

nor a confidence building instrument, but a legal instrument establishing an international registry of space objects for the purpose of giving practical effect to the 1972 Liability Convention⁴⁹.

It is suggested that sharing and providing more precise information along the lines of those mentioned above should be provided by States on a voluntary basis as a means of building confidence. Then, depending on the scope of any new agreements (either bilateral or multilateral) dealing with space weapons, such notification and information procedures could be incorporated into these or could form part of a separate set of confidence-building measures adopted for the outer space environment.

II. Proposals for a New Agreement

A. 1981 Soviet Draft

In response to the operational US Space Shuttle, and the announced plans for a US air-launched ASAT system, the Soviet Union submitted a Draft Treaty first to the UN General Assembly in 1981 and secondly to the Committee on Disarmament in 1982.⁵⁰

Article 1 (1) advocates an undertaking "... not to place in orbit around the earth objects carrying weapons of any kind, install such weapons on celestial bodies, or station such weapons in outer space in any other manner".

Because it prohibited only weapons stationed in orbit, Article 1 would allow testing, development and deployment of ground-based or air launched ASAT systems. It would, however, have prohibited the development of space-based BMD systems.

Article 3 called upon States Parties not to destroy, damage, disturb the normal functioning of, or change the flight trajectory of space objects of other States Parties, "if such objects were placed in orbit in strict accordance with article 1 of this Treaty". The latter part seems to countenance the use of force against another's satellite believed to be a weapon and in contravention of Article 1, even though that term is capable of differing interpretations, especially when applied prospectively to "other types" developed in the future. This right of attack on suspicion would have been highly destabilizing and was thus unacceptable to many delegations.⁵¹

Article 4 of the Draft Treaty confined the compliance provisions to the use of National Technical Means (NTM) of verification. The article also contained non-interference with these NTM of verification.

⁴⁹ Convention on International Liability for Damage, 24 U.S.T. 2389, T.I.A.S. No. 7762. Entered into force on 1 September 1972.

⁵⁰ "Draft Treaty on the Prohibition of the Stationing of Weapons of Any Kind in Outer Space", U.N. General Assembly, Doc.A/36/192,20 August 1981. Also submitted to the CD "Letter Dated 6 April 1982 from the Representative of the Union of Soviet Socialist Republics Addressed to the Chairman of the Committee on Disarmament Transmitting the Draft Treaty on the Prohibition of Stationing of Weapons of Any Kind in Outer Space Submitted to the Thirty-Sixth Session of the General Assembly", CD/274, 7 April 1982

⁵¹ See for example the Netherlands, CD/PV 170, France, CD/PV 171, the Federal Republic of Germany, CD/PV 172.