

B. 1983 Soviet Draft

In 1983, the Soviet Union tabled another motion on outer space at both the UN General Assembly and the CD.⁵² This Draft Treaty proposed that the use or threat of use of force in outer space, the atmosphere, and on the earth be prohibited. It is not clear why this was included as it amounts to a reiteration of Article 2(4) of the UN Charter. Article 1 goes on to state that space objects are not to be used to threaten objects in “outer space and the atmosphere and the on the Earth”, and space objects themselves are not to be threatened. This article would prohibit threats from space-based assets such as ASAT or BMD weapons, and threats to space-based assets, whether ground, air, sea or space-based.

Article 2 is a reformulation of the 1981 Soviet Draft and contains several undertakings. It prohibits testing or deployment of space-based weapons aimed at destroying objects on the Earth, in the atmosphere, or in outer space. Article 2 also provides for the non-interference with space objects of other Parties, either by destroying, damaging, or disturbing the normal functioning, or changing the flight trajectory, of such objects. The proposal also introduced an obligation not to “test or create” new ASAT systems and to destroy any such systems they might already possess.

Moreover, though the 1983 Draft Treaty maintained NTMs of verification for ensuring treaty compliance, a provision was also included whereby States could have “...recourse to appropriate international procedures within the United Nations and in accordance with its Charter...”, including recourse to a Consultative Committee of State Parties to the Treaty (Article 5).

C. Union of Concerned Scientists (UCS) Draft 1983

In 1983, a group of concerned scientists prepared a Treaty Limiting Anti-Satellite Weapons. The document was prepared under the auspices of the Union of Concerned Scientists (UCS)⁵³.

The proposal was for a bilateral treaty. However, once agreement between the United States and the Soviet Union would be reached, a multilateral accord open to all nations was seen as desirable.

The treaty has three essential elements. First, the signatories would undertake not to destroy, damage, render inoperable or change the flight trajectories of space objects.

Second, the signatories would undertake not to test in space or against space objects weapons for destroying, damaging, rendering inoperable, or changing flight trajectories of space objects. Furthermore, the signatories would undertake not to place such weapons in orbit or to station them on celestial bodies or in outer space in any other manner.

Treaty compliance would be verified by national technical means, supplemented by cooperative measures agreed upon by the Parties in the framework of the Standing Consultative Commission, as established in the ABM Treaty.

⁵² “Treaty on the Prohibition of the Use of Force in Outer Space and From Space Against the Earth” U.N. Doc. A/38/194, 26 August 1983. “Letter Dated 19 August 1983 from the first Vice-Chairman of the Council of Ministers of the Soviet Socialist Republics, Transmitting the text of a Draft treaty on the Prohibition of the Use of Force in Outer Space and From Space Against the Earth”, CD/476, 20 March 1984.

⁵³ For the full text of the Draft Treaty consult the following web site: <http://www.ucs.org>