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Proposal for Amendment of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies

I. REASONS

1. The 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies is an international instrument which to a great extent met the challenges raised by the development of space technology during the decade of the 1960s. Today, however, it does not seem completely satisfactory for dealing with the growing dangers resulting from the possibility of a shift of the arms race to outer space.
2. Apart from the fact that the 1967 Treaty lacks a juridically defined and politically unquestionable sphere of application, the States Parties, which postulate the recognition of outer space as the common heritage of mankind, are now faced with a de facto situation resulting from the development of new weapon systems which, although said to be based on the desire to assemble an impenetrable defence, could also serve as a basis for aspirations to hegemony or to supremacy in all environments.
3. Some thought they saw a sufficient guarantee against any use of force in the limitations established by article III of the 1967 Treaty, since that article subjects the outer-space activities of the States Parties to international law and the Charter of the United Nations. This, however, circumvents the fact that what is being sought is not to confirm a new type of deterrent applicable to outer space and based on proven and deployed weapon systems but rather to hinder or prevent precisely such a scenario from happening.
4. As we know, article IV of the 1967 Treaty makes a distinction between the status applied to outer space and that relating to the moon and other celestial bodies. In the first case, covered by the first paragraph of article IV, the States Parties undertake not to place in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, and not to station such weapons in outer space in any other manner. In the second case, covered by the second paragraph of article IV, the undertaking of the States Parties is of much greater scope, in that it specifies that the moon and other celestial bodies shall be used exclusively for peaceful purposes.