

8. Existing agreements relevant to the prevention of an arms race in outer space

30. Much attention was paid to the principles and provisions of international law relevant to the prevention of an arms race in outer space. Some delegations of the Western Group underlining the central role of the Charter of the United Nations stressed the special significance of paragraph 4 of Article 2 and Article 51. They emphasized that Article 2(4) prohibited the threat or use of force against the territorial integrity or political independence of any State. Complementing Article 2(4), Article 51 permitted States to exercise their inherent right of individual or collective self-defense. These delegations thus concluded that when read together, these two Charter provisions strictly prohibited the use of force in all instances except for individual or collective self-defense.

31. Many delegations recalled that the Outer Space Treaty was a response to the challenges that space technology created in the 1960s. Some of them stressed that the first paragraph of article IV of the Treaty, represented a legal loophole exploited by some space powers to develop a new generation of weapons that could be placed in outer space. There was almost unanimous recognition of the fact that the legal régime did place some limitations on certain weapons and military activities in outer space. However it was equally emphasized that existing legal instruments left open the possibility of the introduction of weapons in space, other than nuclear weapons or other weapons of mass destruction.

32. One delegation of the Group of 21 stated that the Outer Space Treaty of 1967 banned nuclear weapons and other weapons of mass destruction from space. However, there was no legal bar at present to the development of large lasers that some would hope could eventually be capable of countering missiles in their boost phase.

33. Many delegations reiterated that the present legal régime governing outer space was not adequate to guarantee the prevention of an arms race occurring in outer space. It was noted that General Assembly resolution 45/55A recognized the urgency of preventing an arms race in outer space and requested the Conference on Disarmament to undertake negotiations for the conclusion of binding agreement or agreements, as appropriate. While recognizing the significant role played by that régime and the need to consolidate and strengthen it and its effectiveness, several delegations called for the total prohibition of the development, production, stationing, stock-piling and use of space weapons and the destruction or transformation of existing weapons.