

stable and coherent legal regime for outer space promoting international cooperation in its exploration and use.⁶⁷

Comprehensive negotiations may however provide certain states pressing for reforms of existing space law the opportunity to reopen discussion on well agreed to basic principles of space law.⁶⁸ Other considerations also tend to discourage the movement towards comprehensive law making for outer space. The question of procedure is of high importance. It is unlikely that the relevant global conference would adopt rules of procedure reflecting the concerns of those states who are most actively involved in space activities. States, notably those most affected, may feel that comprehensive solutions and global conferences create a political environment responsive to numerical majorities.

C. A Comprehensive Space Weapons Ban

A comprehensive space weapons ban would prohibit all weapons, regardless of basing, designed to attack targets in outer space. Such a ban would protect both civilian and military space assets.

Current developments in ABM defense systems and the close relationship between ABM technology and ASAT weapons technology will prevent the US from considering any attempt at regulating activities for which they have not sufficiently carried out research, development and, in some cases, testing.⁶⁹

A comprehensive ban would aim to eliminate all ASAT weapons, regardless of where they are based. Existing ASAT weapons would also have to be dismantled. Negotiating such a ban would necessarily have to start at the bilateral level and then could be open for multilateral endorsement. In addition, for a deployment ban to be truly effective, additional constraints would have to be placed on the development and testing of ground-based BMD systems. In view of the renewed interest in national missile defenses, this would be unacceptable to the US

Negotiations of a comprehensive space weapons ban are thus extremely unlikely to occur.

D. Space-Based Weapons Ban

Because no State has yet declared having placed weapons in space, a ban on space based weapons currently stands the greatest chance of successfully being negotiated at a multilateral level. Though the US has consistently stated in multilateral settings that it "believes that the existing outer space legal regime has served us well, and there is no need for new procedures"⁷⁰, this view is not unanimously held within government, military and scientific communities. Many individuals in these circles strongly favor keeping space as a "sanctuary" free of weapons and argue in favor of such a treaty.

⁶⁷ See for a discussion on this point, Danilenko, G.M., "Outer Space and the Multilateral Treaty-Making Process", High Tech. L.J. 217 (1990), at 244-45.

⁶⁸ See, *infra*, section III.

⁶⁹ For a detailed analysis of technology similarities between ABM defense systems and ASAT weapons see, US. Congress, Office of Technology Assessment, Ballistic Missile Defense Technologies, OTA-ISC-254, Washington, DC: US Government Printing Office, September 1985

⁷⁰ See US statement CD/PV.775 (21 August 1997).