

(Mr. Wegener, Federal Republic of Germany)

strategic stability, or to prevent the abusive military utilization of outer space. This is due to the ambiguity or insufficient detail of existing legal norms; the unclear or controversial definition of central legal concepts; and the inherent ambivalence of technology which may be used for various purposes, military or non-military, stabilizing or destabilizing, thus complicating the lawyer's quest for an improved legal order in outer space. There are also grave omissions in the present outer space legal régime: both the role of satellites and the overriding need for their protection are insufficiently covered by current prescription. However, there is no controversy that satellites with verification, observation, communication and command functions are vital components of strategic stability and that, correspondingly, it would be counterproductive to prohibit all military activities in outer space, instead of only those that imperil the foundations of deterrence -- in other words, the possibilities for the successful prevention of war -- or might heighten the danger of conflict.

Up to this time the international community has not succeeded in identifying and analysing fully these weak spots of the outer space legal régime and in evaluating them in context. By the same token it has so far been impossible to define guiding concepts in an operative manner and to work out the necessary remedial or supplementary prescription.

This situation indicates the dimensions of our task. In the view of my delegation, it also underlines our obligation, taking stock of the incipient result of last year's work of the Conference, to achieve the necessary clarifications of the present body of law, to identify further regulatory needs, and to evolve the contours of a future, more complete outer space legal régime.

I view last year's mandate for the Ad Hoc Committee on Outer Space as entirely sufficient to continue along the lines of last year's work and to take additional aspects of this work in hand. But whatever the precise formulations of the mandate on which we will agree -- and, I hope, agree soon -- our task would then appear to be triple: firstly, the clarification of specific important ambiguities of the current outer space legal régime; secondly, the implementation of paragraph 80 of the Final Document of the first special session of the General Assembly devoted to disarmament, the identification of "further measures for the prevention of an arms race in outer space", completing the existing international legislation; thirdly, as precise a delineation as is possible between the regulatory tasks to be entrusted to multilateral fora, and those tasks that are intrinsically linked with the bilateral nuclear relationship of the two Major Powers, and must therefore, in the first place, be considered by them.

To this latter task there is a dynamic dimension in that the multilateral negotiating needs could very well change, or grow, commensurately with the progress of bilateral negotiations on nuclear and space matters.

In considering now these three tasks, I would like to share with delegations a number of perspectives that are, in reality, a further amplification of a statement by my delegation on 4 July last year.

Let me first dwell upon the obvious ambiguities and definitional deficits of the existing treaty and customary international law, as it relates to outer space.