

initiatives of the States members of the Conference on Disarmament under agenda item 5", prepared on the basis of the official documents and records of the United Nations General Assembly and the Conference on Disarmament, as well as on statements made by the member States (CD/905-CD/OS/WP.28). The delegation hoped that the review would promote in-depth analysis of their complex political, military, scientific, technical and international legal problems, taking into account the necessity of examining avenues which could lead to future multilateral negotiations in the Conference on Disarmament aimed at the prevention of an arms race in outer space. Another delegation reiterated that it has all along stood for the banning of all space weapons, which naturally includes ASAT weapons. In the view of this delegation, in order to facilitate consideration and negotiation of the issue of the prevention of an arms race in outer space, the banning of ASAT weapons, as a first step, has a certain practical significance.

44. One delegation highlighted some of the legal issues surrounding the establishment of keep-out zones in outer space. With reference to Articles I, II and IX of the Outer Space Treaty, it pointed out that there was today agreement that the two principles of freedom and non-appropriation in relation to outer space existed independently of the Treaty, having already acquired the status of customary rules of international law. This delegation was joined by some others in further noting that the relevant provisions of the Treaty reinforced the principle that exclusive rights did not exist in outer space even though the practical capabilities of some users might be greater than others. All of these delegations believed that although the situation would be different in the case of a multilateral agreement regarding keep-out zones the fact was that the unilateral declaration of keep-out zones, having specific spacial dimensions would be equivalent to an attempt to exercise sovereignty and would be in breach of existing international law.

45. One delegation introduced a working paper (CD/OS/WP.36) containing proposals for urgent measures to prevent an arms race in outer space. It pointed out that both major space powers had devoted considerable resources to research on ballistic missile defences (BMD) and the issue of BMD was of relevance also to the Conference on Disarmament, since all States would be affected by the destabilizing implications. Furthermore, this delegation stated that since the major space Powers had tested dedicated ASAT systems, other States, too, could consider strengthening their military capacities by acquiring ASAT capabilities and that the spread of advanced missile technology