

11. PREVENTION OF AN ARMS RACE IN OUTER SPACE

BACKGROUND

In 1961, a resolution passed by consensus in the United Nations General Assembly (UNGA) identified the principles by which states should be guided in their exploration and use of outer space. It was established that international law, including the UN Charter, applied to outer space, and that outer space and all celestial bodies were free for all states to explore. In 1963, the United States, Great Britain and the Soviet Union signed the Partial Test Ban Treaty (PTBT) prohibiting nuclear tests in the atmosphere, outer space and under water. One hundred and nineteen countries have now signed the Treaty.

In December 1966, the UN General Assembly unanimously approved a Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies. Canada ratified this Treaty in 1967. The Outer Space Treaty, as it is known, states that the exploration and use of outer space shall be for the benefit of all. It bans the stationing of any nuclear weapons or weapons of mass destruction anywhere in space. Military bases, installations or fortifications, as well as weapons testing of any kind and military manoeuvres are prohibited on the moon and other celestial bodies. The use of the moon for solely peaceful purposes was reaffirmed in July 1984, with the coming into force of the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies.

The 1972 Anti-Ballistic Missile (ABM) Treaty between the United States and the Soviet Union limits the number of anti-ballistic missile sites, interceptor missiles and associated radars the two states may maintain. Under Article V of the Treaty, the two parties also undertake "not to develop, test or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile-land based." The ABM Treaty, therefore, acts as a barrier to the extension of the arms race in outer space.

Bilateral discussions between the US and the Soviet Union on possible limitations on anti-satellite (ASAT) weapons have been occurring on and off since 1979, when negotiations ended after a year of inconclusive discussion. One of the primary areas of disagreement about ASAT weapons is whether they are inherently offensive or defensive weapons. Repeated calls by the Soviet Union for a renewal of negotiations have proved unsuccessful. In 1983, the Soviet Union announced that it was unilaterally halting all ASAT testing. Two years later, the US Congress imposed a moratorium on tests of the US F-15 ASAT in space. In 1987, the US Air Force cancelled all funding for the weapon. In 1988, an effort to impose a more permanent ban on ASAT testing was launched by some members of Congress. Congressional supporters of ASAT not only succeeded in blocking a ban, but also in ending the moratorium imposed in 1985. The Soviet Union has continued to call for