

## THE NON-WEAPONIZATION OF OUTER SPACE

### Preliminary Remarks Concerning the Appropriate Forum for Discussion

An ancillary question raised by all proposals is the controversy over the appropriateness of forums, i.e. whether the Conference on Disarmament (CD) or the Committee on the Peaceful Uses of Outer Space (COPUOS) should discuss issues such as the amendment of the Outer Space Treaty, drafting of a new Protocol to the Treaty, and issues dealing with arms control and outer space.

This controversy has been on-going for years. In 1983, the General Assembly's Special Political Committee (SPC), which is responsible for reviewing the reports submitted to it by COPUOS, held discussions on extending COPUOS' jurisdiction to include the military use of outer space. This met with fierce opposition from the US who considered the CD to be the sole forum for all disarmament matters, including arms control in outer space. Resolution 38/80, which dealt with all aspects of the work of COPUOS, was adopted by the General Assembly by a vote of 124 in favor, 12 against and 8 abstentions.<sup>36</sup> The resolution requested, as a matter of priority, questions relating to the militarization of outer space, taking into account that the CD was requested to consider the question of preventing an arms race in outer space.

In recent years, the wording of what COPUOS is to consider has somewhat been modified. COPUOS' agenda currently includes the item "Ways and Means of Maintaining Outer Space for Peaceful Purposes". In its last report, COPUOS members voiced concern over development and testing of weapon systems, and over recent use of space systems for military purposes. These were perceived by some delegations as means of intensifying militarization of outer space and lead to an arms race in outer space. In addition, COPUOS should consider the possibility of establishing a mechanism to coordinate work with other bodies, notably the CD.

Though the appropriate forum issue has not been settled, subtle shifts in wording, an increased membership of both bodies<sup>37</sup> and the emphasis placed on international collaboration in space applications at the recent UNISPACE III Conference<sup>38</sup> would indicate that members could in principle agree that the negotiation of any new multilateral agreement(s) dealing with arms control and outer space should be carried out by the CD with appropriate feedback to the COPUOS. Whether the latter is at present the best road to follow will be discussed later in this paper.

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<sup>36</sup> See UN Doc. A/RES/38/80, 15 December 1983. Negative votes cast by: Australia, Belgium, France, Federal Republic of Germany, Israel, Italy, Japan, Luxembourg, the Netherlands, New Zealand, UK, US. Abstaining were: Canada, Denmark, Finland, Iceland, Norway, Portugal, Spain, Sweden.

<sup>37</sup> Current membership of the CD is 66. The following countries are members of the CD but not of COPUOS: Algeria, Bangladesh, Belarus, Democratic republic of Congo, Ethiopia, Finland, Ireland, Israel, Myanmar, New Zealand, Norway, Slovakia, Sri Lanka, Switzerland, Tunisia, Zimbabwe. Current membership of COPUOS is 61. The following countries are members of COPUOS but not the CD: Albania, Benin, Burkina Faso, Chad, Czech Republic, Greece, Lebanon, Nicaragua, Niger, Portugal, Sierra Leone, Sudan, Uruguay, Philippines.

<sup>38</sup> Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space, "Space Benefits for Humanity in the Twenty First Century", Vienna, 19-30 July 1999.