

(Mr. Franceschi, Italy)

arms race in outer space. However, neither the General Assembly nor the Ad Hoc Committee have investigated in depth central problems such as the relationship between the commitment made by United Nations Members under Article 2 of the Charter and the right to self-defence enshrined in Article 51 of the Charter, nor the way in which these interrelated commitments and rights may be applicable to the specific field of space activities. On a more general plan, the Ad Hoc Committee has failed so far to assess to what extent and under what conditions existing commitments or obligations which are general in scope can be dealt with so as to concretely contribute to the purpose of preventing an arms race in outer space. Similarly, useful work could be done in assessing compliance with existing obligations concerning space and other related activities. In fact paragraph 1 of resolution 40/87, in its broad formulation, opens a whole range of problems on which the Conference on Disarmament should fully investigate.

Paragraph 2 of resolution 40/87 touches upon a subject which was only marginally debated within the Ad Hoc Committee in 1985, although it is crucial to a correct consideration of the question of the prevention of an arms race in outer space. The text correctly focuses on the peaceful purposes which must govern the use of space. Its impact should nevertheless also be considered from a wider angle. In fact, paragraph 2 links the use of outer space for peaceful purposes to general and complete disarmament under effective international control. Moreover, resolution 40/87 expressly refers in its preambular part to Article III of the Treaty on Principles Governing the Activities of State in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies under which States Parties to the Treaty have undertaken "to carry on activities in the exploration and use of outer space, including the Moon and other celestial bodies, in accordance with international law and the Charter of the United Nations in the interest of maintaining international peace and security and promoting international co-operation and understanding". In the debates which took place in 1985 within the Ad Hoc Committee, while some misgivings were expressed on the role of observation satellites on the ground of their alleged capability to intrude into the sphere of national sovereignty, the importance of the role of such satellites in ensuring compliance with disarmament agreements was widely recognized, together with the stabilizing effect of this specific form of military use of space. These debates, as well as the text of paragraph 2 of resolution 40/87, provide a basis for defining the angle from which the problem of the military use of space and its implications for consideration of the question of the prevention of an arms race in outer space should also be examined. If space is to be used for peaceful purposes only, the basic criterion to judge whether space activities are compatible with this purpose is not so much their military or civilian nature, but rather their capability to enhance stability and thus contribute to the goal of maintaining international peace and security.

Both the debates which took place in 1985 within the Ad Hoc Committee on the prevention of an arms race in outer space and the deliberations adopted on this matter by the General Assembly at its fortieth session provide a clear picture of the complexity of the issues related to the prevention of an arms race in outer space which still need to be appropriately investigated. The report of the Ad Hoc Committee to the Conference shows that these issues have just been touched upon in the brief span of existence of the Committee and that plenty of work remains to be done to establish a consensual basis for the future work of the Conference on Disarmament on the prevention of an arms race in outer space.