input checked="" type="checkbox"/> BANGLADESH	<input checked="" type="checkbox"/> CYPRUS	<input checked="" type="checkbox"/> HAITI	<input checked="" type="checkbox"/> MALAYSIA	<input checked="" type="checkbox"/> PARAGUAY	<input checked="" type="checkbox"/> SRI LANKA	
<input checked="" type="checkbox"/> BARBADOS	<input checked="" type="checkbox"/> CZECHIA	<input checked="" type="checkbox"/> HONDURAS	<input checked="" type="checkbox"/> MALDIVES	<input checked="" type="checkbox"/> PERU	<input checked="" type="checkbox"/> SUDAN	
<input checked="" type="checkbox"/> BELARUS	<input checked="" type="checkbox"/> DEM PR OF KOREA	<input checked="" type="checkbox"/> HUNGARY	<input checked="" type="checkbox"/> MALI	<input checked="" type="checkbox"/> PHILIPPINES	<input checked="" type="checkbox"/> SURINAME	
<input checked="" type="checkbox"/> BELGIUM	<input checked="" type="checkbox"/> DEM REP OF THE C...	<input checked="" type="checkbox"/> ICELAND	<input checked="" type="checkbox"/> MALTA	<input checked="" type="checkbox"/> POLAND	<input checked="" type="checkbox"/> SWEDEN	
<input checked="" type="checkbox"/> BELIZE	<input checked="" type="checkbox"/> DENMARK	<input checked="" type="checkbox"/> INDIA	<input checked="" type="checkbox"/> MARSHALL ISLANDS	<input checked="" type="checkbox"/> PORTUGAL	<input checked="" type="checkbox"/> SWITZERLAND	
<input checked="" type="checkbox"/> BENIN	<input checked="" type="checkbox"/> DJIBOUTI	<input checked="" type="checkbox"/> INDONESIA	<input checked="" type="checkbox"/> MAURITANIA	<input checked="" type="checkbox"/> QATAR	<input checked="" type="checkbox"/> SYRIAN ARAB REP...	
<input checked="" type="checkbox"/> BHUTAN	<input checked="" type="checkbox"/> DOMINICA	<input checked="" type="checkbox"/> IRAN (ISLAMIC REP...	<input checked="" type="checkbox"/> MAURITIUS	<input checked="" type="checkbox"/> REP OF KOREA	<input checked="" type="checkbox"/> TAJIKISTAN	
<input checked="" type="checkbox"/> BOLIVIA	<input checked="" type="checkbox"/> DOMINICAN REP...	<input checked="" type="checkbox"/> IRAQ	<input checked="" type="checkbox"/> MEXICO	<input checked="" type="checkbox"/> REP OF MOLDOVA	<input checked="" type="checkbox"/> THAILAND	
<input checked="" type="checkbox"/> BOSNIA-HERZEGOVI...	<input checked="" type="checkbox"/> ECUADOR	<input checked="" type="checkbox"/> IRELAND	<input checked="" type="checkbox"/> MICRONESIA (FS)	<input checked="" type="checkbox"/> ROMANIA	<input checked="" type="checkbox"/> TIMOR-LESTE	
<input checked="" type="checkbox"/> BOTSWANA	<input checked="" type="checkbox"/> EGYPT	<input checked="" type="checkbox"/> ISRAEL	<input checked="" type="checkbox"/> MONACO	<input checked="" type="checkbox"/> RUSSIAN FED...	<input checked="" type="checkbox"/> TOGO	
<input checked="" type="checkbox"/> BRAZIL	<input checked="" type="checkbox"/> EL SALVADOR	<input checked="" type="checkbox"/> ITALY	<input checked="" type="checkbox"/> MONGOLIA	<input checked="" type="checkbox"/> RWANDA	<input checked="" type="checkbox"/> TONGA	
<input checked="" type="checkbox"/> BRUNEI DARUSSAL...	<input checked="" type="checkbox"/> EQUATORIAL GUINEA	<input checked="" type="checkbox"/> JAMAICA	<input checked="" type="checkbox"/> MONTENEGRO	<input checked="" type="checkbox"/> SAINT KITTS-NEVIS	<input checked="" type="checkbox"/> TRINIDAD-TOBAGO	
<input checked="" type="checkbox"/> BULGARIA	<input checked="" type="checkbox"/> ERITREA	<input checked="" type="checkbox"/> JAPAN	<input checked="" type="checkbox"/> MOROCCO	<input checked="" type="checkbox"/> SAINT LUCIA	<input checked="" type="checkbox"/> TUNISIA	
<input checked="" type="checkbox"/> BURKINA FASO	<input checked="" type="checkbox"/> ESTONIA	<input checked="" type="checkbox"/> JORDAN	<input checked="" type="checkbox"/> MOZAMBIQUE	<input checked="" type="checkbox"/> SAINT VINCENT-GR...	<input checked="" type="checkbox"/> TURKMENISTAN	
<input checked="" type="checkbox"/> BURUNDI	<input checked="" type="checkbox"/> ESWATINI	<input checked="" type="checkbox"/> KAZAKHSTAN	<input checked="" type="checkbox"/> MYANMAR	<input checked="" type="checkbox"/> SAMOA	<input checked="" type="checkbox"/> TUVALU	
<input checked="" type="checkbox"/> CABO VERDE	<input checked="" type="checkbox"/> ETHIOPIA	<input checked="" type="checkbox"/> KENYA	<input checked="" type="checkbox"/> NAMIBIA	<input checked="" type="checkbox"/> SAN MARINO	<input checked="" type="checkbox"/> TURKYYE	
<input checked="" type="checkbox"/> CAMBODIA	<input checked="" type="checkbox"/> FIJI	<input checked="" type="checkbox"/> KIRIBATI	<input checked="" type="checkbox"/> NAURU	<input checked="" type="checkbox"/> SAO TOME-PRINCIPE	<input checked="" type="checkbox"/> UGANDA	
<input checked="" type="checkbox"/>	IN FAVOUR: 155		<input type="checkbox"/>	AGAINST: 9		<input checked="" type="checkbox"/>
				ABSTENTION: 9		

⁹ 'General Assembly: 46th Plenary Meeting, 77th Session | UN Web TV' (7 December 2022) <<https://media.un.org/en/asset/k1j/k1jwh0t953>> ('General Assembly').

Methodology

The data collected for this research included official state contributions at the OEWG and UNGA, other official public statements outside of those fora, and a series of interviews with several high-level representatives from governments as well as independent state experts.

As this research was conducted over an eight-week summer research fellowship, a purposive and snowball sampling strategy was employed with a goal to interview around a half dozen states. Interviews were conducted with: Canada, China, the Philippines, the Russian Federation, and South Africa. Interviews were also conducted with a representative from a state in the Non-Aligned Movement (NAM) and two representatives from Western states, indicated as A Western State (1) and (2), all of whom requested anonymity.

Additionally, Nigeria's representative opted to respond to the questionnaire in writing. Unfortunately, representatives from states that abstained at the UNGA were not available to be interviewed in the time allotted for this research. In total, the interviews represent a diverse sample of states both geographically and in how they voted for the resolution.

The interviews were structured with five core questions and six additional questions. Due to time constraints on the part of the interviewees, some elected only to answer the five core questions, while others answered all eleven. The list of questions can be found in Table 1.

Table 1: List of Questions

Core Questions

1. Could you describe the process of coming to your country's stance on the DA-ASAT resolution (A/RES/77/41)?
2. What developments have shaped your country's stance on this?
3. How much of a priority is this issue for your country?
4. Why do you think your country voted the way it did?
5. Do you recall specific issues that were especially contentious?

Optional Questions

6. What do you make of the pledges to not commit destructive DA-ASATs by the United States and 13* other countries?
7. What do you think follows after the UNGA resolution and ongoing pledges?
8. How would you feel about a legally binding resolution regarding DA-ASATs?
9. What is your assessment of the strategic value of DA-ASATs?
10. What concerns you about space security more broadly?
11. What is your assessment of the international space governance framework?

**At the time of conducting the interviews, EU Member States had not yet publicized their pledge of the moratorium.*

Following the data collection, a thematic analysis was conducted using a coding process. Codes were developed, grouped together, and their resulting themes provided the basis for answering this report's research questions.

The following section provides a summary of the findings, including tables of specific state positions as derived from the statements and interviews as well as the overall themes that were developed from the data. Interviews were also conducted with a representative from a state in the Non-Aligned Movement (NAM) and two representatives from Western states, indicated as A Western State (1) and (2), all of whom requested anonymity.

Findings

ON DA-ASAT WEAPONS

Numerous states explicitly consider destructive DA-ASAT tests to be among the most significant threats and top priorities in space. For example:

Table 2: National Positions Expressing Major Concern Over DA-ASAT Tests

STATE	NATIONAL POSITION
A Western State (1)	<p>Interviewee: The issue of destructive DA-ASAT tests is “a high priority.” Their state has always been critical of these tests when they have occurred, concerned by the debris generated by and the destabilizing effects of destructive DA-ASAT tests.</p> <p>A major concern is the risk of misunderstanding and miscalculation escalating into conflict. To wit, because space systems are strategic assets and counterspace weapons have wide ranging effects, any interference by one state in another’s space operations could provoke unpredictable responses, potentially escalating into conflict.</p> <p>They note that a test today would be worse than one 10 years ago due to the significant rise in satellite numbers. This congested environment exacerbates the destabilizing effects of any destructive DA-ASAT test.</p> <p>Measures to reduce destructive DA-ASAT testing benefit space sustainability along with a narrower security objective of reducing the risk of conflict in space.</p>
Brazil	<p>“One of the most pressing initiatives on [PAROS] is the ban on all destructive [ASAT] tests. The testing, development and use of destructive [ASAT] weapons stand as the most serious threat to the security and sustainability of outer space.”¹⁰</p>
Canada	<p>In interviewing the <i>Canadian representative</i>, they reiterated Canada’s long-standing position on ASAT weapons which stretches back almost 40 years. “The destruction of objects and creation of debris is something Canada is vehemently against.” This topic is a priority for Canada from a number of perspectives, especially from the civil side of long-term sustainability, access, and reliance on space.</p>
Egypt	<p>The <i>Egyptian representative</i>, while unavailable to be interviewed, described this topic as “one of the most pressing issues pertinent to international peace and security.”</p>
Republic of Korea	<p>The Republic of Korea representative, while unavailable to be interviewed, stated that their state is “paying great attention to this issue.” Separately, in a presentation by an official from the Republic of Korea’s Disarmament & Non-Proliferation Division on ‘Why a moratorium on ASAT testing is important’, it was said that “ultimately, we reached a whole of government common understanding that destructive DA-ASAT missile testing is one of the most evident and urgent threats to our space assets and activities.”¹¹</p>

10 Brazil, ‘First Committee - Thematic Debate 3 Outer Space (Disarmament Aspects) Statement by the Delegation of Brazil’ (2022) <[https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_\(2022\)/Brazil-C3-26-Oct.pdf](https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_(2022)/Brazil-C3-26-Oct.pdf)>.

11 SPOTLIGHT Talk: Hyerin Kim - Why a Moratorium on Anti-Satellite Testing Is Important (Directed by Secure World Foundation, 16 June 2023) <<https://www.youtube.com/watch?v=hoDfXa6zXU>> (‘SPOTLIGHT Talk’).

STATE	NATIONAL POSITION
United States of America	Described destructive DA-ASAT tests as: “the most pressing threat to all countries using outer space” ¹² in their introduction to the OEWG of their unilateral moratorium; “one of the most pressing issues” and “greatest near-term threat” to space security in their statement to the first committee of the UNGA; ¹³ and as a “clear and pressing threat to space security and sustainability” ¹⁴ in a White House press statement.

Table 3: National Positions Expressing Lesser Concern Over DA-ASAT Tests

STATE	NATIONAL POSITION
People’s Republic of China	In interviewing the <i>China expert</i> , they mentioned that DA-ASAT tests are just one of China’s concerns for arms control and in the space domain.
Russian Federation	In interviewing the <i>Russia expert</i> , they stated that while DA-ASAT tests are probably not the top priority for Russia, space security is a major military security concern, wherein DA-ASAT capabilities feature as a prominent part of the issue. Also, DA-ASAT weapons “are very much interconnected with missile defense technologies both in terms of interceptors and sensors – and through that, it is a part of one of the major military security concerns of Russia that has been in place for decades, the issue of missile defense.”

12 Ploughshares, The Open-Ended Working Group on Space Threats, Recap of the First Meeting (May 2022).

13 UN Web TV, ‘First Committee, 27th Plenary Meeting - General Assembly, 77th Session’ (1 November 2022) <<https://media.un.org/en/asset/k10/k10d5896y9>>.

14 The White House, ‘Vice President Harris Advances National Security Norms in Space’, The White House (19 April 2022) <<https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/18/fact-sheet-vice-president-harris-advances-national-security-norms-in-space/>> (‘FACT SHEET’).

On the Destructive DA-ASAT Testing Moratorium

An open question is why 155 states have voted for A/RES/77/41, yet only 37 have pledged the moratorium. Views on this matter are provided in this section.

Table 4: National Positions on the DA-ASAT Testing Moratorium

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
A Western State (1)	<i>Interviewee:</i> When the United States made their unilateral pledge, the <i>interviewee's</i> state welcomed the move. This led to their state making a similar commitment shortly after.	Contd.: Internal consultations highlighted compelling reasons to back the moratorium (e.g., concerns over space debris and the destabilizing effects of destructive DA-ASAT tests). The moratorium and resolution are examples of responsible behaviour. Because these commitments are verifiable, they have the advantages of being both implementable and beneficial.
Brazil	"The commitment to end these tests would be a first but significant step towards an improved environment for the negotiations on outer space security, notably on PAROS." ¹⁵ Encouraged other states to make the pledge. ¹⁶	Interestingly, has not made the pledge themselves at the time of writing.
Canada	Stated that "this is a first step, but it represents the most significant progress we have achieved to date. It is from humble measures that momentum for greater ones are built." ¹⁷	The Canadian representative describes the pledges as a good move. "One of the things Canada has wanted to do along with key allies is to come to a consensus on developing this body of norms of responsible behaviour in space." The unilateral pledges are the development of one such norm which could eventually lead to a legally binding instrument (LBI). The pledges will help dictate behaviour in space and, more importantly, enable the calling out of bad behaviour. It should be observed whether, over the next few years, there is momentum which could coalesce around a potential treaty – and if not, hopefully more states will continue to make the pledges nonetheless.
People's Republic of China	Welcomed any arms control initiative that contributed to PAROS but also expressed concern about the narrow scope of the declaration and suggested that it was a means of seeking advantage under the guise of arms control. ¹⁸ *Also see joint statement below.	The China expert questions whether states have a strong will to work on a LBI despite having made their pledges. Even if a LBI was agreed on, they expressed concern that "for a state whose survival is at stake, they will seriously consider the strategic option of using destructive DA-ASAT weapons even if they have signed up to any treaty, resolution, or pledge."

15 Brazil (n 10).

16 Ploughshares, 'The Open-Ended Working Group on Space Threats, Recap of the First Meeting' (n 12).

17 Canada, 'Canadian Statement, Open-Ended Working Group on Reducing Space Threats First Session' (2022) <<https://documents.unoda.org/wp-content/uploads/2022/05/Canada-General-Statement-for-Translators-OEWG-Space-Threats-Session-bilingual.pdf>>.

18 Ploughshares, 'The Open-Ended Working Group on Space Threats, Recap of the First Meeting' (n 12).

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
Russian Federation	<p>“Noted that the declaration was a positive response to practical initiatives on PAROS.”¹⁹</p> <p>Views the decision of United States of America to undertake a political commitment to not carry out disruptive DA-ASAT missile testing, and the initiative to submit a resolution on that front as a purely declarative step (i.e., of no, or negative, value).²⁰</p> <p>Described the moratorium as “a political ploy to deny states without such capability a ‘shield’ for their space assets.”²¹</p> <p>*Also see joint statement below.</p>	<p>Described the pledge as too narrow, leaving open both the development of kinetic ASAT systems and non-destructive testing²² and without a definition of ASAT test.²³</p> <p>Interviewee: “[The pledges are] noted. There is always a concern that this is some kind of cunning plan to deprave Russia of capabilities while retaining their capability. Another important question whether there will be readiness to draw a line between what is DA-ASAT or missile defense test.”</p>
<p>*Joint Statement:</p> <p>Belarus</p> <p>Democratic People’s Republic of Korea</p> <p>Nicaragua</p> <p>People’s Republic of China</p> <p>Russian Federation</p> <p>Venezuela</p> <p>Syrian Arab Republic</p>	<p>“Consider the suggestion to undertake political commitment not to conduct destructive [DA-ASAT] tests to be a step in the right direction” but “insufficient” to guarantee the peaceful use of outer space and PAROS.²⁴</p>	N/A

19 Ibid.

20 UN Web TV (n 13).

21 Ploughshares, The Open-Ended Working Group on Space Threats, Recap of the Third Session (June 2023).

22 Ploughshares, ‘The Open-Ended Working Group on Space Threats, Recap of the First Meeting’ (n 12).

23 Ploughshares, The Open-Ended Working Group on Space Threats: Recap of the Second Meeting (September 2022).

24 Russian Federation, ‘Joint Statement on the Initiative on Undertaking Political Commitment Not to Conduct Destructive Direct-Ascent Anti-Satellite Missile Tests’ (26 October 2022) <[https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_\(2022\)/Statement_by_Russian_Federation.pdf](https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_(2022)/Statement_by_Russian_Federation.pdf)>.

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
South Africa	<p><i>Interviewee</i> stated that there is currently no South African stance on the destructive DA-ASAT testing moratorium.</p> <p>Pledging as such would be a high-level decision involving all relevant stakeholders and technical expertise. On the other hand, the resolution with only three operational paragraphs was easier to support, especially as it involved negotiations at a political level*</p>	<p>*Speaking in the <i>interviewee's</i> personal capacity, in answering why more states have not made the pledge, they stated that such a pledge would have to involve significant technical expertise and substantive discussions.</p> <p>They stressed the point that whereas developed states have teams of technical and legal experts to advice and aid in the decision-making process, developing states from the African region and elsewhere find it difficult to pledge the moratorium because of insufficient technical and legal expertise.</p> <p>For instance, to what exact extent will destructive DA-ASAT testing affect a state's space programme? What threats could emerge, and how do they affect this decision-making calculus? Diplomats must package, qualify, and justify such information when convincing Capital to do something (e.g., making the pledge).</p> <p>The lack of a thorough understanding makes it extremely difficult to make such a significant high-level commitment. "It is a very, very important factor."</p> <p>Additional emphasis was placed on the disparities in developmental milestones and technological progress between developed and developing states. There is a sense that developed states, having reached certain developmental milestones, are now telling developing states to not reach the same milestones (e.g., DA-ASAT capabilities). But "we are also developing, so we should not need be blocked from getting to a [similar] level."</p> <p>They call for developed states to "help us to get there as well" so that developing states can better understand the perspectives and concerns of developed states.</p>
Sri Lanka	<p>"Welcomes the recent commitment by several states not to conduct [DA-ASAT] missile testing which we believe is a positive initial step in the right direction."²⁵</p>	<p>Note that Sri Lanka has not made the commitment.</p>

25 Sri Lanka, 'Statement by Mr. Sugeeshwara Gunaratna Deputy Permanent Representative of Sri Lanka' (2022) <[https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_\(2022\)/Sri-Lanka-C3-26-Oct.pdf](https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_(2022)/Sri-Lanka-C3-26-Oct.pdf)>.

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
Switzerland	"We welcome the announcements made by a number of States not to conduct destructive, direct-ascent ASAT missile tests in space... We hope that such commitments will contribute to the adoption of further measures to prevent an arms race in outer space and appropriate binding international norms." ²⁶	Notably, specifically called on states that have conducted destructive DA-ASAT tests to commit to the moratorium. ²⁷
The Philippines	Interviewee: "The Philippines is considering suggestions to declare a moratorium on DA-ASAT. The Philippines does not have capabilities to conduct DA-ASAT."	Contd.: "Those that have the capabilities should be the ones to declare such a moratorium. While building norms against DA-ASAT is important, they should not be politicized."
United States of America	"Commits not to conduct destructive, direct-ascent anti-satellite (ASAT) missile testing, and that the United States seeks to establish this as a new international norm for responsible behaviour in space." ²⁸	Multiple statements that the moratorium is just a first step "that could provide the basis for future arms control agreements [and] new norms of responsible behaviour, and not the only outcome desired or needed the OEWG." ²⁹ Audrey Schaffer, Director for Space Policy at the National Security Council, highlights the distinction that the resolution doesn't commit states to the norm. Instead, it encourages states to make national commitments to the norm by pledging a moratorium. "It's not enough for 155 countries... to vote in support of the idea. To truly establish an internationally recognised norm banning destructive DA-ASAT tests, we need a critical mass of nations to actually make the commitment. We have to continue the drumbeat of nations making commitments to the emerging international norm." ³⁰
The European Union	"Concerned that the use of destructive ASAT systems might have widespread and irreversible impacts on the outer space environment, the Member States of the EU consider such commitment as an urgent and initial measure aimed at preventing damage to the outer space environment, while also contributing to the development of further measures for PAROS." ³¹	"The EU welcomes this joint commitment," said an EU spokesperson, noting that it did not apply to the European Union itself: "However, this not a commitment by the EU as this potential behaviour would fall outside of the competences of the EU." ³²

26 Switzerland, 'Thematic Debate on Outer Space' (2022) <https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com22/statements/26Oct_Switzerland.pdf>.

27 Ploughshares, 'The Open-Ended Working Group on Space Threats: Recap of the Second Meeting' (n 23).²⁷plainCitation": "Ploughshares, 'The Open-Ended Working Group on Space Threats: Recap of the Second Meeting' (n 23

28 The White House, 'FACT SHEET: Vice President Harris Advances National Security Norms in Space', The White House (19 April 2022) <<https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/18/fact-sheet-vice-president-harris-advances-national-security-norms-in-space/>>.

29 Ploughshares, 'The Open-Ended Working Group on Space Threats, Recap of the First Meeting' (n 12).

30 SPOTLIGHT Talk: Audrey Schaffer - Why a Moratorium on Anti Satellite Testing Is Important (Directed by Secure World Foundation, 16 June 2023) <<https://www.youtube.com/watch?v=Te1CN8343rw>>.

31 European Union, 'EU Joint Contribution on the Works of the Open-Ended Working Group on Reducing Space Threats through Norms, Rules and Principles of Responsible Behaviours. Fourth Part: Recommendations on Possible Norms, Rules and Principles of Responsible Behaviour Relating to Threats by States to Space Systems' (June 2023) <[https://docs-library.unoda.org/Open-Ended_Working_Group_on_Reducing_Space_Threats_-_ \(2022\)/EU_joint_contribution_to_OEWG_works_on_norms_of_responsible_behaviours.pdf](https://docs-library.unoda.org/Open-Ended_Working_Group_on_Reducing_Space_Threats_-_ (2022)/EU_joint_contribution_to_OEWG_works_on_norms_of_responsible_behaviours.pdf)>.

32 Jeff Foust, 'European Union Nations Join ASAT Testing Ban', SpaceNews (24 August 2023) <<https://spacenews.com/european-union-nations-join-asat-testing-ban/>>.

Reasons States Voted For the Resolution

REASONS GIVEN CAN BE GROUPED AS FOLLOWS:

Supportive of Norms as a Governing Mechanism and/or Building Block towards Legally binding Initiative(s)

- Resolution is effective despite being non-legally binding and could possibly mark progress towards a legally binding measure

Supportive of a 'Capability Neutral Approach'

- Resolution does not target technology, only the use thereof, thus allowing for the advancement of technical capability

Supports the Promotion of Transparency and Confidence Building Mechanisms

- Resolution meets the criteria as contained in the report of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities (A/68/189)

Addresses the Concerns of Developing States

- Resolution addresses and/or acknowledges concerns such as debris, access to space, equitable access, and due regard

Diplomacy from the United States

- Responses to efforts by the United States to garner support for the resolution

Supportive Despite Narrowness of the Resolution

- Recognises that the resolution focuses only on the testing of destructive, direct-ascent anti-satellite missiles; believes that it is still beneficial and could serve a stepping stone towards more comprehensive measures

Geopolitical Influences

- States voting 'yes' with like-minded states and allies; states voting in favour in spite of the resolution's heavily politicized nature

Concerned by Previous Destructive Direct-Ascent Anti-Satellite Missile Testing

- Resolution and votes in favour were prompted by alarm over previous destructive direct-ascent anti-satellite missile tests

Resolution Positively Affects/Does Not Negatively Impact National Security

- Resolution benefits national security – or, at the very least, does not detract from it

Table 5: Reasons States Voted For the Resolution

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
GROUP 1: SUPPORTIVE OF NORMS AS A GOVERNING MECHANISM AND/OR BUILDING BLOCK TOWARDS LBI(S)		
A Western State (1)	<i>Interviewee:</i> Notes that for their state, there is little practical difference between a LBI and a politically binding commitment; having made a pledge against destructive DA-ASAT testing, the commitment will be taken seriously and will be implemented.	N/A
Brazil	Supported both the No First Placement and the destructive DA-ASAT testing resolutions. “Noting that both efforts are insufficient, it argued that partial commitments can lead to more comprehensive measures.” ³³ Because efforts to achieve an LBI has “fallen well short... Brazil has decided to support a ‘bottom-up’ approach: the gradual development of voluntary norms, rules, and principles to strengthen the basis for a deeper conversation on normative elements” to “gradually pave the way for a future LBI.” ³⁴	Cites “erosion of mutual trust among major space powers” as a key ingredient to the failure of negotiating an LBI – and as a reason to support the a ‘bottom-up’ approach, believing that it will foster “much-needed mutual trust... to pave the way for a future [LBI].” ³⁵ “Existing divisions in perception among members do recommend that we take a less direct approach... Without trust and compromise [such as transparency and displays of actual responsible behaviour] the PAROS agenda will hardly progress.” ³⁶
Canada	<i>Interviewee:</i> “One of the things Canada has wanted to do along with key allies is to come to a consensus on developing this body of norms of responsible behaviour in space.” With regards to existing space treaties, lots of behaviour are not illegal, but not necessarily responsible. Canada wants to ensure that there are norms of behaviour which can govern what states can and can’t do, reducing the risk of misperceptions and miscalculations.”	<i>Contd.:</i> “Getting [any] LBI in this day and age is very difficult. It would be a very long process.” Usually, the development of treaties stems from consensus over norms. Therefore, the development of norms could eventually lead to an LBI. The unilateral pledges are the development of one such norm which could eventually lead to an LBI. The pledges will help dictate behaviour in space and, more importantly, enable the calling out of bad behaviour. It should be observed whether, over the next few years, there is momentum which could coalesce around a potential treaty – and if not, hopefully more states will continue to make the pledges nonetheless. The resolution could possibly form a part of a broader treaty in the future.
Egypt	Supports the resolution as a complement to existing initiatives with aims to elaborate on rules that could pave the way to LBIs.	“This initiative should be a first step towards elaborating legally binding rules that will that would not be limited to the direct ascent missiles but PAROS in all its aspects... [and] pave the way to the urgent commencement without further delay of [such] negotiations.” ³⁷

33 Ploughshares, ‘The Open-Ended Working Group on Space Threats, Recap of the Third Session’ (n 21).

34 Brazil (n 10).

35 Ibid.

36 Ibid.

37 UN Web TV (n 13).

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
France	Describes the resolution as: a first step towards a standard that must become universal; and proof that progress can be made to make space safe and conflict-free. ³⁸	Notes that the draft treaty on Prevention of the Placement of Weapons and Threat or Use of Force (PPWT) and related initiatives do not address all threats such as ground-to-space (e.g., destructive DA-ASAT testing). ³⁹
Germany	Called for a universal norm against destructive ASAT tests. ⁴⁰	N/A
Indonesia	Recognizes the value of various voluntary and practical measures such as this resolution. ⁴¹	The resolution is a “stepping stone that could lead or contribute to the development of a LBI on PAROS.” ⁴²
Israel	Holds a long-standing position that in outer space, continuous adaptations and a gradual approach must be taken. As such, it prefers norms and soft law over LBIs. ⁴³	Notably, Israel “dissociates itself from [Paragraph 3] and any reference to a LBI in this context.” ⁴⁴ Paragraph 3 of the resolution ‘Calls upon all States to... establish and develop further practical steps that could... contribute to LBIs on PAROS.’
Japan	“The Government of Japan decided not to conduct destructive, direct-ascent anti-satellite (ASAT) missile testing in order to actively promote discussions in the international fora concerning the development of norms of responsible behaviour in outer space.” ⁴⁵	“This decision is a result of the Government of Japan’s considerations after the United States Government’s announcement not to conduct destructive, direct-ascent anti-satellite (ASAT) missile testing in April. “The Government of Japan will continue to play an active role to achieve secure, stable and sustainable outer space including the development of norms of responsible behaviour in outer space.” ⁴⁶
Mexico	Voted “in accordance with the search for general disarmament under international control” and supports “any measure aimed at preventing outer space from being militarized and used as a theatre for armed conflict.” ⁴⁷ In favour of creating new frameworks complementary to existing ones. ⁴⁸	Reiterates that the resolution is not a substitute to an LBI. ⁴⁹
New Zealand	“It seems to us that voluntary as well as LBIs can play a part in preventing an arms race in outer space. And we need to further discuss both types of approach.” ⁵⁰	N/A

38 France, ‘Intervention de Mme Camille PETIT Ambassadrice, Représentante Permanente de La France Auprès de La Conférence Du Désarmement’ (2022) <[https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_\(2022\)/Statement_by_France.pdf](https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_(2022)/Statement_by_France.pdf)>.

39 Ibid.

40 Ploughshares, ‘The Open-Ended Working Group on Space Threats, Recap of the First Meeting’ (n 12).

41 UN Web TV, ‘First Committee, 28th Plenary Meeting - General Assembly, 77th Session | UN Web TV’ (1 November 2022) <<https://media.un.org/en/asset/k1s/k1sgl6jv3z>>.

42 Ibid.

43 Ibid.

44 Ibid.

45 ‘Decision Not to Conduct Destructive, Direct-Ascent Anti-Satellite Missile Testing’ <https://www.mofa.go.jp/press/release/press3e_000451.html>.

46 Ibid.

47 UN Web TV (n 41).

48 Ibid.

49 Ibid.

50 Ibid.

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
Nigeria	<p>Interviewee: “A commitment by states not to conduct destructive direct-ascent ASAT testing; it is in this connection that Nigeria voted in favour of the resolution on ASAT testing. Though not binding, the resolution could pave the way for the promotion of more binding measures in the future. This is something Nigeria would be willing to fully support.”</p> <p>Nigeria has and will continue to advocate for the establishment of more binding measures to regulate space-related activities.</p> <p>Advances space security through “norms, rules, and principles of responsible behaviours, predicated on the principle of equity and equality.”</p>	N/A
Republic of Korea	<p>“We also looked at the voluntary nature of the commitment [against destructive DA-ASAT testing] and how this will affect the shaping of global norms” and “how this will affect our and our adversaries’ capabilities and behaviours,” facilitated by “Korea’s position towards a safe secure and sustainable space environment and our aspiration to develop norms of responsible behaviour in outer space.”⁵¹</p>	<p>The relevant Ministries formed “a common understanding of the dire necessity of developing space norms. South Korea believed that it is in our national interest to develop norms on destructive DA-ASAT missile testing to clarify that such behaviour will not be deemed acceptable within the international community.”⁵²</p>
South Africa	<p>The interviewee stated that South Africa was very supportive of the resolution as it could be a valuable stepping stone.</p> <p>South Africa generally prefers LBIs, but it is not a hard rule. South Africa supports both LBIs and non-legally binding measures that would ultimately lead to PAROS.</p>	<p>Contd.: Destructive DA-ASAT tests are an important issue that is a part of the wider PAROS agenda. And in the context of the stalemate surrounding PAROS, working on DA-ASAT tests could spur wider progress. PAROS is South Africa’s top priority.</p> <p>Additionally, they noted that one contentious point during discussions was the divide between states ready to negotiate an LBI versus those that prefer alternatives such as a step-by-step process, a code of conduct, or a declaration; measures with less legally binding implications.</p> <p>Further, even for pro-LBI states, there was a divide between those in favour of a narrow LBI (e.g., only on ASAT weapons) versus a whole-encompassing LBI, According to the South African representative’s personal opinion, because of the stalemate around PAROS, the United States opted to tackle the problem of the problem of destructive DA-ASAT testing which is “a smaller part of the whole,” and to run with it, to see how it would evolve.</p>

51 SPOTLIGHT Talk: Hyerin Kim - Why a Moratorium on Anti-Satellite Testing Is Important (n 11).

52 Ibid.

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
The Philippines	<p>Emphasized that norms are one way to ensure the secure functioning of space programs which are essential for sustainable development.⁵³</p> <p>Interviewee: “The Philippines believes that the absence of agreed norms heightens the risks and threats to outer space security.”</p>	<p>Contd.: “The debate on the commencement of negotiations for legally binding instruments on the prevention of outer space (PAROS) must not hinder progress on practical consensus measures that will enhance outer space security.</p> <p>“It is in this context that President Ferdinand R. Marcos, Jr. has called on this General Assembly last month to define the norms of responsible behavior in outer space.”</p>
United Kingdom	<p>“We acknowledge that many States are in favour of a legally binding instrument to prevent an arms race in outer space. We also recognise that an increasing number of States see value in first establishing norms, rules and principles of responsible behaviours which complement existing international law, and, whilst they might be non-legally binding, can act as practical and pragmatic steps towards legally binding measures in the future.”⁵⁴</p>	<p>“Such an approach allows us to build trust and confidence in the ability and willingness of States to comply with these norms, rules and principles before considering whether they could be enshrined in new legally binding instruments.”⁵⁵</p>
United States of America	<p>“In order to encourage restraint and develop a norm against such tests, the United States will submit a resolution calling upon all countries to commit not to conduct destructive direct-ascent anti-satellite missile tests.”⁵⁶</p>	<p>“We recognize that many nations have no intentions of developing testing or deploying DA-ASAT capabilities, but regardless of whether or not a particular state has this kind of capability or the intention to develop one, it’s nonetheless valuable for as many states as possible to publicly commit to this norm of responsible behaviour because that is how we establish international norms. It’s not enough for just one state or two countries or even 13 countries to make a commitment and then say okay we’re done we have an international norm.”⁵⁷</p>
Vietnam	<p>This resolution “achieves the general goal of PAROS [and] should be complemented by other various measures that address the issue in a comprehensive manner.”⁵⁸</p>	N/A
Association of Southeast Asian States	<p>Reiterates “the urgent need for the commencement of substantive negotiations in the Conference on Disarmament on a [LBI on PAROS].”⁵⁹</p>	<p>Note that 9 out of 10 ASEAN states voted in favour of the resolution; Laos abstained.</p>

53 Ploughshares, ‘The Open-Ended Working Group on Space Threats: Recap of the Second Meeting’ (n 23).

54 United Kingdom, ‘Thematic Debate on Outer Space (Disarmament Aspects) Statement by the United Kingdom’ (2022) <[https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_\(2022\)/United-Kingdom-C3-26-Oct.pdf](https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_(2022)/United-Kingdom-C3-26-Oct.pdf)>.

55 Ibid.

56 The White House (n 28).

57 SPOTLIGHT Talk: Audrey Schaffer - Why a Moratorium on Anti Satellite Testing Is Important (n 30).

58 UN Web TV (n 41).

59 Malaysia, ‘Statement by H.E. Mr. Syed Mohd Hasrin Aidid, Permanent Representative of Malaysia to the UN, on Behalf of the Association of Southeast Asian Nations’ (2022) <[https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_\(2022\)/Statement_by_Malaysia.pdf](https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_(2022)/Statement_by_Malaysia.pdf)>.

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
The European Union	<p>Czechia, on behalf of member states of the EU “The following states also align themselves with this statement, North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Iceland, Norway, as well as Canada.</p> <p>“The EU and its member states welcome and support the new US resolution on destructive DA-ASAT missile testing... Without exploring the possibility of new legally binding instruments in the future, the EU and its member states believe that an approach based on behaviours is the most pragmatic and immediate way forward to improve space security today.”⁶⁰</p>	<p>“The EU and its Member States are committed to reduce space threats and preserve the peaceful use of outer space using a step by step approach towards possible legally binding instruments in the future.</p> <p>“They believe that, given the dual-use nature of many space systems, an approach based on responsible behaviours, supported by relevant monitoring capabilities, is the most pragmatic and immediate way forward to improve space security today.”⁶¹</p>
The Non-Aligned Movement	<p>Underscores that “while voluntary TCBMs may partially contribute to reducing mistrust and enhancing the safety of outer space operations in the short-term” they “cannot represent a substitute for... an [LBI].”⁶²</p>	<p>“In describing the position of the Non-Aligned Movement, to which it belongs, Venezuela labelled the OEWG approach as complementary to, but not replacing, law.”⁶³</p>
GROUP 2: SUPPORTIVE OF A ‘CAPABILITY NEUTRAL APPROACH’		
Australia Canada Israel* Japan The Philippines United States of America	<p>Capability neutral can be understood as measures to mitigate threats that do not focus on technology, but on the uses of technology.</p> <p>The argument goes that due to the constant technological developments and changes in space activities in the new space era, the development of technology should not be constrained.</p>	<p>“States [that] support the pursuit of norms of responsible behaviour in outer space [insist] that a focus on norms rather than an agreement that would restrict access to, or the development of, technology is preferable precisely because it does not constrain the development of technical capabilities.”⁶⁴</p> <p>*“Israel’s long standing position holds that due to the constant technological developments in outer space, and the changes in space activities in the new space era, continual adaptations are required and the gradual approach, preferring norms and soft law over the legally binding instruments, must be taken.”⁶⁵</p>

60 UN Web TV (n 13).

61 European Union (n 31).

62 Indonesia, ‘Draft Statement by the Republic of Indonesia on Behalf of the Non-Aligned Movement’ (2022) <[https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_\(2022\)/Statement_by_Indonesia.pdf](https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_(2022)/Statement_by_Indonesia.pdf)>.

63 Ploughshares, ‘The Open-Ended Working Group on Space Threats: Recap of the Second Meeting’ (n 23).

64 Ibid.

65 UN Web TV (n 41).

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
GROUP 3: SUPPORTS THE PROMOTION OF TRANSPARENCY AND CONFIDENCE BUILDING MECHANISMS		
France* Israel United States of America	<p>Some states stated beliefs that the resolution is a valid as a Transparency and Confidence Building Mechanism (TCBM).⁶⁶</p> <p>They argue that TCBMs can reduce risks such as misunderstanding and misinterpretations, enhancing stability in space.</p>	<p>The United States argues that the voluntary commitment meets the requirements for a Transparency and Confidence Building Mechanism (TCBM) in fora such as the OEWG⁶⁷ and the UNGA First Committee⁶⁸ because it is clear and precise, can easily be confirmed by others, and eliminates a source of mistrust or misunderstanding.⁶⁹</p> <p>*Convinced that the most concrete and immediately pragmatic and applicable method to strengthen trust is to distinguish responsible behaviour from that which threatens or undermines space safety and security."⁷⁰</p>
GROUP 4: ADDRESSES THE CONCERNS OF DEVELOPING STATES		
Brazil	Argued that the risk of harm from debris was greater for developing states with more modest space activities and assets and less capabilities to monitor the space environment or manoeuvre their assets. ⁷¹	The Philippines echoes the concern over increased vulnerability to space debris.
Nigeria	<p>Interviewee: "The abolishment of ASAT testing would certainly promote the reduction of space debris capable of causing harm to space assets of other countries such as Nigeria."</p> <p>Stated that because it takes a huge number of resources to have a functioning satellite in orbit, it is important that there should be a reduction of space debris that could pose a threat to such space assets. "The fact that such damages... could also disrupt the public-oriented services they support in the country is equally a major problem for Nigeria."</p> <p>Majorly concerned by the issue of a possible arms race in outer space.</p>	Contd.: "As a developing country whose space-related activities is largely predicated on the use of space systems for strictly peaceful uses such as: economic development, commercial services as well as defence systems; it is important to highlight that, investments into space assets to serve the aforementioned purposes must be safeguarded."

66 Ibid.

67 Ploughshares, 'The Open-Ended Working Group on Space Threats: Recap of the Second Meeting' (n 23).

68 UN Web TV (n 13).

69 United States of America, 'Aide-Memoire on Proposed UN General Assembly Resolution on Destructive Direct-Ascent Anti-Satellite Missile Testing' (2022) <https://documents.unoda.org/wp-content/uploads/2022/09/A_AC294_2022_WP21_USA-ae.pdf>.

70 France (n 38).

71 Ploughshares, 'The Open-Ended Working Group on Space Threats, Recap of the Third Session' (n 21).

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
The Philippines	<p>Argued that the risk of harm from debris was greater for developing states with more modest space activities and assets and less capabilities to monitor the space environment or manoeuvre their assets.⁷²</p> <p>Interviewee: “The Philippines is particularly concerned about any deliberate debris-creating behaviors, including kinetic direct-ascent anti-satellite tests and uncoordinated launches and uncoordinated and uncontrolled re-entry. It is in this context that the Philippines supported the DA-ASAT resolution as one of the many measures the international community can take on space debris.”</p>	<p>Brazil echoes the concern over increased vulnerability to space debris.</p> <p>Vietnam echoes the argument for equitable access to space.</p> <p>Contd.: “Like many developing countries, the Philippines is becoming increasingly reliant on space-based infrastructure. The Philippines has a modest space program that we intend to expand. Access to outer space as an inalienable right of developing countries. The Philippines has a direct interest in outer space security, a topic that should never be an exclusive preserve of a few major spacefaring states.</p> <p>“The Philippines views outer space not only as a global common, but as a common heritage of humankind. All nations have the right to the peaceful uses of outer space, but this right must be exercised with due regard to the rights and interests of others, and to the preservation of outer space for future generations. Spacefaring nations are mere stewards for future generations.”</p>
Vietnam	<p>The resolution supports a consistent policy to “support and promote the right of all states to explore and use outer space for peaceful purposes in accordance with international law.”⁷³</p>	<p>The Philippines echoes the argument for equitable access to space.</p>
Association of Southeast Asian States	<p>Reiterates importance of access to, non-appropriation of, capacity-building for, and ensuring that humanity collectively benefit from space.⁷⁴</p>	<p>Note that Laos was the only ASEAN state that did not vote in favour of the resolution, having abstained instead.</p>
GROUP 5: DIPLOMACY FROM THE UNITED STATES		
Canada	<p>Interviewee: “The United States did a lot of work in shoring up support for it.”</p>	<p>N/A</p>
South Africa	<p>Interviewee: “There was a process of building up to the resolution which involved informal sessions where the United States would explain the impact and effects of debris. Other informal meetings were organised by the United States (along with the Secure World Foundation) to share relevant research on destructive DA-ASAT missile testing.”</p>	<p>Contd.: “Through these processes, the United States sought to get other countries to pledge the moratorium. South Africa’s Capital was briefed on these informals and was convinced of the issue of space debris.</p> <p>“These processes were a key driver behind South Africa’s support for the resolution. South Africa was also motivated to support the resolution because of the existing stalemate surrounding the PAROS agenda.”</p>

72 Ibid.

73 UN Web TV (n 41).

74 Malaysia (n 59).

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
GROUP 6: SUPPORTIVE DESPITE THE NARROWNESS OF THE RESOLUTION		
Austria Brazil* Germany† Japan New Zealand The Philippines The United Kingdom	Advocated for an extension to no destructive tests of any counterspace capabilities, and no engagement in destructive activities (e.g., deliberate collisions or using non-kinetic capabilities such as lasers) that cause debris. ⁷⁵	*Argued for a ban on all destructive ASAT tests. ⁷⁶ †Germany also suggested banning not just the use of kinetic co-orbital counterspace capabilities but the threat of their use. ⁷⁷
Japan The United States of America*	"Proposed to limit all destructive or otherwise intentional actions that cause debris." ⁷⁸	*Recognizes that the resolution is "limited to one threat... and that the commitment is not contained in a proposed legally binding treaty text." ⁷⁹
Mexico	"Concerned that there is no explicit prohibition in the text." ⁸⁰	N/A
Switzerland	"Proposed that all use of ASAT capabilities, terrestrial and space-based, that produce debris should be banned." ⁸¹	N/A
Association of Southeast Asian States	"Reaffirms the need for [addressing] the issue of missiles in all its aspects, negotiated multilaterally within the UN." ⁸²	Note that Laos was the only ASEAN state that did not vote in favour of the resolution, having abstained instead.

75 Ploughshares, 'The Open-Ended Working Group on Space Threats, Recap of the Third Session' (n 21).

76 Ibid.

77 Ibid.

78 Ibid.

79 UN Web TV (n 13).

80 UN Web TV (n 41).

81 Ploughshares, 'The Open-Ended Working Group on Space Threats, Recap of the Third Session' (n 21).

82 Malaysia (n 59).

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
GROUP 7: GEOPOLITICAL INFLUENCES		
Canada	<i>Interviewee:</i> “Canada is keen to maintain strong, friendly relations with its allies, which is always a factor when co-signing resolutions.”	<i>Contd.:</i> “[The] geopolitical situation on Earth plays out in space – any tensions on the ground bleed into other domains. Space is no exception to that. [The] Ukraine conflict and broader geopolitical standoff prevents consensus on important issues.” Political deadlock plays out in consensus-based multilateral forums, which prevents the achieving of lots of worthwhile objectives that should not be affected by other situations. Currently, this is the <i>interviewee’s</i> biggest concern.
South Africa	<i>Interviewee:</i> “Geopolitics at the moment [means] that it’s very difficult to reach consensus in any negotiation. It’s not only space, it’s nuclear and so many other things within the disarmament fora that has taken a backseat for a number of years.” They note that while the problem of reaching consensus has existed for years, current geopolitics exacerbates this issue	<i>Contd.:</i> “Because of these difficulties, South Africa takes a pragmatic approach towards space security. While their priority is an LBI on PAROS, “let’s try and look at other shapes that could fit into the square.”
GROUP 8: CONCERNED BY PREVIOUS DESTRUCTIVE DA-ASAT TESTS		
A Western State (1)	<i>Interviewee:</i> noted that Russia’s 2021 destructive DA-ASAT test had a very significant impact on the operations of other satellites and has reinforced the notion that destructive DA-ASAT tests are a bad idea.	N/A
Republic of Korea	Previous destructive DA-ASAT tests are “a direct threat to space assets and the long-lived space debris created during the testing poses a great risk and threat... this is why we expressed our concern regarding [Russia’s] ASAT missile testing in November 2021” and “explains our national position towards destructive [DA-ASAT] testing.” ⁸³	N/A
United States of America	“When we learned on November 15, 2021, that Russia had deliberately carried out destructive DA-ASAT missile tests... I think that moment really spurred us to action. “And so that’s why just a few months later... the United States announced it would take a leadership role on this issue, committing to refrain from this kind of testing and encouraging other nations to follow suit.” ⁸⁴	N/A

83 SPOTLIGHT Talk: Hyerin Kim - Why a Moratorium on Anti-Satellite Testing Is Important (n 11).

84 SPOTLIGHT Talk: Audrey Schaffer - Why a Moratorium on Anti Satellite Testing Is Important (n 30).

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
GROUP 9: RESOLUTION POSITIVELY AFFECTS/DOES NOT NEGATIVELY IMPACT NATIONAL SECURITY		
A Western State (2)	According to a high-ranking official from an allied US state who requested anonymity, “the United States is quite keen to preserve a certain flexibility to operate in space”, and this was taken into account in the construction of the resolution’s specific wording of destructive, direct-ascent.	N/A
Canada	<i>Interviewee:</i> When it came to the decision to join the resolution, Canada undertook internal consultations, which were held to ensure that everyone was on the same page, and for due diligence purposes.	N/A
South Africa	<i>Interviewee:</i> Multilateral discussions on space are critical, timely, and relevant because of the rapid pace of technological development. It is important to develop technological expertise and raise awareness of these issues that are important to and threaten the international community.	<i>Contd.:</i> Describes space disarmament as “an emerging new kid on the block that really needs attention... in terms of data, discussions, technical expertise... it really needs to be nurtured; the discussions should continue.”
United States of America	According to Audrey Schaffer, Director for Space Policy at the National Security Council, the United States “is leading the way on this issue because we believe it’s in our [national security and economic] interests.” ⁸⁵ Accordingly, the Department of Defense was “one of the earliest and biggest proponents of [the moratorium].” ⁸⁶	N/A

85 Ibid.

86 KEYNOTE: Fireside Chat with Lt Gen John Shaw on the Future of Military Space Activities (Directed by Secure World Foundation, 16 June 2023) <<https://www.youtube.com/watch?v=gUd6lmupyhI>> (‘KEYNOTE’).

Reasons States Voted Against the Resolution

In a joint statement, Belarus, China, the Democratic People's Republic of Korea, Nicaragua, Syria, Venezuela, and Russia "consider the suggestion to undertake political commitment not to conduct destructive [DA-ASAT] tests to be a step in the right direction" before referring to it as "insufficient" to guarantee the peaceful use of outer space and PAROS.⁸⁷

REASONS FOR THEIR OBJECTION CAN BE GROUPED AS FOLLOWS:

Believes that Legally binding Instruments must be the First Step

- Extremely opposed to any space security measure that is not a legally binding instrument

'Sword & Shield' Suspicions

- Resolution provides the United States, having already tested direct-ascent anti-satellite missile technology, both an offensive 'sword' and a deterring 'shield', while preventing other states from gaining the defensive benefits of developing this capability

Moralizing Rhetoric

- Resolution's framing of responsible versus irresponsible behaviour is a disagreeable rhetoric

Opposition Because of the Narrowness of the Resolution

- Resolution is ineffective—and may worsen space security—due to its focus on anti-satellite missiles only of a destructive and direct-ascent nature

Geopolitical Influences

- States voting 'against' with like-minded states and allies; states abstaining because of the resolution's heavily politicized nature

Concern and Suspicion over Past Rhetoric

- Distrust over the reasons behind and merits of the resolution due to previous statements made by the United States

Concerned by Previous Destructive Direct-Ascent Anti-Satellite Missile Testing

- Resolution is hypocritical and its merits suffer due to previous testing by the United States

Resolution Negatively Affects/Does Not Improve National Security

- Resolution worsens national security – or, at the very least, does not improve it

87 Russian Federation, Joint Statement on the Initiative on Undertaking Political Commitment Not to Conduct Destructive Direct-Ascent Anti-Satellite Missile Tests (n 24).

Table 6: Reasons States Voted Against the Resolution

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
GROUP 1: BELIEVES THAT LBIS MUST BE THE FIRST STEP		
Cuba	<p>“This text simply calls on states to commit to not engage in destructive testing using these DA-ASAT missiles. This is a commitment that has no legal value or standing whatsoever... There’s also the issue of a lack of binding norms [and] specific instrument”⁸⁸ which is detrimental to promoting the adoption of LBIs.⁸⁹</p> <p>Believes that voluntary TCBMs are relevant but do not substitute the adoption of an LBI.⁹⁰</p>	N/A
People’s Republic of China	<p>Expressed that while soft law such as TCBMs “could play a positive role... they are not legally binding and unable to fundamentally prevent weaponization and an arms race in outer space... The only solution to space security threats is to negotiate and conclude a [LBI] on outer space arms control as soon as possible.”⁹¹</p> <p>Argued that a moratorium has much less practical value than a comprehensive agreement such as the draft PPWT.⁹²</p> <p>Urged a legal approach which incorporates new law such as the PPWT.⁹³</p> <p>Emphasized the need for full implementation of international law... and a legally binding arms control agreement.⁹⁴</p>	<p>Argues that the “U.S.... persistently evades a comprehensive non-discriminatory and legally binding solution... [Therefore] the motives and sincerity of this initiative are dubious.”⁹⁵</p> <p>Interviewee: “The Chinese government believes that it cannot support this resolution given that China and Russia have their draft PPWT... which addresses the issue more comprehensively.”</p> <p>On a related point, the interviewee questions whether states have a strong will to work on any LBI.</p>
Iran (Islamic Republic of)	<p>“We attach great importance to the commencement of negotiations on a comprehensive LBI for the purposes of PAROS.”⁹⁶</p>	N/A

88 UN Web TV (n 41).

89 Cuba, ‘EXPLICACIÓN DE VOTO DE LA DELEGACIÓN DE LA REPÚBLICA DE CUBA’ (2022) <https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com22/statements/26Oct_Switzerland.pdf>.

90 Cuba, ‘Intervención de La Delegación de Cuba En El Debate Temático Sobre “Espacio Ultraterrestre (Aspectos de Desarme)”.’ (2022) <[https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_\(2022\)/Cuba-C3-26-Oct.pdf](https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_(2022)/Cuba-C3-26-Oct.pdf)>.

91 China, ‘Working Paper Submitted by China to the Third Session of the UN Open-Ended Working Group on Reducing Space Threats Through Norms, Rules and Principles of Responsible Behaviours’ (2022) <[https://docs-library.unoda.org/Open-Ended_Working_Group_on_Reducing_Space_Threats_\(2022\)/202301~1.PDF](https://docs-library.unoda.org/Open-Ended_Working_Group_on_Reducing_Space_Threats_(2022)/202301~1.PDF)>.

92 Ploughshares, ‘The Open-Ended Working Group on Space Threats: Recap of the Second Meeting’ (n 23).

93 Ploughshares, ‘The Open-Ended Working Group on Space Threats, Recap of the First Meeting’ (n 12).

94 Ploughshares, ‘The Open-Ended Working Group on Space Threats: Recap of the Second Meeting’ (n 23).

95 UN Web TV (n 13).

96 Ibid.

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
Russian Federation	<p>Asserted that “only a legally binding agreement on PAROS” can maintain peace in space and calls on the United States to demonstrate their dedication to peace and security in space through an LBI.⁹⁷</p> <p>Also asserted the necessity of a “purely legal approach” that strictly complies with existing laws.⁹⁸</p> <p>“Without reliable guarantees for keeping outer space free of weapons, enshrined in an international legally binding agreement on PAROS, solutions to the issues related to peaceful use of outer space and ensuring security of space activities is unpromising.”⁹⁹</p>	<p>Interviewee: Russia continuously puts forward the idea of a legally binding regime which prohibits all kinds of space weapons. However, the DA-ASAT resolution is contrary to the Russian approach of LBIs. The resolution “is a part of another approach focused on developing a normative framework for specific areas of space security. This is also why Russia can’t support this.”</p> <p>Additionally, “before the hot phase of the [Ukraine] crisis started... there were signs that we might have moved somewhere in the direction of agreeing to start from norms to eventually reach a legally binding document. But for now, the overall competition between great powers and actual confrontation makes it very hard to reach consensus.”</p> <p>On the topic of norms versus LBIs, Russia is involved in the development of norms through signing joint statements with different states on no first placement of weapons in space. “This is another sign that if there was enough political will, both Russia and US and China and UK can come up with some sort of joint solution that will make the two approaches to space security work together.”</p>
GROUP 2: ‘SWORD & SHIELD’ SUSPICIONS		
Iran (Islamic Republic of)	<p>Argues that this resolution is discriminatory. “If this initiative becomes universal, advantages for certain groups of states that are already in possession of such means will emerge, while others, primarily the developing states, will find themselves in a discriminated position.”¹⁰⁰</p>	<p>“We believe that... the United States Army is obviously seeking military supremacy in outer space. It’s hard to believe that there are good intentions behind this hypocritical proposal.”¹⁰¹</p>

97 Ploughshares, ‘The Open-Ended Working Group on Space Threats: Recap of the Second Meeting’ (n 23).

98 Ibid.

99 Russian Federation, ‘Statement by Mr. Konstantin VORONTSOV, Deputy Head of the Delegation of the Russian Federation’ (2022) <[https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_\(2022\)/Russia-C3-26-Oct-EN.pdf](https://unoda-documents-library.s3.amazonaws.com/General_Assembly_First_Committee_-_Seventy-Seventh_session_(2022)/Russia-C3-26-Oct-EN.pdf)>.

100 UN Web TV (n 13).

101 Ibid.

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
<p>People's Republic of China</p>	<p>At the OEWG, China suggested that the moratorium (and resolution) “was a means of seeking advantage under the guise of arms control.”¹⁰² To wit, China suggested that the development of norms “will result in the domination of outer space by one state;”¹⁰³ “the subjective and selective ‘norms’ may well be used as a political tool by the superpower to serve its own interests;”¹⁰⁴ that “discrimination would result from the voluntary restraints on the destructive testing of DA-ASAT weapons.”¹⁰⁵</p> <p>Calls the resolution hypocritical as it does not constrain or limit the “US led” strategy to develop and advance military capabilities in outer space.</p> <p>Describes it as “a very parochial arms control initiative that is meaningless for self-restraint and repeats the same old path of military protection first, arms control later, during the Cold War.</p> <p>Therefore, China “is opposed to the practice of expanding unilateral military superiority under the pretext of arms control. The motives and sincerity of this initiative are dubious... The US initiative is a cheat move.”¹⁰⁶</p>	<p>Interviewee: This initiative affects states without such capabilities more than those that already have it.</p> <p>For states without DA-ASAT capabilities, taking pre-2019 India as an example, their 2019 DA-ASAT test was to signal to other spacepowers that they belonged to the club, rather than for deterrence against any single state.</p> <p>However, for states with DA-ASAT capabilities, they have no reason to test a DA-ASAT again simply for technological demonstration purposes. Even without this initiative, factors such as international pressure and legal liability are high costs that prevent states from conducting DA-ASAT tests which could cause damages to others.</p> <p>For such states, DA-ASAT tests might be conducted for other reasons. If their national security was under severe threat, a DA-ASAT test could signal their determination against external threats. Therefore, one of the objectives of this initiative is to eliminate the strategic options of other states when they suffer a severe security threat.</p> <p>“We are getting very close to the truth here.”</p> <p>There is a concern that, for a state whose survival is at stake, they will seriously consider the strategic option of using DA-ASATs – even if they have signed up to any treaty, resolution, or pledge. In other words, such an ‘exception’ might be proposed by certain states as reserved options in the relevant treaty or at least it might be justified under modern international law in particular circumstances.</p> <p>“For countries with DA-ASAT capabilities, for example the United States, [they] could still conduct DA-ASAT under many other reasons.” They won’t call it a test, like what was done in 2008. “The United States never admitted that it was an ASAT test, they called it a contingency manner to save people on the ground – so, in theory, this could happen again in a similar way.”</p> <p>Past demonstrates of destructive DA-ASAT tests highlight the significance of this capability.</p> <p>So, one the reasons behind this resolution “is a game [by the United States], a tool to limit the strategic options for deterrence of other countries.”</p> <p>But, a lot of UN delegations see this resolution as contributing towards the protection of the space environment. That’s why this resolution has garnered so much support. Some of them do not realise how “this resolution is a dangerous political game between powers.” Therefore, the <i>interviewee</i> stresses that the military and security perspective behind this resolution must be understood.</p>

102 Ploughshares, ‘The Open-Ended Working Group on Space Threats, Recap of the First Meeting’ (n 12).

103 Ploughshares, ‘The Open-Ended Working Group on Space Threats: Recap of the Second Meeting’ (n 23).

104 China (n 91).

105 Ploughshares, ‘The Open-Ended Working Group on Space Threats: Recap of the Second Meeting’ (n 23).

106 UN Web TV (n 13).

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
Russian Federation	<p>Concerned that “discrimination would result from the voluntary restraints on the destructive testing of DA-ASAT weapons... arguing that ‘certain states won’t have a shield while others still have a sword’.”¹⁰⁷</p> <p>“The possible universalization or universal utilization of this initiative would create an advantage for a certain selection of states that already have these means at their disposal. All of the other states, primarily the developing states, would be discriminated against.”¹⁰⁸</p> <p>“This decision by Washington seems to be nothing more but some sort of an attempt to divert the attention of the international community from its actual strivings, which are clearly and unambiguously set out in the policy documents of the United States on outer space.”¹⁰⁹</p>	<p>Interviewee: “There is always a concern that this is some kind of cunning plan to deprave Russia of capabilities while retaining their capability.”</p>
GROUP 3: MORALIZING RHETORIC		
People’s Republic of China	<p>“Several countries claim... that even if an action is lawful under international law, in some contexts, such an action may not be viewed as responsible. Such an argument is trying to judge ‘hard law’ by ‘soft law’, which creates a critical logic loophole.”¹¹⁰</p> <p>The interviewee stated that China has procedural and political concerns over the resolution’s strong moral rhetoric of responsible versus irresponsible behaviour. Any state is sensitive to being chastised and judged from a moral perspective.</p>	<p>The interviewee is concerned because for the space domain, this is “the first time that the responsible versus irresponsible dichotomy is being put to such a high level.”</p> <p>They explained that rather than using such moral rhetoric to justify the creation of new measures, the source of morality should come from what is legal and illegal rather than the other way around.</p>
GROUP 4: OPPOSITION BECAUSE OF THE NARROWNESS OF THE RESOLUTION		
Cuba	<p>The resolution does not endorse a ban on the use or threat of use of force in outer space. Additionally, stated that it only discourages destructive DA-ASAT missile testing that would generate debris.¹¹¹</p>	N/A
Iran (Islamic Republic of)	<p>Considers the resolution insufficient as it does not renounce the development and manufacturing of ASAT systems, their use, non-destructive ASAT tests, nor the elimination of existing destructive ASAT weapons. Additionally criticizes the lack of a definition for ASAT weapons and the testing of such weapons. Further points out the lack of a verification mechanism.¹¹²</p>	N/A

107 Ploughshares, ‘The Open-Ended Working Group on Space Threats: Recap of the Second Meeting’ (n 23).

108 UN Web TV (n 13).

109 Ibid.

110 China (n 91).

111 Cuba, EXPLICACIÓN DE VOTO DE LA DELEGACIÓN DE LA REPÚBLICA DE CUBA (n 89).

112 UN Web TV (n 13).

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
People's Republic of China	Noted that the proposed moratorium on testing failed to mention development, production, deployment, and the actual use of ASAT weapons. ¹¹³	Additionally, the <i>interviewee</i> noted that the resolution “does not mention other activities that could threaten or disrupt the normal operations of space activities of other states.”
Russian Federation	Described the resolution as “completely insufficient” as it does not renounce the development and production of ASAT systems, their use, non-destructive ASAT tests, nor the elimination of existing destructive ASAT weapons. ¹¹⁴	Desires a comprehensive ban “against creating, testing, or deployment of weapons in space, including for ABM defence or ASAT purposes, and called for destruction of any such systems that already exist.” ¹¹⁵ <i>Interviewee:</i> Russia has major concerns regarding space weapons, weaponization, the positioning of strike weapons in space that are capable of hitting objects on Earth or be part of the intercepting layer of missile defense, and the intelligence, surveillance and reconnaissance, and even targeting layers of space systems. “That’s why focusing on only one issue seems inappropriate. This is why Russia is concerned with a ban that addresses only destructive direct-ascent ASATs without taking into consideration everything else.” There are very real concerns that space capabilities can undermine overall strategic stability.

GROUP 5: GEOPOLITICAL INFLUENCES

People's Republic of China	<p><i>Interviewee:</i> No matter what topics are being discussed, it’s always about competition, leadership, influence, and superiority – these power games that play out in space. So, this resolution is understood as a form of competition between the two states. “Considering the general state of geopolitics, it’s very hard for China to support a United States initiative and vice-versa.”</p> <p>Contested tensions between powers in space affects the Chinese position – and the position of other states.</p>	<p><i>Contd.:</i> “Solely highlighting DA-ASATs brings about more uncertainty that this simply a game between great powers. From a political perspective, it reveals broader tensions between the two camps.”</p> <p>The fragile nature of outer space concerns the <i>interviewee</i>, but they believe that the bigger challenge is the fragile relationship between powers in space: “the lacking of mutual trust or strategic understanding among the powers. They don’t like and don’t trust each other, and don’t believe that they can achieve strategic understandings in the short term.”</p> <p>The <i>interviewee</i> is disappointed that among the powers, “no one would like... show a truly friendly attitude towards solving problems in space. I see no process there.”</p> <p>According to a non-Chinese representative who requested anonymity: Although China has spoken on the merits of the resolution, “obviously, they haven’t joined for political reasons more than anything [else].”</p>
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113 Ploughshares, ‘The Open-Ended Working Group on Space Threats, Recap of the Third Session’ (n 21).

114 UN Web TV (n 13).

115 Ploughshares, ‘The Open-Ended Working Group on Space Threats: Recap of the Second Meeting’ (n 23).

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
Russian Federation	<p>Concerned “about the realisation of the policy by Western countries headed by the United States [to use] outer space for military purposes in order to ensure their dominance and supremacy.”¹¹⁶</p> <p>Interviewee: One of the reasons Russia voted the way it did was because the resolution is “promoted by Russia’s adversaries.”</p> <p>“For now, the overall competition between great powers and actual confrontation makes it very hard to reach consensus.”</p>	<p>Contd.: “As in other areas of international governance, space governance suffers from developing new norms and rules of the road” (i.e., rising geopolitical tensions). But it is not as bad as other domains; there is still cooperation aboard the ISS between NASA and ROSCOSMOS, but it could have been better. The expert is worried about the “Balkanization of international governance”, citing the Artemis Accords as an example whereby the US leads and, afterwards, attempts to bring other states on board.</p> <p>According to a non-Russian representative who requested anonymity: Although Russia has spoken on the merits of the resolution, “obviously, they haven’t joined for political reasons more than anything [else].”</p>
GROUP 6: CONCERN AND SUSPICION OVER PAST RHETORIC		
People’s Republic of China	<p>Regrets that space was “declared as a ‘war-fighting domain’ by a certain country.”¹¹⁷</p> <p>Interviewee: Highlights statements from the United States which gives a “very clear message that China, Russia, are the biggest challenges, or enemies” as an example of what the “essence of the challenge is.”</p>	N/A
Russian Federation	<p>“This decision by Washington seems to be nothing more but some sort of a manoeuvre, an attempt to divert the attention of the international community from its actual strivings, which are clearly and unambiguously set out in the policy documents of the United States on outer space.</p> <p>“The defence strategy and the US Space Force doctrines clearly set out these aims. They are aimed at the military domination and its supremacy in outer space. Outer space itself is viewed as an arena for competition.”¹¹⁸</p>	<p>Interviewee: “It is crucial for Russia to feel and to see that Russian concerns are also being addressed, [that it’s] not just a one-way street. [It is most irritating] when people ask Russia to do or support something without even trying to talk or address things that Russia is concerned about. There must always be some kind of give and take.”</p>
Non-Aligned Movement	<p>“Rejects the declaration by the United States in 2018 that ‘Space is a warfighting domain’ or ‘the next battle field’.”¹¹⁹</p>	N/A

116 Russian Federation, Statement by Mr. Konstantin VORONTSOV, Deputy Head of the Delegation of the Russian Federation (n 99).

117 China (n 91).

118 UN Web TV (n 13).

119 Indonesia (n 62).

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
GROUP 7: CONCERNED BY PREVIOUS DESTRUCTIVE DA-ASAT TESTS		
People's Republic of China	<p>Interviewee: "For countries with DA-ASAT capabilities, for example the United States, [they] could still conduct DA-ASAT under many other reasons." They won't call it a test, like what was done in 2008. "The US never admitted that it was an ASAT test, they called it a contingency manner to save people on the ground – so, in theory, this could happen again in the similar way."</p> <p>Past demonstrations of destructive DA-ASAT tests highlight the significance of this capability.</p>	Relevant to the Sword & Shield argument (Group 2) against this resolution.
Russian Federation	Questions the merits of and intentions behind this resolution, arguing that this resolution was only introduced after the United States had already tested and achieved successful destructive DA-ASAT capabilities. ¹²⁰	Relevant to the Sword & Shield argument (Group 2) against this resolution.
GROUP 8: RESOLUTION NEGATIVELY AFFECTS/DOES NOT IMPROVE NATIONAL SECURITY		
People's Republic of China	In addition to the Sword & Shield argument (Group 2), the interviewee explained that "the possibility to do [a DA-ASAT test] also has strategic value." The interviewee notes that a state objecting to the resolution does not mean that the state seeks to commit another test. "People always combine these two matters together. It is not correct. Whenever we are talking about objection to this resolution... it's just a preference to retain the possibility of doing so in the future. It is a strategic concern, its value as deterrence."	Contd.: From a military perspective, this resolution will spur an arms race and security dilemma between space powers. In the event that DA-ASAT weapons are banned or prohibited, states will simply seek alternative approaches to achieve the same strategic value that was lost. Facing all these challenges, arms control should not be a tool that one state uses to achieve military or strategic advantages over another state.
Russian Federation	In addition to the Sword & Shield argument (Group 2), the interviewee stated that the active use of military and commercial space capabilities to enable ground operations by the Ukrainian military is why Russian officials have made public comments that commercial satellites might become legitimate targets of Russia's counterspace capabilities. "With such messaging, supporting a resolution banning DA-ASAT [missiles] would seem illogical", even though they doubt that Russia has any real interest in using DA-ASATs in the ongoing conflict.	Contd.: Stressed that the development of counterspace capability in Russia is not driven by malign ideas. Rather, it stems from a very real concern that space capabilities can undermine overall strategic stability. Additionally, "for the moment, there are enough tasty targets in space that can make DA-ASAT missiles useful." Also see Table 2 on how this issue is inextricably linked to Russia's major security concern over missile defense.

120 Russian Federation, 'И Контроля Над Вооружениями МИД России К.В.Воронцова с Разъяснением Позиции По Проекту Резолюции «Испытания Противоспутниковых Ракет Прямого Перехвата» в Первом Комитете 77-й Сессии ГА ООН' (2022) <https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com22/eov/L62_Russia.pdf>.

Reasons States Abstained on the Resolution

REASONS GIVEN CAN BE GROUPED AS FOLLOWS:

Geopolitical Influences

- States abstaining because of the resolution’s heavily politicized nature

Strong Preference for Legally binding Instruments over Non-Legally Binding Measures

- Strongly opposed to any space security measure that is not a legally binding instrument

Opposition Because of the Narrowness of the Resolution

- Resolution is ineffective—and may worsen space security—as it focuses only on the testing of destructive, direct-ascent anti-satellite missiles

Others

- Resolution’s focus on space debris puts it under the purview of the United Nations Committee for the Peaceful Uses of Outer Space (COPUOS); and a reference to rhetoric

Table 7: Reasons States Abstained on the Resolution

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
GROUP 1: STRONG PREFERENCE FOR LBIS OVER NON-LEGALLY BINDING MEASURES		
India	“India, which indicated a preference for a legally binding instrument that provides a ‘stronger guarantee of compliance with obligations,’ remains open to new non-binding outcomes, including norms and other transparency and confidence-building measures.” ¹²¹	N/A
Pakistan	“We are not averse to the idea of more than one LBI as a part of this comprehensive approach, but each measure should clearly be seen to be contributing to the larger goal of PAROS.” ¹²²	N/A
Sri Lanka	It is their “firm conviction” that PAROS could only be achieved through an LBI. ¹²³ Welcomes “deliberations relating to norms, rules and principles of responsible behaviours” as a useful measure. States that is imperative that such deliberates are an interim step towards an LBI on PAROS. ¹²⁴	N/A

121 Ploughshares, ‘The Open-Ended Working Group on Space Threats: Recap of the Second Meeting’ (n 23).

122 UN Web TV (n 13).

123 Ibid.

124 Sri Lanka (n 25).

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
GROUP 2: OPPOSITION BECAUSE OF THE NARROWNESS OF THE RESOLUTION		
India	<p>“This resolution does not address the key issue of preventing an arms race in outer space through a universally acceptable, verifiable, and multilaterally negotiated legally binding instrument on PAROS. India believes that such an instrument should focus on all space threats in a comprehensive manner.</p> <p>“We are, accordingly, constrained to abstain on L.62.”¹²⁵</p>	N/A
Pakistan	<p>Notes positive elements in the resolution* but has decided to abstain due to “a few gaps in the current draft.”</p> <p>First, the text “shies away from [expressing] concern over the growing arms race in outer space, urgent threats to and from space, including its weaponization, and how these developments impede progress towards negotiating an LBI on PAROS.”</p> <p>Second, the Conference on Disarmament “has been prevented from commencing negotiations” on a LBI on PAROS.</p> <p>Third, the resolution focuses only on direct-ascent ASAT systems – and only prevents its testing. It does not address its development, production, deployment.</p> <p>Fourth, space security should be addressed in a holistic manner because “the commitment to not test just one type of ASAT [weapon] would neither prevent the development or deployment of other weapons and ASAT system, nor their non-destructive testing.”</p> <p>Fifth, desires that Article One of the Outer Space Treaty is “spelled out clearly in the text.”</p> <p>Lastly, objects to “suggestions on the applicability of international law of armed conflict to outer space.”¹²⁶</p>	<p>* Reaffirmation of preventing an arms race in outer space; the need to maintain space as a peaceful and sustainable environment for the benefit of all; promoting and strengthening international cooperation; and a reference to Article Nine of the Outer Space Treaty.</p> <p>“We also agree with the generous spirit of [Paragraph 3], and its call on all states to take further steps, which could contribute to legally binding instruments on PAROS in all its aspects.”¹²⁷</p>
Sri Lanka	<p>Resolution focuses only on direct-ascent, destructive ASAT missiles; does not refer to production, research, and development, and their use; and that “the text lacks sufficient transparency with regard to the ultimate objective to be achieved.”¹²⁸</p>	N/A

125 UN Web TV (n 13).

126 UN Web TV (n 41).

127 Ibid.

128 UN Web TV (n 13).

STATE	NATIONAL POSITION	NOTES AND ADDITIONAL CONTEXT
GROUP 3: OTHERS		
India	“We share the concerns about the potential dangers arising from space debris to the safety and long term sustainability of outer space... India believes, however, that matters relating to debris fall within the purview of [COPUOS].” ¹²⁹	N/A
Sri Lanka	“Rejects any doctrine that seeks to categorize space as a ‘war fighting domain’ or ‘the next battlefield’” and describes space debris as a significant risk. ¹³⁰	N/A

129 Ibid.

130 Sri Lanka (n 25).

The Future of Destructive DA-ASAT Testing and the Broader International Space Governance Framework

Some interviewees provided their personal thoughts on what will come after the moratorium and resolution. Their views are reflected in the table below and should not necessarily be taken as reflecting national position.

Table 8: Thoughts on the Future

STATE	DESTRUCTIVE DA-ASAT TESTING	INT. SPACE GOVERNANCE FRAMEWORK
Canada	<p>Interviewee: The anti-DA-ASAT pledges and resolution will feed into ongoing processes such as the OEWG and the GGE on Prevention of an Arms Race in Outer Space.</p> <p>The resolution was quite promising and could possibly form a part of a broader treaty in the future. The unilateral pledges are the development of one such norm which could eventually lead to a legally binding instrument. The pledges will help dictate behaviour in space and, more importantly, enable the calling out of bad behaviour. It should be observed whether, over the next few years, there is momentum which could coalesce around a potential treaty – and if not, hopefully more states will continue to make the pledges nonetheless.</p> <p>“In principle, [a legally binding resolution] is something Canada could probably support.” But, the devil’s in the details.</p>	<p>Contd.: The international space governance framework is outdated and needs an upgrade. First, there is an increasingly false dichotomy between Vienna and Geneva. A lot of civil and security aspects cannot be separated (e.g., how space debris affects both sustainability and security). There needs to be better coordination between the two bodies. However, there is a lot of resistance to this. Some states continue to insist that ‘Geneva issues should stay in Geneva’ and likewise for Vienna.</p> <p>Pleased with the progress of the OEWG and thinks that the work has been invaluable.</p>
Nigeria	N/A	<p>Interviewee: Certain elements embedded in the work of the OEWG that could present an initial set of principles which if clearly specified and gains consensus, could form the pillar of such a future LBI.</p>

STATE	DESTRUCTIVE DA-ASAT TESTING	INT. SPACE GOVERNANCE FRAMEWORK
<p>People’s Republic of China</p>	<p>Interviewee: Believes that the Chinese government, rather than just rejecting the resolution, will provide a more, in their view, practical, balanced, and comprehensive proposal as a contribution to the international community.</p> <p>Questions whether states have a strong will to work on any LBI.</p> <p>On a potential LBI on destructive DA-ASAT testing, they question, at the procedural level, where and how would such a treaty be proposed in light of the difficulty of consensus. Additionally, the international community should consider the UN’s limited resources. In the <i>interviewees’</i> view, a less comprehensive treaty following decades of work would not be worthwhile.</p>	<p>Contd.: Moving forward, “we must be pragmatic, even if we can hardly get consensus about strategy and geopolitical in space.” Pragmatic mechanisms should be built up to avoid misunderstandings and misperceptions in space.</p> <p>Alike Canada, points to procedural challenges from the lack of connection between different UN bodies. For instance, Geneva and New York are very stressful environments that lack legal support from Vienna.</p>
<p>Russian Federation</p>	<p>Interviewee: Expects the work on the DA-ASATs challenge to continue. It will probably be on the agenda for the next UNGA and for other UN working bodies on space security. Predicts that Western states will reach out to those states who voted against or abstained, and that India might vote in favour next time as they’re interested in joining US space projects.</p> <p>“Russia will, with Chinese support, try to develop an alternative resolution.”</p> <p>There is a good chance that “Russia can find a language that will bring in a lot of countries in support of Russia’s version of a resolution that will deal with this or other aspects of space security.”</p> <p>The expert is “confident that Russia is interested in keeping space safe” because “there is a very real understanding that Russia also needs space for civil and military needs.”</p> <p>Russia would not be interested in a legally binding resolution focused only on DA-ASAT weapons, but would be interested if it addresses broader issues of space security.</p>	<p>Contd.: “As in other areas of international governance, space governance suffers from developing new norms and rules of the road” (i.e., rising geopolitical tensions). But it is not as bad as other domains; there is still cooperation aboard the International Space Station between NASA and ROSCOSMOS, but it could have been better.</p> <p>They are worried about the “Balkanization of international governance”, citing the Artemis Accords as an example whereby the US leads and, afterwards, attempts to bring other states on board.</p>

STATE	DESTRUCTIVE DA-ASAT TESTING	INT. SPACE GOVERNANCE FRAMEWORK
South Africa	<p>Interviewee: At the time of writing, they do not know if there would be a follow-up resolution on the topic of DA-ASAT weapons. This topic will feature in ongoing processes such as the OEWG and a new GGE on PAROS. If the resolution gets tabled again, the votes might be similar or slightly different. This will depend on how negotiations unfold in informals, depending on what substantial amendments to the resolution are proposed.</p> <p>Notes that “going forward, there will still be gray areas in this issue.”</p> <p>“In terms of an LBI on ASATs, that’s a discussion that has not come up yet... but we do support discussions on it.”</p>	<p>Contd.: South Africa is concerned by the emergence of parallel processes (e.g., in the First Committee, the creation of an OEWG, a GGE, and separate discussions on specific elements of these processes – all before the first OEWG has been allowed to conclude; processes can and have also been killed by those in opposition). This makes discussions more difficult to follow. The interviewee states that other states are also concerned about the politics surrounding these processes.</p> <p>Draws attention to the multi-generational significance of space security and governance.</p> <p>Multilateral discussions on space are critical, timely, and relevant because of the rapid pace of technological development. It is important to develop technological expertise and raise awareness of these issues that are important to and threaten the international community.</p> <p>The interviewee describes space disarmament as “an emerging new kid on the block that really needs attention... in terms of data, discussions, technical expertise... it really needs to be nurtured; the discussions should continue.”</p>

Concluding Analysis: Convergence and Divergence in State Positions

This report reveals a mix of convergence and divergence between states on the issue of destructive DA-ASAT testing.

HIGH-LEVEL TAKEAWAYS INCLUDE:

- A significant number of states are concerned by destructive DA-ASAT testing
- A heavy emphasis on debris was present throughout this initiative
- The difference in prioritisation of concerns between developed (stricter security concerns) and developing space powers (debris, access to space, and due regard under Article 9 of the OST)
- The geopolitical factor behind votes cannot be discounted – in some cases, surpassing the substance of the resolution in importance
- States voting against the resolution cite strikingly similar reasons
- Similar aspects of the resolution are cited both as reasons for support and opposition
 - *Narrowness of the resolution*
 - *Geopolitics*
 - *Previous destructive DA-ASAT testing*
 - *The debate over norms versus LBIs*
- The United States spearheaded this initiative, and the support of some NAM states was instrumental to the resolution's widespread endorsement
- Developing states' need for greater technical and legal expertise vis-à-vis the effects of destructive DA-ASAT testing and the implications of a commitment

One reason for the resolution's success appears to be how it links the issue of destructive DA-ASAT testing to two distinct yet important concerns: space debris and the weaponization of outer space (i.e., generally referring to the “proliferation, testing, deployment and use of weapons or counterspace capabilities”, although it is not a universally accepted concept¹³¹). The significant growth in space debris affects all states, and developing states make the case that their space assets are at greater risk due to their more rudimentary capabilities in, for instance, manoeuvrability (*Table 5, Group 4*). Therefore, the framing of resolution A/RES/77/41 as a positive step to reducing space debris seems to be key in securing the support of developing states and developing space powers.

All interviewees except for the Russia expert expressed concern over space debris, and the issue of debris featured in many statements by delegates in reference to the topic of destructive DA-ASAT testing. This reflects the “interest that was also converging on... avoiding the deliberate or intentional creation of space debris” in the OEWG.¹³²

131 Ortega and Samson (n 2).

132 Ploughshares, Recommendations by States from the Third Session of the United Nations Open-Ended Working Group on Reducing Space Threats (July 2023).

On the other hand, national security implications are mainly a priority for developed space powers. While space affects the national security of developing states as well, it tends to be much more important for developed states who tend to be more dependent on space, with the United States being at the extreme end of the spectrum: “I don’t think it’s an overstatement to say that we [the United States] are more dependent on space than any country in the world.”¹³³ Indeed, national security concerns are prominent drivers for China and Russia as well, given their status as space powers.

An indication of a potential shift in traditional positions on this issue can be seen in a joint statement by Belarus, China, the Democratic People’s Republic of Korea, Nicaragua, Syria, Venezuela, and Russia who “consider the suggestion to undertake political commitment not to conduct destructive [DA-ASAT] tests to be a step in the right direction.”¹³⁴ China “welcomed any arms control initiative that contributed to PAROS”¹³⁵ and Russia “noted that the declaration was a positive response to practical initiatives on PAROS.”¹³⁶

That said, China and Russia’s ultimate votes against the resolution, and India’s abstention, are likely explained by other factors. Similar reasons cited by all three states are the narrowness of the resolution, a strong preference towards LBIs, and geopolitics. The resolution covers, specifically, *the testing of destructive, direct-ascent ASAT missiles*. It does not cover development, production, deployment, and use of this capability, nor non-DA capabilities such as co-orbital and space-to-earth counterspace weapons (*Table 6, Group 4; Table 7, Group 2*). While states in support of this resolution describe the narrowness as a feature of an initial stepping stone towards more expansive measures, China, Russia, and India object to this approach. (Narrowness was also cited as a reason for Pakistan’s and Sri Lanka’s abstentions.)

China, Russia, and India strongly prefer to address space security matters through a comprehensive LBI (*Table 6, Group 1; Table 7, Group 1*). Russia and China continue to support their draft treaty on PPWT. This appears to be a strong red line for the former two states, while India appears to be less strict about this rule, having noted before that they remain open to non-binding measures.¹³⁷ It follows that India may support this resolution if it gets reintroduced in the future, a sentiment also echoed by the Russia expert. (A strong preference for LBIs was also cited as a reason for Pakistan’s and Sri Lanka’s abstentions.)

This report observes the continuation of a geopolitical divide between, broadly, China, Russia, and the West, and how geopolitics take precedence over any substantial considerations on the merits of the resolution (*Table 6, Group 5*). Multiple interviewees cited this as the reason for China and Russia’s objection. Many respondents highlighted a major concern over how terrestrial geopolitical tensions are mirrored in and obstruct space diplomacy. As the Russia expert put it:

Before the hot phase of the [Ukraine] crisis started... there were signs that we might have moved somewhere in the direction of agreeing to start from norms to eventually reach a legally binding document. But for now, the overall competition between great powers and actual confrontation makes it very hard to reach consensus.

133 SPOTLIGHT Talk: Audrey Schaffer - Why a Moratorium on Anti Satellite Testing Is Important (n 30).

134 Russian Federation, Joint Statement on the Initiative on Undertaking Political Commitment Not to Conduct Destructive Direct-Ascent Anti-Satellite Missile Tests (n 24).

135 Ploughshares, ‘The Open-Ended Working Group on Space Threats, Recap of the First Meeting’ (n 12).

136 Ibid.

137 Ploughshares, ‘The Open-Ended Working Group on Space Threats: Recap of the Second Meeting’ (n 23).

As the representative from a NAM state explained, the NAM appreciates this issue through a geopolitical lens. Some NAM states see this resolution as a ploy to incur India, China, and Russia significant political cost for their previous destructive DA-ASAT tests; “those who abstained are afraid of offending Russia, China, or India.” If states favouring the moratorium and resolution are closely associated with the United States, their actions might be perceived as just a ‘United States vote’. Therefore, the default position of many NAM delegations had been to not vote in favour – and if they did, they would calculate a need to also vote for China and Russia’s draft PPWT treaty. The interviewee also noted the context that the NAM is strongly influenced by a few states with grudges against the West (e.g., Iran, Cuba, Venezuela), who are sometimes more aligned with China and Russia.

Focusing now on the group of states that voted against the resolution, strikingly similar reasons are cited between them. Similarly to China and Russia, Cuba and Iran expressed concern over the lack of an LBI and the narrowness of the resolution (*Table 6, Group 4*). Further, China, Russia, Cuba, and Iran highlighted a “Sword & Shield” dilemma posed by this resolution (*Table 6, Group 2*). Their contention is that the resolution gives the United States, having already successfully tested its destructive DA-ASAT missile capability (*Table 6, Group 7*), a ‘sword’ with which to potentially strike. According to the logic of deterrence, having such a capability also serves as a ‘shield’, discouraging adversaries from launching attacks for fear of retaliation. However, by seeking to halt further testing through this resolution, states that haven’t reached the United States’ level of capability are denied the defensive benefits of having a shield (i.e., the successful testing of destructive DA-ASAT missiles).

It is a matter of judgement to what degree the Sword & Shield argument holds up to the United States and other states describing the resolution as a capability neutral approach that does not constrain the development of technology. The resolution allows for non-destructive DA-ASAT testing (e.g., flight tests and deliberate near-miss ‘fly-bys’) which could provide deterrence as robust as their destructive counterparts. In fact, this has been China’s approach after their destructive DA-ASAT test in 2007; Russia has also conducted non-destructive tests of its ASAT missile system prior to its destructive test in 2021.¹³⁸ A high-ranking official from an allied US state who requested anonymity stated “the United States is quite keen to preserve a certain flexibility to operate in space” which was taken into account in the construction of the resolution’s specific wording of destructive, direct-ascent. The open possibility to further development of DA-ASAT capabilities goes both ways.

The suspicion of those states who voted against the resolution was, in their view, justified by the aggressive rhetoric found in some United States space strategy documents (*Table 6, Group 6*). Additionally, the China interviewee stated that China has procedural and political concerns over the resolution’s strong moral rhetoric of responsible versus irresponsible behaviour; that any state is sensitive to being chastised and judged from a moral perspective (*Table 6, Group 3*).

Interestingly, aspects of the reasons cited above for objection were also present in the reasoning of states that favoured this resolution. First, the narrowness of the measure is undisputed – but it is broadly understood to be a suitable stepping stone towards further normative TCBMs and/or the greater objective of a LBI on PAROS. Indeed, its framing as a stepping stone helped get NAM states on-side. Because the default NAM position is for LBIs, the significant number of NAM states voting in favour is possibly a sign of a softening dichotomy – to the extent that such a divide existed in the first place. As Ploughshare reports, “while most

138 Brian G Chow and Brandon W Kelley, ‘U.S. Antisatellite Test Ban Reveals a New Approach for Security and Sustainability in Space’, SpaceNews (12 May 2022) <<https://spacenews.com/op-ed-u-s-antisatellite-test-ban-reveals-a-new-approach-for-security-and-sustainability-in-space/>>.

states supported the objective of a [LBI] on PAROS, norms were overwhelmingly viewed as a step toward such an agreement.”¹³⁹

Second, regarding previous destructive DA-ASAT tests, while China and Russia explicitly cite previous United States tests as a reason for their scepticisms and objection, the United States, Republic of Korea, and an interviewee from a Western state who requested anonymity cited Russia’s November 2021 test as one impetus behind the moratorium and resolution.

Third, because this resolution has a politicised bent, it is extremely likely that Western states felt a geopolitical pull to vote in favour. For instance, Canada voted in favour because of its near-four-decade opposition to the destruction of space objects and creation of debris, and also because “Canada is keen to maintain strong, friendly relations with its allies, which is always a factor when co-signing resolutions.”

As to the process leading up to the resolution, it is understood that there was intense effort by the United States in spearheading and obtaining support for the moratorium and resolution. The United States provided informative briefings about why space debris was a threat to all states, and an interviewee revealed that the United States was highly receptive to feedback during negotiations, implementing many suggestions into the final text of the resolution. A different interviewee stated that “the Americans had a single-minded determination to get the vote... [they] just took everybody’s suggestion – so that’s hard for countries to say no to.”

Altogether, these efforts were highly appreciated by other states. But the resolution would not have been as successful if the United States and a few key NAM states did not also expend effort into promoting it as non-geopolitical. Following on from that, the moment one NAM state spoke in favour, the NAM stopped having a default position against it. It could no longer be painted as ‘West versus NAM’. Additionally, as aforementioned, the resolution’s success is also attributed to how it accounted for the concerns of developing states.

Next, there seems to be a challenge in securing widespread support for the moratorium relative to the success of the resolution. While the resolution received 155 votes in favour, only 37 states have made the formal pledge. Notably absent from this commitment are India, China, and Russia – the only other states to have tested destructive DA-ASAT missiles, and as such, crucial to the success of this initiative against destructive DA-ASAT testing. The China expert expressed doubts over whether these commitments represent an appetite to negotiate an LBI as well as broader concerns over security and arms-race dynamics; the Russia expert stated that the commitments are “noted.”

It is also noteworthy that, at the time of writing, all 37 formal commitments have been exclusively made by Western states and allies. Geopolitics is undoubtedly a factor. As previously mentioned, one of the reasons preventing NAM states from committing to the pledge is the risk of being judged as voting with and for the United States. An alternative reason was offered by the South African representative. In their personal opinion, it is difficult for developing states to comprehensively understand the technical and legal implications of the moratorium. As such, it is difficult for delegates to advocate for Capital to make the commitment, with decision-making being equally difficult for Capital (*Table 4*).

139 Ploughshares, ‘The Open-Ended Working Group on Space Threats: Recap of the Second Meeting’ (n 23).

Corroborating this point, the representative of a NAM state who requested anonymity revealed that most delegates to the UN, including those from Southeast Asia, have a limited appreciation of this issue. Space is seen as an esoteric field in which their states “do not have skin in the game.” Diplomats do not fully appreciate their states’ interest in limiting the danger that space debris pose to space-based infrastructure. Technical experts in their respective space agencies might be concerned by this issue, but there is usually limited coordination between them and officials of the foreign ministry. Thus, diplomats in New York or Geneva do not usually get sufficient technical guidance for them to participate actively in negotiations. As a result, more often than not, diplomats in Geneva or New York end up looking to the default NAM approach for guidance. In other words, this is often not the stance from capital; it is simply diplomats defaulting to the NAM position.

Furthermore, the South African representative emphasised the disparities in technological and developmental milestones between developed and developing states. They stated that, against this backdrop, the moratorium could be construed as curtailing development. “[Because] we are also developing, we should not need be blocked from getting to a [similar] level... help us get there as well.” The interviewee expressed that, once closer to parity, developing states will better be able to understand the perspectives and concerns of developed states.

In conclusion, the report observes the emergence of a growing norm against destructive anti-satellite missile testing with noteworthy momentum behind this initiative. Additionally, taking into account the high number of states in favour of the resolution, there appears to be a softening dichotomy between the two approaches of norms versus legally binding instruments in addressing space security. Next, multiple interviewees expressed that the moratorium and resolution have become extremely politicized. More broadly, they are heavily concerned by the adverse geopolitical climate which exacerbates existing geopolitical deadlocks on preventing an arms race in outer space. Against that backdrop, this report notes however that the moratorium appears to be gaining significant support. Further, developing states currently lack comprehensive technical and legal expertise on two fronts: the adverse effects of destructive DA-ASAT testing; and the technical and legal implications of making a commitment. The lack of thorough understanding respectively has been cited as a reason why more states have not pledged the moratorium.

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