

of an ad hoc Committee to focus in more detail, Canada is prepared to reinforce its efforts and to participate actively and effectively in developing an understanding and consensus for further work relating to the subject of preventing an arms race in outer space.

This working paper is meant to facilitate consideration of this area by the CD by providing a basis for examining its legal context. In general, as a review of international law relating to arms control and outer space, it presents a broad interpretation of a variety of views concerning the significance and application of some of the existing treaties. It does not purport to provide a Canadian government position on any issue. Instead, in terms of the CD mandate relating to the prevention of an arms race in outer space, its objective is to provide a rational basis for discussion from which the ad hoc Committee might wish to develop its approach to the subject. It will be apparent throughout this paper that different interpretations may emerge due to the lack of consensus regarding terminology and definitions relating to outer space.

## I. Introduction

Generally speaking there are four sources of international law as outlined by Article 38(1) of the Statute of the International Court of Justice.<sup>1</sup> These are:

- a) international conventions, whether general or particular, establishing rules expressly recognized by the contracting states;
- b) international custom, as evidence of a general practice accepted as law;
- c) the general principles of law recognized by civilized nations;
- d) ... judicial decisions and the teachings of the most highly qualified publicists of various nations, as subsidiary means for the determination of rules of law.

This paper will limit its consideration to two categories. First, international conventions and treaties relevant to outer space will be reviewed. Treaties express the intention of the parties to create binding obligations under international law. They may also