

23. Commenting on the issue, another delegation stressed that this matter should be dealt with on a bilateral basis and that the ABM Treaty provided for a mechanism of the Standing Consultative Commission (SCC) to consider the concerns raised by the sides. As regards the radar under construction near Krasnoyarsk, it reiterated that the radar was designed for tracking space objects and was not subject to the limitations of the ABM Treaty. As a good will gesture this major space power expressed its willingness to dismantle the equipment of the radar, provided agreement was reached on compliance with the ABM Treaty, as signed in 1972. This major space power in its turn expressed concern regarding compliance of the other side with the provisions of the ABM Treaty, resulting from the deployment of the large phased-array radar in Thule and the construction of a similar radar in Fylingdales Moor.

24. Various delegations, while recognizing that the legal régime placed some limitations on certain weapons and military activities in outer space, emphasized that existing legal instruments left open the possibility of the introduction of weapons in space, other than nuclear weapons or other weapons of mass destruction, and, consequently, were not sufficient to prevent an arms race in that environment, particularly in view of the rapid pace of progress in space science and technology as well as ongoing military space programmes. They believed that there was an urgent need to consolidate, reinforce, and develop that régime and enhance its effectiveness with a view to the effective prevention of an arms race in outer space.

25. Some other delegations stressed that there was already a body of international law governing activities in outer space which provided a considerable measure of prohibition and protection. They believed it was important to have a full understanding of the scope of the existing legal régime, of the inter-relationship of its provisions and of aspects related to adherence, compliance and enforcement. They also believed that the examination of that régime in the Ad Hoc Committee confirmed that there continued to be a need to arrive at a common understanding of what were permitted and prohibited uses of outer space. In this regard, an analysis of some terminological problems that had to be dealt with was presented to the Committee (CD/OS/WP.27).

26. In addition to sharing the views reflected in the above paragraph, one delegation reiterated that the existing legal régime for arms control in outer space was equitable, balanced and extensive and had been far more successful in preventing an arms race than any comparable régime on Earth. In its opinion, any problems associated with the existing legal régime would be inherent in any legal régime, no matter how developed, since a legal régime by itself is not sufficient to prevent an arms race in outer space but also requires compliance, enforcement and participation. Beyond that, this delegation believed that many of the proposals that were being discussed were based on an inadequate appreciation or flawed understanding of the existing legal régime. It considered, for instance, that proposals for banning the use of force in outer space, immunizing satellites from attack, immunizing satellite ground stations from attack and banning anti-satellite weapons were either redundant or perhaps even prejudicial to the legal controls that were already in place.