

The fact that the task is difficult and complex does not dictate that we eschew it. It does suggest, however, that we should perhaps focus more narrowly on measures that could provide a starting point in the complicated task of coming to grips with the establishment of an appropriate international regime.

One response to such an approach is to assert that the problem requires a comprehensive solution and not piecemeal or partial treatment. While we would agree that the viability of incremental measures would depend on their compatibility with existing and future ones, any measures must also be susceptible to effective verification of compliance with legal obligations undertaken.

We also believe, as the Australian delegation noted last year, that the degree of success in meeting these ultimate objectives will be strongly dependent on the degree of transparency that states give to their activities. Indeed we must face the fact that unless we can make significant steps in the direction of greater transparency, our chances of negotiating an effective regime for the prevention of an arms race in outer space would not be such as to inspire much confidence.

One obvious area for practical progress in increasing transparency would be multilateral exchanges of data on space objects with military functions. There is clearly potential for progress as far as such objects based in space are concerned through taking advantage of the registration convention. In particular, Article IV(E) thereof stipulates that each state shall furnish to the Secretary-General information on the general function of a space article carried on its registry.

At the outset, it should be noted that the registration convention is not exclusively or even primarily an arms control or disarmament treaty. It should further be noted that the outer space treaty — although also negotiated in the committee on the peaceful uses of outer space — is in part incontestably an arms control measure. Clearly, it is the terms

of an agreement and not its negotiating provenance, which should determine its purpose and functions.

As noted, Article IV of the 1975 convention requires, *inter alia*, that each state furnish information concerning the general function of the space object to be launched. In the past, descriptions furnished to the UN Secretary-General under this heading have tended to be extremely vague. In fact, as both the UK and Canada have pointed out in working papers to the Conference in 1985, not one of the launchings registered has ever been described as having a military function despite the fact that, at a conservative estimate, well over half of all space launches are primarily for military purposes. While we accept the fact that the extent and timeliness of information given concerning military space activities may, by necessity, be limited by considerations of national security (although even this point might deserve some examination), we do not believe that this should extend to a refusal to describe space objects as having military functions. Here again, it is a question of using elements of the existing legal regime in outer space to instill further confidence and effectively promote greater transparency.

What we are suggesting, therefore, is that states party to the registration convention examine the possibility of taking their reporting responsibilities much more seriously and go beyond the requirement to disclose the 'general function of the space objects' to provide more timely and specific information concerning the function of a satellite, including whether the satellite is fulfilling a civilian or military mission or both. What we are in fact suggesting is the strengthening, for arms control purposes, of state practice under the convention.

Assuming that states party to the convention could reach an understanding that in the future they will, systematically, at time of registration, provide information on the military or civilian nature of a space object, then space powers that are not party to the convention could submit the same information

under General Assembly Resolution 1721(XVI) of 1961 which called on all states to provide information on their space objects.

It is perhaps appropriate at this point to appeal to members of the Conference who has launched space objects and are not party to the convention or who are party to the convention but either do not register their space objects or delay several years before doing so, to, as appropriate, either become party to the convention or better observe the spirit of its provisions.

Clearly, the proposal set out above would represent a very small step toward more transparency and openness in outer space. How it could or would be effected would also be a matter for study. Here, perhaps, there is a possibility of taking up a point made by the delegation of the FRG in 1987, with regards to the possibility of joining efforts with other forums having at their disposal the necessary legal expertise.

Strengthening of state practice under the registration convention might even pave the way for eventual establishment of a code of conduct for outer space as advocated by France, the UK and the FRG in the CD in 1985. It could also go some way toward advancing suggestions concerning the legal immunity of satellites. In this connection, we have noted with great interest that Foreign Minister Dumas of France, at the Third Special Session devoted to disarmament, urged that the CD give close examination, *inter alia*, to strengthening the system of notification under the 1975 registration convention and framing a code of good conduct for outer space.

The important point, we believe, is that if this Conference continues to work in the hope that we can, in one fell swoop, put in place a comprehensive agreement for the prevention of an arms race in outer space, then we will never accomplish our work. However, we must start somewhere. The elaboration of modest confidence-building measures would surely constitute a useful beginning...." ■