

I. Proposals Related to Existing Agreements

A. Outer Space Treaty 1967

Most of the initiatives to improve the Outer Space Treaty attempt to close the gap regarding the placing into orbit of conventional or other weapons which are not considered to be weapons of mass destruction

Under Article XV of the Treaty, any State Party to the treaty may propose amendments.

In 1968, Italy submitted a request to the Twenty Third Session of the UN General Assembly, requesting the inclusion of an additional item in the agenda, namely “the necessity of amending Article IV of the Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies”³⁹.

Concerned by existing fractional orbital bombardment systems (FOBS) the amendment sought to prohibit placing nuclear weapons or any other kinds of weapons of mass destruction “in complete or partial orbit, around the Earth or around any other celestial body (emphasis in original)”.

Though the amendment proposal was made to the UN General Assembly, the draft resolution stipulates that upon a favorable vote by the UN General Assembly, the later is to submit the issue for further study to the Conference of the Eighteen-Nation Committee on Disarmament (ENDC). The ENDC was to promote the steps necessary for the amendment of the Treaty and submit concrete proposals to the Twenty Fourth Session of the UNGA. The proposal was never submitted to the ENDC.

A Memorandum suggesting the drafting of a Protocol of the Outer Space Treaty’s provisions was submitted by Italy to the Conference on Disarmament in 1979⁴⁰. This was largely inspired by the series of negotiations held between 1977-1979 between the US and the Soviet Union on limiting ASAT systems.

The document suggested a total ban on such military activities as the development and use of earth or space-based systems designed to damage, destroy, or interfere with the operations of other States’ satellites.

States Parties to the Protocol would undertake:

“to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in any measures of military or hostile nature, such as the establishment of military bases, installations and fortifications, the stationing of devices having the same effect, the launching into orbit or beyond of objects carrying weapons of mass destruction or any other types of devices designed for offensive purposes, the conduct of military manoeuvres, as well as the testing of any type of weapons”.

³⁹ UN Doc. A/7221, 10 September 1968.

⁴⁰ “Additional Protocol to the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies” with a view to Preventing an Arms Race in Outer Space,” CD/9, 26 March 1979.