

(Mr. Tellalov, Bulgaria)

A subject which already seems ripe for concerted action is an agreement on an ASAT ban. The existing legal régime for outer space places some important restraints on the nature, deployment and possible use of such weapons. These restraints do not seem, however, to be comprehensive enough. Non-nuclear ASAT weapons, for instance, could well be developed and deployed in outer space despite the established legal restraints.

We consider that there are available, at least currently, two important prerequisites conducive to concrete negotiation and early conclusion of an ASAT ban agreement. Firstly, the two leading space powers now observe an actual moratorium on testing and deployment of such weapons. Secondly, the majority of the countries today favour an early agreement to ban all dedicated ASAT weapons and dismantle the existing ones. Many CD delegations have already tabled specific proposals on how to achieve such a ban.

Appropriate measures, designed also to produce a confidence-building effect, could lead us to the accomplishment of this objective. Ensuring the immunity of satellites and, possibly, their associated ground stations, for example, may be viewed as an important step towards attaining an ASAT ban in a more comprehensive and realistic manner. Such an agreement could take care of the need to prevent development, testing and deployment of new dedicated ASAT weapon systems and to eliminate the existing ones. There could also be a prohibition of the use of force against space objects. Such a provision would have the merit of outlawing interference with the normal functioning of space objects by systems which usually serve other purposes but could, in principle, be used in an ASAT mode. This would address the problem of the so-called dual-capability space weapon systems.

The view has been expressed in the Ad hoc Committee on item 5 that the problem of dual-capability systems might present certain difficulties in banning all dedicated ASAT systems. Such apprehensions do not seem, however, to be justified. There are ways to overcome possible difficulties in this respect. The key criterion to be used, for example, in assessing the actual capability of a system to be a military significant ASAT weapon could be the testing of such systems. Opponents of a CTB have insistently tried to convince us that nuclear testing is of immense importance for ensuring the military significance and reliability of new weapons designs. If we are expected to believe such an argument regarding the CTB, I fail to see why we should have to believe otherwise in the ASAT context. To be reliable, a space system meant to perform ASAT functions should be tested extensively enough in such a mode. Given the existing monitoring capabilities of each side, these tests cannot remain hidden. Thus, military significant ASAT systems would inevitably be known to the other side, something that would facilitate verification of the ban on them.

Another reservation with respect to the suggested agreement on satellite immunity contends that, under Article 2, paragraph 4, of the Charter of the United Nations, space objects are already protected against use of force. We do not recognize the importance of the Charter in international law. A careful consideration of Article 2, paragraph 4, in its entirety would, however, reveal that its provisions actually prohibit the use of force against