

9. PREVENTION OF AN ARMS RACE IN OUTER SPACE

BACKGROUND

In 1961, a resolution passed by consensus in the United Nations General Assembly (UNGA) identified the principles by which states should be guided in their exploration and use of outer space. It was established that international law, including the UN Charter, applied to outer space, and that outer space and all celestial bodies were free for all states to explore. Two years later, one hundred and twenty-five countries, including the US and the Soviet Union, signed the Partial Test Ban Treaty (PTBT) prohibiting nuclear tests in the atmosphere, outer space and underwater.

In December 1966, the UN General Assembly unanimously approved a Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies. Canada ratified this Treaty in 1967. The Outer Space Treaty, as it is known, states that the exploration and use of outer space shall be for the benefit of all. It bans the stationing of any weapons of mass destruction in space, and also prohibits military bases, installations, or fortifications; weapons testing of any kind; and military manoeuvres on the moon and other celestial bodies.

The 1972 Anti-Ballistic Missile (ABM) Treaty between the United States and the Soviet Union limits the number of anti-ballistic missile sites, interceptor missiles and associated radars. Under Article V of the Treaty, the parties also undertake "not to develop, test or deploy ABM systems or components which are sea-based, air-based, *space-based*, or mobile land-based" [emphasis added]. The ABM Treaty, therefore, acts as a barrier to the extension of the arms race into outer space.

The Final Document of the First UN Special Session on Disarmament (UNSSOD I) in 1978 urged that further agreements be developed to reserve outer space for solely peaceful purposes.

In June 1979, bilateral superpower talks on anti-satellite (ASAT) activities were suspended after a year of inconclusive discussions. There was disagreement concerning the capabilities of each side in this area, as well as the possible defensive or offensive nature of ASAT weapons. Repeated calls by the Soviet Union for a renewal of negotiations proved unsuccessful. Then, in 1983, the Soviet Union announced that it was unilaterally halting all ASAT testing. Two years later, the US Congress imposed a moratorium on tests in space of the F-15 ASAT, and in late 1987, funding for the weapon was cancelled by the US Air Force, in large part due to its high costs and limited capability. In 1988, an effort to impose a more permanent ban on ASAT testing was launched by some members of Congress. Congressional supporters of ASAT succeeded not only in blocking a ban, but also in ending the moratorium imposed in 1985. Recent budget statements by the Pentagon call for increases in spending on ASAT research and development for FY 1990, and each of the armed services is currently considering different systems developed under the Strategic Defense Initiative.

"Prevention of an arms race in outer space" has also been on the agenda of the multilateral Conference on Disarmament (CD) in Geneva. It was not until 1985, however, that the forty nations represented on the Conference were able to reach a consensus on a mandate for an Ad Hoc Committee on the subject. It was agreed that in addition to