CONFERENCE ON DISARMAMENT

PREVENTION OF AN ARMS RACE IN OUTER SPACE

FINAL RECORDS (PV)

AND

WORKING PAPERS (WP)

1989

PV
AND
WP

ARMS CONTROL AND DISARMAMENT DIVISION OF
THE DEPARTMENT OF EXTERNAL AFFAIRS
OTTAWA, CANADA

JANUARY 1990

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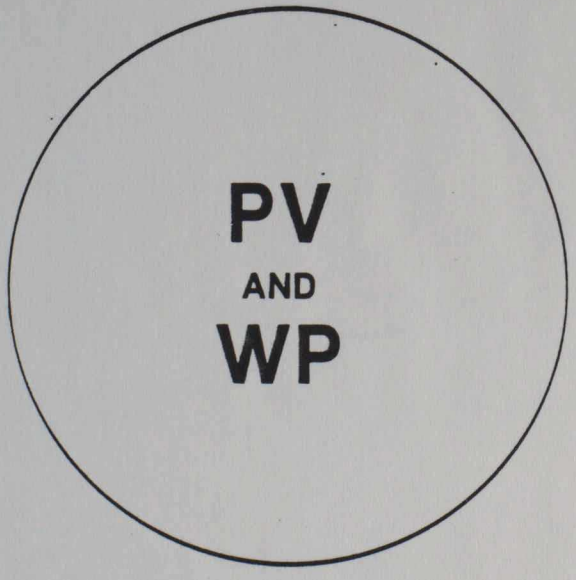
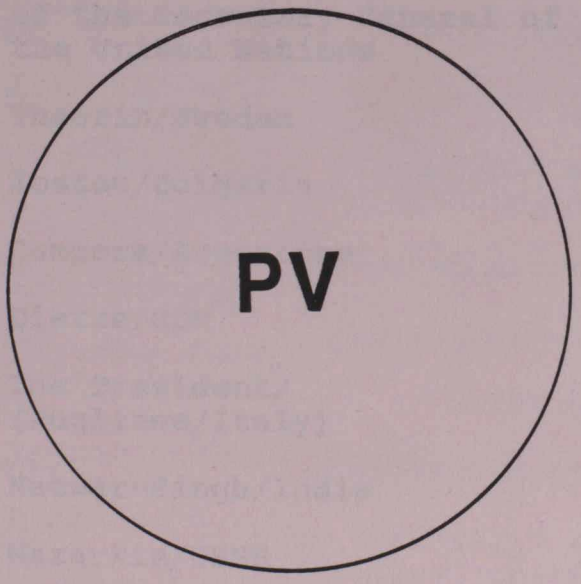


ARMS CONTROL AND DISARMAMENT DIVISION OF
THE DEPARTMENT OF EXTERNAL AFFAIRS
OTTAWA, CANADA

JANUARY 1990

PREFACE

This volume is a compilation of final records (PVs) of the Conference on Disarmament during its 1989 sessions relating to the Prevention of an Arms Race in Outer Space. It also includes plenary working papers (WP) submitted to the Conference on Disarmament during 1989 relating to the same subject. It has been compiled and edited to facilitate discussions and research on the outer space issue.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President: Mr. Aldo Pugliese (Italy)

If the negotiations on chemical weapons are of special relevance at the present stage, I also believe that it is most appropriate that this Conference should address the whole spectrum of issues on its agenda, ranging from nuclear weapons to outer space issues and a comprehensive programme of disarmament, with equal good will and constructive spirit. As President I will seek to explore all possible avenues towards the solution of the various problems we have to tackle, to permit a start on substantive work without delay. While not underestimating the many difficulties involved, I shall make every effort to discharge my responsibilities as President of the Conference during this month to the best of my abilities. In so doing I obviously intend to operate in the closest possible contact with each delegation, counting of course on the spirit of co-operation and flexibility of all.

Mr. KOMATINA (Secretary-General of the Conference and Personal Representative of the Secretary-General of the United Nations):

I will now read the message of the Secretary-General addressed to the Conference.

(...)

"The Conference on Disarmament remains entrusted with the consideration of a number of other important questions of a global character which also require urgent multilateral action. Among these are issues of nuclear disarmament, in particular those relating to a nuclear test ban, and the prevention of an arms race in outer space. Progress in those areas can decisively bring near the achievement of acknowledged goals in the field of disarmament. As the international situation improves, so must the Conference, as the single multilateral negotiating forum for disarmament, meet the challenges before it.

"I wish you every success in your negotiations."

Mrs. THEORIN (Sweden)

Or how could the prevention of an arms race in outer space be ensured except through multilateral action? The international community has expressed its firm stand that the exploration and use of outer space must be for peaceful purposes and to the benefit of the whole of mankind.

(...)

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Continued multilateral action, as I have already mentioned, is required to ensure that outer space is used for peaceful purposes only. In the CD the programme of work has concentrated on three items, namely examination and identification of issues, existing agreements and proposals, and future initiatives. The existing legal régime is not sufficient to prevent an arms race in outer space. Additional measures should be identified.

The difficulty of arriving at workable definitions of ASAT weapons should not hinder us from trying to find practical solutions. One approach could be to ban the testing of ASAT weapons, which would be the same as formalizing a de facto moratorium. Such a ban could probably be reasonably well verified. A challenging goal could be to have - in a few years from now - a verifiable prohibition of ASAT weapons, through a comprehensive ban covering the development, testing, production, deployment and use of such weapons, on Earth in the atmosphere and in outer space.

(Mr. Kostov, Bulgaria)

As has been stated on many occasions, the Group of Socialist Countries is in favour of speeding up the efforts of the Conference on all items on the agenda. We attach special importance to the item on a chemical weapons convention, as was stressed by our country's representative at the Paris Conference. Of course we applaud the results of the Paris Conference, which we think was a clear success for the whole international community. We

consider that the declaration of the Paris Conference concerning the redoubling of the efforts of the Conference on Disarmament should find adequate expression in the mandate of the Committee on Chemical Weapons. On the other hand, we wish to express our opinion that your efforts, Mr. President, should make it possible to resolve the question of procedure speedily in order not to take up much time on this point and to begin substantive work in the Conference. In that sense we support the statement of the Group of 21 and we hope that speedy consultations will be taken up in order to find a solution to this problem. We also think that the mandate of the Committee on outer space should be improved, and we are looking forward to discussing this question with you, Mr. President.

Mr. CAMPORA (Argentina)

The prevention of an arms race in outer space remains a matter of the highest importance in the view of the Argentine delegation. It is clear that the climate of international détente should also exert a positive influence on the work of the Conference in this field. There are no reasons to prevent the Ad hoc Committee - which we hope will soon be re-established - from moving forward in the consideration of concrete measures aimed at the prevention of an arms race in space.

Mr. DIETZE (German Democratic Republic)

Last year, quite a few initiatives were undertaken in terms of more concrete work on the prevention of an arms race in outer space. A considerable number of proposals are on the table. What matters now, as we see it, is to explore all avenues in the course of structured discussions in order to proceed to negotiations. My country is prepared, together with the Mongolian People's Republic, to further elaborate on the proposal advanced in the previous year on basic provisions of a treaty prohibiting ASAT weapons and guaranteeing the immunity of objects in outer space, and I think that, together with the Swedish proposals on ASAT problems referred to by Ambassador Theorin, there will be sufficient substance for a serious approach to these questions. We also endorse the Soviet proposal for the establishment of an outer space organization and the setting up of an inspectorate to verify outer space activities. Given the complexity of this subject, we suggest that a meeting of experts should be organized on scientific and technological aspects of the prevention of an arms race in outer space.

President: Mr. Aldo Pugliese (Italy)

I am happy to inform you that the informal consultations concerning the mandate and chairmanship of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space have concluded successfully, and that I intend to take up the relevant decisions at our next plenary meeting on Tuesday. We shall then also invite those non-members wishing to participate in the work of the Ad hoc Committee to do so.

Mr. NATWAR-SINGH (India)

The international community has unanimously recognized outer space as the common preserve of mankind. To expand international co-operation in the peaceful uses of outer space, it is essential that it be kept free of all types of weapons. During the last few years, the CD has done valuable work in examining and identifying issues relevant to the prevention of an arms race in outer space. It is an encouraging sign to note that almost 20 proposals have been tabled by delegations, some relating to specific aspects such as banning ASAT weapons or providing immunity to satellites, as well as other more comprehensive proposals, such as amending the 1967 outer space Treaty or adding a protocol to it or replacing it with a more comprehensive treaty.

It is accepted that the existing legal régime relating to outer space needs to be strengthened and reinforced. In view of technological developments taking place, its limitations have become strikingly evident. New legal instruments need to be developed which would reflect both the new political reality and these technological developments. The existing corpus of international law, in the form of both bilateral and multilateral agreements, indicates the direction in which we have to move.

Verification of compliance is a difficult task, and one often made more complex by lack of pertinent data. Today, the registration Convention cannot be described as an effective source of pertinent data. It needs to be strengthened. It would be useful to have an expert group associated with the Ad hoc Committee which could, as a first task, work on the development of criteria necesssary for building up a relevant data base.

Satellite technology has reached a stage where it can be used as an important aid in economic planning and development. Communications, remote sensing, navigation and meteorology are among the fields where developing countries could greatly benefit from the use of satellite technology. We therefore view with great concern the development of anti-satellite weapons systems. Priority must be accorded to a ban on the development of anti-satellite weapons, coupled with the dismantling of the existing systems. It is an encouraging sign, though, that in the two States with the most significant space capabilities, restraint with regard to anti-satellite weapon development is currently being observed. What is needed now are multilateral negotiations to convert this voluntary restraint into a universally binding commitment. The proposal for an expert group would also help in resolving the definitional problems so relevant in considering an ASAT ban. We are also concerned about the ongoing research on new types of anti-ballistic-missile weapons systems. The limits prescribed by the ABM Treaty should not be

transgressed, and negotiations should begin on a new legal instrument to ensure that outer space is kept free from the incursion of new weapon systems operated either from ground or from space. It is a matter of regret that the Ad hoc Committee functioning since 1985 has not succeeded in coming to grips with the real issues under this item.

Mr. NAZARKIN (Union of Soviet Socialist Republics)

In conclusion, a few words about another priority disarmament problem, the prevention of an arms race in outer space. For some years now this debate has been moving around in circles, as it were. We hope that the Ad hoc Committee on outer space will be re-established in the very near future and that it will prove capable of moving forward from academic discussions to the genuine search for areas of agreement. There is quite enough material for serious work. It includes the specific proposals made by the Soviet Union, in particular to ban anti-satellite systems, to create a system of verification of the non-deployment of weapons in outer space, and to establish an international satellite monitoring agency. The Soviet delegation will, of course, be prepared to participate constructively in the search for ways and means of achieving progress on the other items of the agenda of the Conference as well. Today, we are at the beginning of the road. But only those who move forward will reach their destination.

President: Mr. Aldo Pugliese (Italy)

I had hoped today to be able also to re-establish the ad hoc committees on chemical weapons and on the prevention of an arms race in outer space, but unfortunately consultations have not yet produced results. However, I know that members are consulting actively, and it is my hope that we will succeed soon, so that the Conference might adopt the relevant decision at the plenary meeting next Thursday. I shall be happy if we are able to do so, as the secretariat is processing draft decisions on the participation of non-members in both ad hoc committees, under items 4 and 5, and I am sure that you will all agree with me that invitations to them to participate in our work should be extended at the earliest possible date.

Mr. DOLGU (Romania)

As regards the prevention of an arms race in outer space, Romania proposes:

The cessation of any action or arms programmes designed to extend the arms race into space;

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The negotiation of a universal agreement providing for renunciation of any use of space for military purposes, and its use for exclusively peaceful purposes under appropriate international control;

The creation, under the United Nations, of a special body to monitor compliance with agreements on the non-use of outer space for military purposes and the launching of satellites and other objects into outer space.

Ms. SINEGIORGIS (Ethiopia)

Another issue that figures prominently on the agenda of the Conference is the prevention of an arms race in outer space. As we are all aware, outer space is mankind's common heritage and should be used exclusively for the benefit of humanity. The 1967 outer space Treaty and other relevant legal instruments governing States' activities in outer space leave much to be desired. Indeed, rapid achievements in science and technology have made the legal régime ineffective. It is therefore necessary to initiate appropriate measures to reinforce the existing legal régimes. Ethiopia supports the

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(Ms. Sinegiorgis, Ethiopia)

proposal for the establishment of a committee or group of experts which will look into definitions and verification techniques. This, in our view, will lay the technical groundwork to enable the ad hoc committee to pursue its task more effectively. The longer we delay in adopting a common approach to tackle the prevention of an arms race in outer space, the greater the difficulties we will face. Our concerted effort should be deployed to realize the objective of the prohibition of the use of outer space for hostile purposes. Likewise the vast potential of space technology should be used for the advancement and the well-being of mankind.

President: Mr. Aldo Pugliese (Italy)

I now turn to requests from non-members to participate in the work of the Ad hoc Committee. In that connection, I should like to note that for technical reasons relating to a process of consultations, the secretariat had to prepare the working papers relating to invitations to non-members with a reference to a subsidiary body on agenda item 5. This should be disregarded, as we have not been able yet to re-establish that Ad hoc Committee. We shall consider the references to a subsidiary body on agenda item 5 as deleted from working paper CD/WP.359 and Add.1 to 19. When we re-establish the Ad hoc Committee on the Prevention of an Arms Race in Outer Space, we shall then take the working papers up again to deal with agenda item 5.

(Mr. Vajnar, Czechoslovakia)

The Czechoslovak delegation considers the Conference on Disarmament sufficiently representative to address successfully the priority questions related to nuclear disarmament and the finalization of the chemical weapons convention. Naturally, while specific measures are being discussed and negotiated in this direction, arms must not be moved into outer space. Czechoslovakia does not see the tasks I have just mentioned as noble but distant goals. We are ready to contribute to their achievement through specific steps, including unilateral steps when there is a hope that they will lead to positive developments.

Mr. AUNG THANT (Burma)

The impending threat of an arms race in space makes it absolutely necessary and imperative to take urgent and timely measures for the prevention of such an arms race before it is too late. An arms race in space will add a new dimension to the prevention of nuclear war, and will certainly make it doubly difficult to reduce the risks of nuclear war. This will be the fifth year that the Conference has dealt with this agenda item in an ad hoc committee. My delegation feels that the useful work thus far carried out in the ad hoc committee in the past four years, and later developments in this field, should be adequately reflected in the mandate and the programme of work of the ad hoc committee. Previous years have seen the belated establishment of an ad hoc committee on agenda item 5. We wish to see the speedy establishment of an ad hoc committee on agenda item 5 so that it may start its substantive work at the earliest possible date.

Mr. FAN (China)

While people are concerned with the continuing modernization of nuclear weapons and delivery systems, the arms race is also extending into outer space. Consequently, efforts for the maintenance of peace and the promotion of disarmament can in no way be slackened, and disarmament still remains an arduous and long-term task.

(...)

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(Mr. Fan, China)

The year 1988 witnessed remarkable achievements in space science and technology. In 1988, the Soviet Union successfully launched its first pilotless space shuttle and two Mars explorers. Soviet astronauts set a record by staying one year in outer space. The United States recovered from the serious setback caused by the Challenger explosion and launched Discovery. The European Space Agency sent three satellites into orbit with a single powerful Ariane 4 rocket. And for the first time China launched a meteorological satellite into heliosynchronous orbit. There is great potential for the peaceful use of outer space to promote the development of science, technology, the economy and culture, and to enhance international co-operation. Bright prospects are opening up before mankind to explore and utilize outer space. While joyous over the progress of mankind in this respect, one also notes with grave concern that there has been an increase in military-oriented space activities. The development of space weapons, in particular, has cast the cloud of an arms race over peaceful outer space. Now the development of space technology is at a crossroads: either we take immediate measures to prevent an arms race in outer space, so as to ensure that the peaceful use of outer space remains beneficial to mankind, or we leave things to take their own course, making outer space the arena for an arms race, thus placing the whole of mankind under the threat of an unprecedented calamity. Consequently, the prevention of an arms race in outer space should be a new priority in the field of disarmament.

It has been eight years since the prevention of an arms race in outer space was put on the agenda of the Conference on Disarmament, and the Ad hoc Committee on this item has been set up for four successive years. Though the work of this Committee has scored some achievements, it has undeniably failed to make substantive progress. We have always held that the effective way to prevent an arms race in outer space is to ban all types of space weapons. And this depends primarily on the will of the major space Powers, which bear a special responsibility for the prevention of an arms race in outer space. As the sole countries which at present possess and continue to develop space weapons, they should, if they are willing to do so, take practical measures and undertake not to develop, test, produce or deploy space weapons and to destroy all types of existing space weapons. On this basis, an international

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(Mr. Fan, China)

agreement on the comprehensive prohibition of space weapons can be concluded through negotiations. It is imperative to take advantage of the current favourable international climate to start substantive negotiations on the prevention of arms race in outer space as soon as possible. China has all along held that the exploration and utilization of outer space should serve only peaceful purposes and the well-being of mankind by promoting the economic, scientific and cultural development of all countries. China's commitment to the peaceful use of outer space is further exemplified by the fact that on 8 November 1988 the Standing Committee of the National People's Congress adopted a decision to accede to the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, the Convention on International Liability for Damage Caused by Space Objects and the Convention on Registration of Objects Launched into Outer Space. Our accession to the three conventions will help increase international co-operation and exchanges in space activities.

Mr. VARGA (Hungary)

We consider that continued multilateral action is required for the prevention of an arms race in outer space. It is vital that the mandate issue should be overcome as expeditiously as possible and that the Outer Space Committee should start substantive work on improving the existing international legal régime governing outer space. The Committee could do useful work on the issue of prohibiting ASAT weapons and providing immunity to satellites in outer space. The proposal by the Soviet Union for the establishment of an outer space

organization and an international inspectorate for verifying activities in outer space are issues which can provide for a sensible and useful task for the Committee and a good option for its deliberations.

Mr. KOSIN (Yugoslavia)

Another priority for immediate action is the item on prevention of an arms race in outer space. It is high time to start addressing these issues in

a more substantive way, in view of the need to take measures to institute an improved legal régime conducive to the conversion of space into an area of peaceful co-operation. The level of discussion about this issue thus far has been very beneficial, in terms of clarification of its broad aspects, submission of proposals and understanding of others' positions. However, this is the reason for us to believe that the conditions favour a move forward. Among priority measures which could contribute to both confidence-building and improvement of the security environment are guarantees of the immunity and protection of satellites. This is of universal importance because of the role of satellite technology in promoting development for all, and particularly developing countries. We expect the main space Powers to continue their restraint in developing anti-satellite weapons, which should be translated into binding international agreements.

Mr. KOSTOV (Bulgaria)

The item "Prevention of an arms race in outer space" remains high on the agenda of our Conference. Resolution 43/70 of the United Nations General Assembly reiterated once again that the Conference has the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects, and requested the Conference to re-establish an ad hoc committee with an adequate mandate with a view to undertaking such negotiations. We earnestly hope that this year the mandate of the ad hoc committee will be agreed upon expeditiously, which will enable the Conference to proceed with substantive consideration of the subject. The content of the "adequate" mandate referred to by the General Assembly is of course subject to different interpretations. In my understanding, intensive and fruitful work is possible and needed even under the present mandate. There are a lot of proposals and initiatives that should be further pursued within the ad hoc committee. Such issues as a moratorium and ban on ASAT weapons and guarantees of the immunity of space objects, the establishment of an international space inspectorate and other verification mechanisms are well identified and, in our opinion, ripe for practical solutions, given political will on the part of all member States. We also note with interest the proposals and ideas regarding the multilateralization of the ABM Treaty and the Soviet-American agreement on the notification of long-range ballistic missile launches, the strengthening of the 1975 registration Convention, and so on. It will be very useful if the authors of these proposals elaborate on their ideas in a more detailed manner.

The Bulgarian delegation will also favour the establishment of a group of experts to consider verification issues in the context of specific aspects of the prevention of an arms race in outer space. The consideration of these and other issues would not, in our view, preclude the search for comprehensive

solutions of the type envisaged, for example, in USSR documents CD/476 and CD/274. My country's main objective remains unchanged - outer space must remain free from weapons of any kind. It is our conviction that the Conference could make a significant contribution towards the achievement of this objective.

President: Mr. Aldo Pugliese (Italy)

I would have been pleased to welcome, as early as in February, the establishment of another important subsidiary body, the one in charge of the delicate and important problem of "Prevention of an arms race in outer space". Despite great good will, my efforts have not yet led to a conclusive result on this matter. I am sure that, where I did not succeed, my successor will be able to reach more concrete results in the pursuit of a reasonable compromise solution to enable the Ad hoc Committee on outer speace to resume its work as soon as possible.

Mr. ANDREOTTI (Italy)

One of the final issues on which we are focusing our attention is the prevention of an arms race in outer space. Space is destined for peaceful activities, and its use or exploration must be for the benefit of all countries, whatever their level of economic and scientific development. Primary responsibility for seeking effective and verifiable agreements undoubtedly lies with the two leading Powers. I believe that both of them, like all of us, are fully aware that unrestrained competition in this field would eventually prove to be a costly and unproductive enterprise. The bilateral negotiations being conducted in Geneva, although complex and sensitive, suggest that a constructive approach will be pursued. We would wish to encourage the United States of America and the Soviet Union to reach an agreement which will safeguard strategic stability and foster co-operation, in the context of rigorous respect for existing agreements.

The current debate on this subject at the Conference on Disarmament is still in a preliminary phase: recently, however, it has been possible to make a detailed examination of issues of quite considerable importance: for example, the applicable legal régimes, terminology, and identifying activities conducted in space. This gathering can play a role of prime importance with regard to this problem, while making due allowances for the fact that many and diverse political, strategic and technological requirements converge, sometimes contradictorily. However, it is a sector of activity of enormous relevance to the peaceful future of mankind, and will require increased commitment on the part of us all.

Mr. MARCHAND (Canada)

Now let me turn to our agenda item 5, on the prevention of an arms race in outer space. It seems to us that in our consideration of item 5 we are perhaps too often overly selective in our focus. Given the importance of the use of space for the present and future development of mankind, it is clearly of particular importance for us to give serious thought to one very broad and somewhat imprecise issue - namely, the relationship between international security, on the one hand, and the uses of space, on the other. Both of the two elements that comprise this relationship deserve greater conceptual thought, as does the relationship itself.

International security in this context relates not only to the absence of weapons as such in outer space. The responsibility of the two major space Powers, both to themselves and to the rest of us, is to maintain a stable

controlled relationship between themselves. We, in the multilateral area, must not forget this point. That is why this delegation has emphasized both that we must take great care to ensure that the results of our work will enhance stability, rather than detract from it, and that our negotiations complement the bilateral negotiations that are taking place between the two major space powers.

We must also consider the actual use being made of outer space. Until recently, space activities have been effectively dominated by the two major space Powers. They have allocated huge resources and developed revolutionary technologies with the goal of managing their strategic relationship to which I have just referred. That situation is, however, now changing every day. One of the specific challenges for the multilateral disarmament world will be not only to put technological developments in space to good use but, even more important, to come to a common understanding as to what such "good use" is.

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(Mr. Marchand, Canada)

The point of the foregoing is to underline our contention that the Ad hoc Committee on the Prevention of an Arms Race in Outer Space should give much more attention to the basic framework involved in the use of space: to strengthen the current régime, to agree on the definition of key terms, to clarify the issue of stability and, in general, thereby to set up a solid foundation to guide our work in the coming years. I would further contend that this is one area where multilateral efforts would be particularly appropriate.

This exhortation, that we seek better to set out the essential parameters of our work in this field, is not to say that the Ad hoc Committee (once it is established) should not also focus on particular questions. In that regard, we in Canada continue to believe, with respect to the registration Convention, that it would be a helpful confidence-building measure were the parties to provide more timely and specific information concerning the functions of the satellites they launch, including whether specific satellites are intended to fulfil civilian, military or combined functions.

As a member of the Conference on Disarmament with a special interest in progress in this field, and as, moreover, this year's co-ordinator for the Western Group, we in the Canadian delegation had hoped that the ad hoc committee on item 5 could have been established this time with a minimum of procedural wrangling. This has not proved to be so, but my delegation regards the attention being given to this item as a hopeful indication of our shared desire to look seriously at what is involved in the prevention of an arms race in outer space and, through our collective work, make some gains in pursuit of that objective.

Before I leave this item, I would like to inform the Conference that our Verification Research Unit has already completed the preparation of a single-volume outer space compendium covering all the statements made during the course of our 1988 sessions and including all the working papers that were issued. This document, which we hope will prove a useful working tool and point of reference for our future use, was distributed by the secretariat on 28 February under cover of CD/891 dated 22 February.

President: Mr. Chusei Yamada (Japan)

If no other member wishes to take the floor, I should like to inform you that my consultations on the establishment of an ad hoc committee under agenda item 5, entitled "Prevention of an arms race in outer space", are proceeding. I will again take up this matter with the co-ordinators at our regular meeting tomorrow, in order to establish whether we have consensus on this matter. If this is so, then I intend to put before the Conference, for decision, a draft mandate for the re-establishment of the Ad hoc Committee and, at the same time, we shall take up requests from non-members to participate in the work of the Ad hoc Committee.

Mr. BAYART (Mongolia)

Mongolia welcomes the continued successful implementation of the INF Treaty, and expects that the Soviet-American talks on nuclear and space weapons will resume soon so as to bring about the declared objective of a 50 per cent reduction in their strategic offensive arms, while preserving the ABM Treaty as signed in 1972.

(...)

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(Mr. Bayart, Mongolia)

The prevention of an arms race in outer space is one of the priorities of disarmament negotiations. As was eloquently pointed out by His Excellency Mr. Andreotti, Minister for Foreign Affairs of Italy, "it is a sector of activity of enormous relevance to the peaceful future of mankind, and will require increased commitment on the part of us all". We have just heard the good news of the agreement on the re-establishment of the Ad hoc Committee on outer space.

During 1985-1988, in the Ad hoc Committee, representatives of the member States of the CD drew attention to a number of issues such as: the status of outer space as the common heritage of mankind; the need to prevent an arms race in outer space; the non-deployment of weapons in outer space; the interrelationship between the prevention of an arms race in outer space and arms limitation and disarmament measures in other fields; the relationship between bilateral and multilateral efforts aimed at the prevention of an arms race in outer space; the definition of space weapons; the improvement of the working procedures of the Ad hoc Committee; the necessity of strengthening the existing legal régime; and the problems related to verification and compliance.

Many delegations favoured a mandate for the Ad hoc Committee that would provide for negotiations, considering that the stage of identifying and examining the problems pertaining to the prevention of an arms race in outer space is over, and they stressed that it was indispensable to embark upon more substantial work. Almost all the members of the Conference on Disarmament have expressed their attitude vis-à-vis the idea of starting multilateral negotiations. Proposals of a comprehensive nature, and those partially covering certain aspects of the problem, have been tabled before the Ad hoc Committee.

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(Mr. Bayart, Mongolia)

If we are not all prepared to enter negotiations on the substance of these proposals, we could first take up the partial or "supplementary" measures, including measures to strengthen confidence and openness in this field. Here the idea put forward by the Federal Republic of Germany for the devising of "rules of the road" in space merits our interest. The Argentine proposal that every member State of the Conference on Disarmament should declare that weapons have not been deployed in outer space on a permanent basis is very important, in our opinion.

Thus we can see that during its work in 1985-1988 the Ad hoc Committee has accumulated a great number of useful ideas and proposals. Most of them contain constructive elements which are acceptable to the majority and constitute a good basis for concrete and purposeful negotiations. What is more, ideas and suggestions for negotiations have been put forward by all countries, including those which are at present not prepared for the commencement of concrete negotiations.

These are a few remarks that my delegation has to offer at this stage of our work.

The PRESIDENT: I thank Ambassador Bayart for his statement and for the very kind words he addressed to me. I have no other speakers on my list for today. Before we proceed to the decision on agenda item 5, may I ask whether any other delegation wishes to take the floor? I recognize the representative of Egypt.

Mr. ELARABY (Egypt): I would like to make the following statement on behalf of the Group of 21 with respect to the Ad hoc Committee on the Prevention of an Arms Race in Outer Space, but before doing so - and since this is the first time that I have taken the floor this month - I would like, on behalf of my delegation, to extend to you, Sir, our best wishes and to express our gratitude to Ambassador Pugliese.

The Group continues to underline the importance of the exploration and use of outer space for peaceful purposes and the urgency of preventing an arms race from occurring in outer space.

The General Assembly on 7 December 1988 adopted resolution 43/70 on the prevention of an arms race in outer space with an overwhelming majority and only one dissenting vote. The resolution requested the Conference on Disarmament to consider as a matter of priority the question of preventing an arms race in outer space and to intensify its consideration of that question, in all its aspects, taking into account all relevant proposals and initiatives. The resolution further requested the Conference on Disarmament to "re-establish an ad hoc committee with an adequate mandate at the beginning of its 1989 session, with a view to undertaking negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in outer space in all its aspects".

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(Mr. Elaraby, Egypt)

The Group of 21 remains fully committed to the provisions of this resolution. It considers its adoption as an endorsement of a desire to entrust the Ad hoc Committee with the task of improving the mandate in a manner commensurate with the responsibilities of the Conference on Disarmament as the single multilateral forum for disarmament negotiations.

Faced once again with a rigid position taken by the Western Group, and in particular by one delegation belonging to that group, the Group of 21 regrets that it was not found possible to improve the mandate in accordance with the above-mentioned General Assembly resolution, nor to reiterate the proceedings involving a statement by the President of the Conference as was done in previous years.

In view of the pressing need to address, without delay, the important question of the prevention of an arms race in outer space, which necessitates the prompt re-establishment of the Ad hoc Committee, the Group of 21 decided, once again, to demonstrate further good will and flexibility in agreeing to work on the basis of the mandate of the previous years. Nevertheless, the Group of 21 recalls that the mandate covers the consideration of proposals for measures aimed at the prevention of an arms race in outer space. The Group of 21 believes that the Ad hoc Committee should therefore start work immediately in order to achieve progress and attain positive results.

This is the statement that my delegation was charged with delivering on behalf of the Group of 21.

The PRESIDENT: I thank Ambassador Elaraby for his statement on behalf of the Group of 21, and for the very kind words he addressed to me. Does any other delegation wish to take the floor before we proceed to take a decision on the mandate?

I now intend to put before the Conference the draft mandate for the Ad hoc Committee on the Prevention of an Arms Race in Outer Space contained in working paper CD/WP.358. If there is no objection, I shall take it that the Conference adopts the draft decision.

It was so decided.

The PRESIDENT: I should now like to propose the appointment of the Chairman of the Ad hoc Committee. I understand that there is consensus in the Conference on appointing Ambassador Luvsandorjiin Bayart of Mongolia as Chairman of the Ad hoc Committee. May I take it that there is agreement in the Conference?

It was so decided.

The PRESIDENT: Ambassador Bayart, on behalf of the Conference, I would like to extend to you our most sincere congratulations upon your appointment as Chairman of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space, and our very best wishes for success. You were the Chairman of the same Committee in 1986, and I am convinced that under your able leadership the Committee will have fruitful consideration of agenda item 5.

(The President)

I shall now take up requests from non-members to participate in the work of the Ad hoc Committee. You will recall that the relevant draft decisions concerning agenda item 5 were circulated at the plenary meeting held on 16 February, and another circulation is being made today. At that plenary meeting, my predecessor noted that for technical reasons relating to the consultations being held then, the secretariat had prepared the working papers relating to invitations to non-members with reference to the subsidiary bodies on agenda items 4 and 5. Of course, the references to agenda item 4 should now be disregarded, as action has already been taken on them. We shall then only consider working paper CD/WP.359 and its addenda 1 to 19 with respect to agenda item 5. To facilitate the process of decision-making, I shall list those countries cited in that working paper as requesting participation under agenda item 5, "Prevention of an arms race in outer space": Norway, Spain, Finland, Switzerland, Austria, Ireland, New Zealand, Portugal, Denmark, Turkey, Senegal, Greece and Zimbabwe. We shall also take a decision on the request received from Chile, the relevant draft decision also having been circulated today as working paper CD/WP.362. As no objection has been raised to inviting the non-members concerned to participate in our work under agenda item 5, I suggest that we take up all the requests together. If there is no objection, I shall consider that the Conference adopts the draft decisions.

It was so decided.

The PRESIDENT: I understand that the representative of Hungary requests the floor.

Mr. VARGA (Hungary): First of all, Mr. President, I would like to congratulate you on your accession to the presidency of the Conference on Disarmament for the month of March. I am confident that the Conference on Disarmament will make further progress on its priority agenda items as it has done under your able guidance up till now.

I have asked for the floor to make a short comment - on behalf of the Group of Socialist Countries - on the establishment of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space. I would like to thank you - on behalf of our Group - for your untiring and eventually successful efforts to abolish the difficulties standing in the way of the establishment of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space. The Group on behalf of which I am speaking has taken note of the flexible position of the Group of 21 - as we heard a couple of minutes ago - contributing thereby a great deal to solving the problem of the setting up of the Ad hoc Committee. I express our congratulations to Ambassador Bayart of Mongolia, Chairman of the Ad hoc Committee, and wish him success in his responsible task. We are sure that his experience will contribute to achieving further progress in this important field.

Resolution 43/70 of the General Assembly of the United Nations recommended that the Conference on Disarmament should activate the consideration of the issue of the prevention of an arms race in outer space in all its aspects, taking into consideration the relevant suggestions and initiatives. It also recommended the setting up of an ad hoc committee at

(Mr. Varga, Hungary)

its 1989 session with a view to starting negotiations on the conclusion of a convention or conventions on the issue. The Group of Socialist Countries is of the opinion that it is more timely than ever to make serious efforts for the prevention of an arms race in outer space, to speed up multilateral efforts in this respect - first of all those of the Conference on Disarmament.

We have just adopted a decision on the re-establishment of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space and on its mandate. The agreement on the mandate, reached in spite of the well-known difficulties, as well as the start of the substantive work of the Committee, is a matter of satisfaction for us, although we are somewhat unhappy with the delay. The Group of Socialist Countries cannot help, however, expressing its disappointment over the fact that in recent years the Ad hoc Committee has been prevented from entering into real negotiating work on key issues on the prevention of an arms race in outer space. Nevertheless, we consider that the Ad hoc Committee will be in a position to accomplish purpose-oriented work through an appropriately structured discussion, conducted with a veiw to preparing the basis for future negotiations on the subject. Item 3 of its programme of work provides for that. We think that the main thrust of the work should be directed to substantive discussion and evaluation of the existing proposals and initiatives, concentrating on the convergence of views concerning particular issues. Substantive consideration could, in our view, be given to the working out of agreements aimed at the effective prevention of an arms race in outer space.

The ideas and initiatives put forward during recent years provide a reliable basis for fruitful work in the Ad hoc Committee. We do hope that those involved in the discussion will make good use of them.

The PRESIDENT: I thank Ambassador Varga for his statement on behalf of the Socialist Group, and for the very kind words he addressed to me. I recognize the representative of Canada.

Mr. MARCHAND (Canada): Speaking on behalf of my Group, I wish to express primarily pleasure but also disappointment at what I have heard this morning at the Group of 21's acceptance of consensus as was communicated to us in this Conference. First, pleasure, because obviously our Group, like all the others, welcomes the establishment of the Ad hoc Committee. Pleasure also because we note with satisfaction the comprehensive nature of the mandate that we have adopted today to define the work of the Committee, and the fact that that mandate allows all delegations to address the subjects they consider important and urgent. Pleasure finally, because I take pride in indicating the desire of the Western Group to contribute fully to the work of the Committee.

Disappointment also I have to register. We at the CD are dealing with the fundamental national security concerns of all countries represented here. We are not engaged in an academic exercise, but we are engaged with real work, of real importance. To single out a particular delegation and its position on important issues is not conducive to the proper advancement of our work.

(Mr. Marchand, Canada)

Having said this, Mr. President, I wish to thank you, and indeed your predecessor Ambassador Pugliese, for the active interest you have taken in the matter which this morning comes to its dénouement.

Finally, I wish to congratulate Ambassador Bayart, who has just received the confidence of this Conference, and I wish to assure him of my Group's full co-operation.

The PRESIDENT: I thank Ambassador Marchand for his statement on behalf of the Western Group. I now give the floor to Ambassador Fan of China.

Mr. FAN (China) (translated from Chinese): Mr. President, I am very pleased to see the presidency of the CD for the month of March in your hands. China and Japan are close neighbours, and at present are co-operating in many areas. China commits itself to the development of long-term stable neighbourly and friendly relations with Japan. You are a seasoned diplomat rich in experience, and you have a penetrating knowledge of disarmament matters. I am convinced that under your skilful guidance work at the CD will register new progress. During your term, the Chinese delegation is willing to enter into close co-operation with you. I would also like to avail myself of this opportunity to express my appreciation to your predecessor, Ambassador Pugliese, for his outstanding work during the month of February.

In my statement in February I pointed out that the prevention of an arms race in outer space should be a new priority in disarmament. China has all along insisted that the exploration and exploitation of outer space should serve peaceful purposes, and is opposed to an arms race in outer space. China supported resolution 43/70 on the prevention of an arms race in outer space, adopted by the General Assembly, at its forty-third session, and we favour the re-establishment of the Ad hoc Committee with an adequate mandate at the beginning of the 1989 session with a view to undertaking negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in outer space in all its aspects.

We are of the view that the mandate of the Ad hoc Committee should always adapt itself to changing circumstances. In the past three years, the statement made by the President of the CD at the time of the establishment of the Ad hoc Committee concerning its mandate has been useful. This year the effort made by the Group of 21 to improve upon the mandate and to reaffirm the statement of the President was justified. At the same time, the Chinese delegation has taken note of the fact that different parties still hold divergent views on this matter. We appreciate the good will and flexibility displayed by the Group of 21 to enable the Ad hoc Committee to be re-established and embark on its work as soon as possible.

In order to enable the Ad hoc Committee to enter into substantive work as soon as possible, the Chinese delegation will go along with the re-establishment of the Ad hoc Committee on the basis of the present mandate. I would also like to congratulate Ambassador Bayart warmly on assuming the chairmanship of this Committee. I am convinced that his able guidance will lead the Ad hoc Committee to positive progress.

The PRESIDENT: I thank Ambassador Fan for his statement and for the very kind words he addressed to me and to my country. Does any other delegation wish to take the floor at this moment? I recognize the representative of the United States of America.

Mr. FRIEDERSDORF (United States of America): I have asked for the floor today to explain our delegation's position on the issue of a negotiated presidential statement in conjunction with the adoption of a mandate for an ad hoc committee on prevention of an arms race in outer space. Our delegation opposed such a statement. It has always been the position of our delegation that a committee's charter is embodied in the mandate adopted by the Conference. Clearly, that is what is contemplated by the Conference on Disarmament's rules of procedure. When it was suggested two years ago that the President make a statement following adoption of the outer space mandate, our delegation reluctantly agreed. We agreed because we consider that a President is entitled to state his personal views, and such views in no way affect the mandate or the work of any committee. We agreed reluctantly because we were concerned that others might make more of such a statement than was warranted.

Unfortunately, that is what happened in 1987. Several delegations treated the President's statement as a substantive addition to, and extension of, the mandate, and much committee time was wasted debating the relevance of the statement. The presidential statement was later misused in the First Committee of the United Nations General Assembly. When the issue of a presidential statement again was raised at the beginning of the 1988 Conference on Disarmament session, our delegation at that time pointed out these abuses and, hoping that our protestations had registered, we again reluctantly agreed, stressing that the presidential statement should not be elevated to greater stature than it deserved, that is, that it should be treated as an expression of the views of one delegate only. The Committee was formed and the presidential statement was delivered, and the sound of the gavel was still echoing through the chamber when other delegations began citing the presidential statement as authority for emphasizing some parts of the Committee's work programme at the expense of other parts.

This past experience convinces us that a negotiated presidential statement in conjunction with the outer space mandate leads to unacceptable perversion of the Conference on Disarmament's rules of procedure. It leads to misunderstandings. It leads to the waste of time, so for these reasons our delegation was opposed to a negotiated presidential statement this year. Of course, we continue to support the President's prerogative to express his own views, just as other Conference on Disarmament members and groups of delegations have the right to express their positions at all times.

Our delegation has joined consensus on the establishment of an ad hoc committee on the prevention of an arms race in outer space, with a mandate which will permit wide-ranging inquiry and valuable, interesting work, and we look forward to beginning that work at an early date under the able chairmanship of a distinguished Ambassador and our colleague, Ambassador Bayart.

President: Mr. Chusei Yamada (Japan)

I thank you all for your understanding and co-operation in dispensing with the informal plenary before we proceeded to take decisions related to agenda item 5. I wish to say that this does not constitute a precedent for such decisions in the future. Before taking similar decisions in the future, I will consult with you through your co-ordinators to establish whether we can dispense with informal meetings.

I shall now invite the Conference to consider the timetable for meetings to be held by the Conference and its subsidiary bodies during the coming week. As usual, this timetable is merely indicative and we can proceed to adjust it, depending on the requirements of our work. You will notice that provision is made in the timetable for the opening meeting of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space, on Tuesday, 14 March at 3 p.m. in this conference room. If there is no objection, I shall consider that the Conference accepts the timetable.

It was so decided.

President: Mr. Chusei Yamada (Japan)

During those 27 years, several important multilateral disarmament agreements have been negotiated here in Geneva - the Treaty on the Non-Proliferation of Nuclear Weapons, the Sea-bed Treaty, the Convention banning biological and toxin weapons and the Convention on environmental modification for hostile purposes. The ENDC also contributed significantly to the conclusion, in 1963, of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water. These agreements, together with others also negotiated in multilateral forums, such as the Antarctic Treaty, the outer space Treaty, the Treaty for the Prohibition of Nuclear Weapons in Latin America, the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, represent a substantial body of international law in the field of disarmament. Together with bilateral agreements reached by the two big Powers and other nations, they perform the essential function of excluding certain areas, arms or activities from the arms race. However, it is clear that we are far from having succeeded in either stopping or reversing it.

Mr. RODRIGO (Sri Lanka)

Finally, my delegation is glad that the Ad hoc Committee on outer space has been established. We regret that a bout of procedural wrangling is holding up substantive work. We are hopeful that the Chairman of the Committee will be successful in his negotiations. My delegation will revert to the subject of outer space in a later intervention.

Mr. REESE (Australia)

In making my first major statement to the Conference on Disarmament today, I wish to address the issue we are considering this month, chemical weapons, but also to say something about two other important issues, nuclear testing and outer space.

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In my statement today, I wish to identify, in a concrete way, some of the contributions the Conference on Disarmament can make to multilateral arms control and disarmament efforts on the three agenda items: nuclear test ban, the prevention of an arms race in outer space, and chemical weapons. All three of these items represent disarmament objectives which can be pursued in their own right. They are ideally suited, indeed require, global and hence multilateral solutions. The CD is engaged in fully-fledged negotiations on only one of these three agenda items - chemical weapons. While consensus does not yet exist to launch negotiations on the other two items, there is a pressing need to begin work on the basic technical and legal groundwork of these issues. Failing to do so would understandably be interpreted as a dereliction of duty on the part of the CD.

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(Mr. Reese, Australia)

Rule 23 of our rules of procedure acknowledges that not all items on the CD's agenda will be immediately suited to negotiations, and that the CD can effectively perform its functions through the establishment of subsidiary bodies with mandates which are not necessarily negotiating mandates. It is in this spirit that I wish to suggest a number of steps that we in the CD might take to advance our work on a nuclear test ban and the question of preventing an arms race in outer space.

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While the essential elements of a nuclear test ban are already well known, and have achieved a large measure of consensus, the same cannot be said of the broader and far more complex issue of preventing an arms race in outer space. The prevention of an arms race in outer space remains a priority Australian objective in view of its strong implications for global stability and the prospects for new bilateral United States/Soviet Union agreements to reduce their nuclear arsenals. We firmly believe that the anti-ballistic missile Treaty, in its traditional interpretation, is critical for a stable strategic nuclear relationship and the achievement of reductions in strategic arsenals. We therefore attach major significance to the fact that the prevention of an arms race in outer space is one of the agreed objectives of the NST negotiations.

We recognize that the super-Power negotiations on space/defence issues will continue for the foreseeable future to set limits on what we can do here in the CD. We also recognize that progress in these negotiations, and understandings reached at the bilateral level, will have a significant impact on the work of the CD. However, the acceptability of a non-negotiating mandate in the CD is a direct function of the realism and thoroughness with which the CD is allowed to examine the relevant issues. The need for multilateral involvement in the prevention of an arms race in outer space becomes increasingly pressing as more States become engaged in space activities. Existing and future uses of outer space have and will continue to have a profound impact on the security of all States.

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(Mr. Reese, Australia)

The programme of work for 1988 continues to provide us with an appropriate framework for undertaking work on item 5 of our agenda, but the potential offered by that programme of work continues to be under-utilized. The Committee has hitherto failed to reach the consensus essential for determining the need to broaden or complement the existing legal régime. In a subject area as legally and technically complex as that pertaining to outer space matters, this remains one of the fundamental and yet unfulfilled tasks of our Committee. What can we in the Committee do to bring us closer to reaching such common understandings?

As a first step, the Committee should broaden its collective understanding of individual legal instruments relevant to outer space and the extent of their coverage, both as single instruments and in their interrelationship. This would require reaching agreement on the meaning of basic terms such as "peaceful uses", "militarization" and "stabilizing". This could assist us in determining what constitute permitted or prohibited uses of space, following which we could examine the scope for identifying relevant thresholds of tolerance in satellite functions.

We should be able to identify and reach agreement on the range of measures that can be taken to ensure better compliance with the existing legal régime, and compile a list of confidence-building measures relevant to outer space. Such measures could include the broadening of membership of existing legal instruments and stricter interpretation of the letter of instruments

such as the Convention on Registration of Objects Launched into Outer Space - as outlined in the Canadian/Australian paper tabled in 1988 as working paper CD/OS/WP.25. In this regard identifying measures for greater transparency in military and military-related uses of space would make a valuable contribution to our collective search for creating better conditions for collective stability. A related question would be to examine the possibilities for a durable régime to protect those space assets which have been identified as contributing to international stability and peace.

Technology is now sufficiently advanced to provide reasonable assurances that bilateral arms control agreements can be effectively verified. The availability to multinational bodies of strategically significant technologies such as space-based remote sensing of spacecraft or of the Earth has also become a reality. The examination of evolving verification technologies and how they could be put to good use in issues related to arms control in outer space is therefore another area which warrants serious examination by our Ad hoc Committee.

Mr. ERENDO (Mongolia)

The United Nations General Assembly in its resolution 43/70 called upon the Conference on Disarmament to intensify its consideration of the question of an arms race in outer space in all its aspects, taking into account all relevant proposals and initiatives.

This February, in order to facilitate our discussion under item 5 of the agenda, "Prevention of an arms race in outer space" the delegation of Canada made available to the Conference a compendium of plenary statements and working papers tabled in plenary during the 1988 session, which is contained in document CD/891. In our view this useful document will undoubtedly promote the intensification of the Ad hoc Committee's work.

Today, in view of the importance and urgency of the task of preventing an arms race in outer space, the delegation of Mongolia, as a further step towards a more systematic and orderly discussion of the proposals and initiatives which are currently under consideration in the Ad hoc Committee on outer space, is presenting to the Conference on Disarmament a document entitled "Review of proposals and initiatives of the States members of the Conference on Disarmament under agenda item 5, 'Prevention of an arms race in outer space'". The document, contained in CD/905 - CD/OS/WP.28, is now being

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(Mr. Erendo, Mongolia)

distributed by the secretariat. In submitting this review, my delegation hopes that it will make an appropriate contribution to efforts of the member States of the Conference on Disarmament directed towards the substantive elaboration of the proposals and initiatives tabled before the Ad hoc Committee. We hope that it will promote in-depth analysis of their complex political, military, scientific, technical and international legal problems, taking into account the necessity of examining avenues which could lead to future multilateral negotiations in the Conference on Disarmament aimed at the prevention of an arms race in outer space.

The official documents and records of the United Nations General Assembly and the Conference on Disarmament, as well as statements made by the member States, were used in compiling this review. Naturally, we proceed from the premise that this review does not purport to be a complete and comprehensive presentation of the position of any delegation. Consequently, our delegation would be grateful if the member States of the Conference were to offer additions and comments which they might find necessary for a more complete reflection of their positions with regard to all three items on the Ad hoc Committee's programme of work.

In the course of its work the Ad hoc Committee has accumulated a wealth of useful ideas and proposals. Most of the proposals contain constructive provisions acceptable to a large number of delegations, and constitute a good basis for specific and goal-oriented work. It is a matter of satisfaction that proposals on the prevention of an arms race in outer space contained in this document came from virtually all delegations. In submitting this compilation for consideration by the Conference on Disarmament, the delegation of Mongolia invites the representatives of all member States to pursue in a constructive spirit the quest for consensus that could serve as a basis for future multilateral negotiations on the issue of preventing an arms race in outer space.

The secretariat has just informed me that the document will be available in Russian this afternoon. However, for the convenience of the distinguished members of the Conference on Disarmament, my delegation is distributing advance copies of the English translation.

Mr. van SCHAIK (Netherlands)

Finally, a word on outer space. In that field the negotiations between the United States and the Soviet Union have, of course, major consequences for our work in the CD. We hope that the negotiations on the period of non-withdrawal from the anti-ballistic missile Treaty will soon resume and bear fruit, thus adding to stability. In the multilateral context further work needs to be done. The mandate of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space offers us a broad orientation for our activities. The mandate directs us, amongst other issues, to "take into account all existing agreements", and I think we should make proper use of that language.

I believe we should keep in mind two realities. One is that there is at present no consensus on the need to design and draft new legislation in order to prevent an arms race in outer space. But second, on the basis of existing legislation there seems to be scope for at least the introduction of confidence-building and security-building measures in relation to outer space. My delegation therefore supports the Australian/Canadian initiative in August 1988 embodied in document CD/OS/WP.25. In this document suggestions are made aiming at increasing the transparency of States' activities in relation to outer space. We also agree with those who argue that both the outer space Treaty of 1967 and the registration Convention of 1975 contain provisions that lend themselves to further elaboration and clarification.

We therefore propose that the Ad hoc Committee should review the text of those conventions, in order to identify areas where implementation could be strengthened and where, if appropriate, countries may agree voluntarily to take further measures on the basis of the provisions of those conventions. Of course, it is the common goal of prevention of an arms race in outer space that should inspire such further steps. In particular, in the field of information to be supplied under the registration Convention, we believe that there is room for improvement. This would also be in accordance with the

recommendations of the European Space Agency. The information to be provided to the Secretary-General of the United Nations could become more extensive, on the basis of guidelines to be drafted to this effect. Also, we may think about an understanding on the importance of providing information prior to the launching of space objects.

In short, we would be in favour of setting a modest goal for the short term: gathering more timely information on space activities, thus increasing their transparency. Progress in this direction would assist us in creating conditions in which a longer-term goal could be considered: the immunity of certain types of satellites. I believe that progress on the latter will not be possible if we have not achieved first a clearer understanding on the present ongoing activities in outer space.

Mr. BULLUT (Kenya)

The prevention of an arms race in outer space is crucial. Outer space is the common heritage of mankind and should be used exclusively for peaceful purposes. Civilian and military activities are currently being conducted in outer space. We consider it important that current military uses of outer space should not be a prelude to an arms race in outer space. The development of any space-oriented weapons should be effectively banned, and any objects launched into outer space should not in any way be used as weapons to destroy any objects in space or on Earth. In our view it is necessary to have a total ban on and destruction of all existing anti-satellite weapons, as well as the prohibition of the development of any new such weapons. It would be extremely difficult to curb an arms race in outer space once it began, and while there is still time let us exert all efforts in this Conference to ensure that an arms race in outer space does not become a reality and further complicate current efforts to halt the ongoing arms race on Earth. The Ad hoc Committee on the Prevention of an Arms Race in Outer Space should, in our view, continue its valuable work on the consideration of measures relevant to the prevention of an arms race in outer space.

President: Mr. Chusei Yamada (Japan)

On 9 March, the Conference established the Ad hoc Committee on the Prevention of an Arms Race in Outer Space and scheduled its first meeting for 14 March. I must express my disappointment and concern over the fact that the Ad hoc Committee has not yet been able to start its work. I sincerely hope that with a spirit of co-operation, mutual understanding and tolerance, you will overcome the differences and start work in the Committee without further delay.

President: Mr. Simon Bullut (Kenya)

I should like now, before proceeding to our usual business, to thank my two immediate predecessors, the distinguished Ambassador Aldo Pugliese of Italy and Ambassador Chusei Yamada of Japan, for their valuable work during the months of February and March respectively. During these two months the Conference was able to settle some organizational questions and to

re-establish the Ad hoc Committee on Chemical Weapons under the chairmanship of Ambassador Morel of France, the Ad hoc Committee on the Prevention of an Arms Race in Outer Space under the chairmanship of Ambassador Bayart of Mongolia, the Ad hoc Committee on Effective International Arrangements to Assure Non-nuclear weapon States Against the Use or Threat of Use of Nuclear Weapons under the chairmanship of Ambassador Ardekani of the Islamic Republic of Iran, and the Ad hoc Committee on Radiological Weapons under the chairmanship of Ambassador Oswaldo de Rivero of Peru. The Ad hoc Committee on the Comprehensive Programme of Disarmament resumed its work in the month of February, under the chairmanship of Ambassador Alfonso García Robles of Mexico.

Mr. KLESTIL (Austria)

The negotiations in this Conference and the deliberations of the United Nations General Assembly at its forty-third session on disarmament matters give a clear indication of the generally positive evolution of international relations. The work of the General Assembly's First Committee was marked by constructive discussions and compromise. Important issues on its agenda, such as a comprehensive nuclear test-ban treaty, the prohibition of an arms race in outer space, chemical and biological weapons, the question of verification and compliance or the role of the United Nations in the field of disarmament, were dealt with in a new spirit. But resolutions, even if adopted unanimously or by large majorities, are not sufficient achievements in themselves; they need to be translated into effective actions.

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(Mr. Klestil, Austria)

The prohibition of an arms race in outer space should constitute one of the major preoccupations of mankind. Like the protection of the terrestrial environment, reserving outer space for exclusively peaceful uses is a necessity for the survival of mankind. Even in the absence of an intentional armed conflict in outer space, unforeseeable consequences for the whole of mankind might arise from human or technical failure. While elaborating a convention on the prohibition of an arms race in outer space, we should also think about interim measures to ensure that no weapons systems are stationed, used or tested in outer space.

Mr. von STULPNAGEL (Federal Republic of Germany)

It would appear useful to recall occasionally the agreements and arrangements elaborated andd negotiated on a multilateral basis by this Conference's predecessors. They include such important agreements as the 1963 partial test-ban treaty, the 1968 non-proliferation Treaty, the 1971 sea-bed Treaty, the 1972 biological weapons Convention and the 1977 environmental modification Convention. The negotiation of the 1967 outer space Treaty by the Legal Sub-Committee of the outer space Committee was also indirectly assisted by the Conference of the Committee on Disarmament (CCD). These agreements differ greatly in terms of their quality and scope. They concern nuclear and other weapons of mass destruction. Some of them constitute only partial solutions, to which extensive complementary accords have to be added. Achieving this appears today, surprisingly enough, to be more difficult than ever before.

Mr. DIETZE (German Democratic Republic)

As far as the issue of preventing an arms race in outer space is concerned, we expect that the Ad hoc Committee will resolve the outstanding organizational issues as soon as possible and proceed to substantive consideration without delay.

Mr. von STULPNAGEL (Federal Republic of Germany): The purpose of my statement today is to offer some remarks concerning agenda item 5 of our agenda, "Prevention of an arms race in outer space".

My delegation has noted with satisfaction the re-establishment of the Ad hoc Committee with its current mandate, work programme and organization of work, which seem to us to form a realistic and adequate basis for the work before us. My delegation will, as it has done since the establishment of this Ad hoc Committee in 1985, contribute actively to the three subjects specified in the programme of work. Now that the Committee has resumed its work and approaches the central task of examining existing agreements relevant to the prevention of an arms race in outer space at this Thursday's meeting, my delegation would like to offer a brief assessment of the major aspects of our work based on the various contributions and general findings achieved so far. We hold the view that at this stage these observations may contribute to a vivid discussion of the adequacy of approaches chosen so far, and to the drawing of a more precise road map for our future deliberations concerning item 5 of our agenda. We have summarized our views in this regard in 15 more or less brief points which I would now like to put on record. The vastness and complexity of the subject-matter, and the necessity for covering comprehensively the most important subjects only, can be met by adequate conciseness of the various explanations. We shall make the list of these points available as a working paper for discussion in the Ad hoc Committee on the Prevention of an Arms Race in Outer Space at its next meeting.

At the outset I wish to recall that it is one of the basic convictions of my delegation that global security issues need global solutions. More and more States are becoming space Powers or participating in important programmes for the exploration and utilization of outer space. All States could be threatened by a possible military misuse of outer space. In view of these factors, as well as dynamic technological developments in this area, future developments in the legal order governing outer space require greater participation by the international community. Despite the special responsibility and obligation of the two principal space Powers, the regulation of outer space and the prevention of an arms race in that environment therefore cannot be left entirely to bilateral negotiations between the two major Powers. At a propitious time, the CD has to play its role in this field. Multilateral arms control and disarmament matters in the outer space area, however, cannot be considered independently of basic developments at the bilateral level. Therefore, nothing should be done that

(Mr. von Stülpnagel, Federal Republic of Germany)

would hinder the success of the bilateral negotiations in this field. The scope and objectives of the efforts under multilateral responsibility, as well as the delimitation of the competence of the bilateral and multilateral forums, should be clearly understood.

The consensus requirement for decision-making remains the very essence of the work of the CD and its subsidiary bodies. Through it, shared perceptions and positions can be established and developed. Lack of consensus in some fields, moreover, does not preclude the search for common understandings in others. In view of the prevailing fundamental divergencies about many of the subjects covered by the mandate and the corresponding work programme, one of the most important permanent obligations of the Ad hoc Committee is to examine ways and means to develop and broaden the basis of consensus. As long as the prevailing substantive and methodological divergences prevail, it does not make sense to call for "negotiations" without knowing with precision the real objective, need, purpose and prospect for any of the intended conventions, treaties, amendments or regulations that are being urged. Moreover, it would not make sense to hurry into regulations which could contain troublesome ambiguities generated by superficial compromises, unbalanced approaches, lack of technical and juridical precision and imprecise definitions. The discussions on definitions so far have been unsatisfactory. They have shown that, without consensus about the basic assumptions and without agreement upon the technical, juridical and doctrinal meaning of a definition, any attempt to achieve clarity in conformity with intended treaty obligations will remain academic. Definitions have to be operational; if they are not, the search for more useful, more precise and more adequate terminology and explanations must be continued.

The legal régime in outer space continues to be the object of considerable interest and concern. Many nations have not ratified or acceded to existing international agreements pertaining to outer space, thus raising questions regarding the extent and coverage of that legal régime. Other such questions stem from the fact that, despite widespread recognition that the current régime places some legal restraints on most types of weapons in outer space, there remains a concern that the task of preventing the introduction of destabilizing military options into space has not been completed. The existing legal prescriptions and political agreements by themselves do not always seem to limit or channel armament in outer space in a manner conducive to the maintenance of strategic stability or to prevent the abusive military utilization of outer space. Some feel that this is due to the ambiguity or insufficient detail of existing legal norms, the unclear or controversial definition of central legal concepts and the inherent ambivalence of technology which may be used for various purposes. Whatever the case, many delegations have substantially contributed to a clearer picture of the status of the existing legal prescriptions, but the Committee's deliberations have so far not been able to define guiding concepts for an operative approach. The purpose of our work in the legal field, therefore, should not only be to find out where there are disagreements. The objective should be, in individual instances, to analyse the arms control and disarmament implications of conflicting positions with a view to promoting a commonly shared understanding of what existing treaty law and customary principles of law say in terms of prohibition of certain activities in outer space. This exercise would also have to focus on the extent to which, as far as space is concerned, there is a

(Mr. von Stülpnagel, Federal Republic of Germany)

need to go beyond existing treaty law and broader norms regarding the use of force in general. The work of the Ad hoc Committee will, inevitably, be incomplete and without substantial reward unless we make a real effort to analyse the nature, the import and the completeness of the existing legal régime. We must still ponder whether the legal régime needs to be and can be improved or complemented and, if so, by what means. The answers to these questions are still lacking.

In view of the often double and triple capability of otherwise dedicated military means, the approach to the role of technology and legal matters in their interrelationship has to be serious, and the positions that are elaborated must be verifiable and beyond declaratory assertions. The work the Ad hoc Committee has hitherto undertaken, for example, towards the objective of improving protection for satellites still reflects two approaches which are different in principle: one is the prohibition of ASATs or all weapons that can attack objects in outer space, while the other is the indirect protection of satellites to minimize the possibility of hostile action against them (e.g. by agreed "rules of the road").

It has become evident in this context that an a priori distinction between satellites to be protected and those not covered by possible legal "immunity" is technically difficult. The attempt to eliminate the threat to space objects by prohibiting all means with an implicit or dedicated ASAT capacity is also technically complex and formidable.

However one would judge the benefits of enacting a speedy ban on ASAT means, this approach remains faulty. Because many non-dedicated ASATs exist (e.g. ABM systems, any kind of long-range ballistic missiles, satellites with inherent ASAT capabilities, etc.), a comprehensive ban on all these systems would be neither verifiable nor acceptable to all the parties concerned. My delegation has on various occasions explained the rationale behind this view. In the light of the critical remarks it has earned from several delegations in this regard, the Federal Republic of Germany has conducted further research. We are prepared to offer our findings in this regard in the form of contributions by scientific experts during the summer session under the different topics in the programme of work.

It may be difficult to accept, but it really seems that a ban on ASAT means would only be effective if all weapons capable of attacking objects in relevant orbits were prohibited. The subject of an ASAT ban actually touches upon basic questions of strategic stability between the major nuclear Powers. These questions are still under discussion in the bilateral negotiations. It is highly desirable that those two Powers should soon agree on a co-operative settlement concerning the future relationship between strategic offensive and defensive systems. The Ad hoc Committee can neither take over nor force the pace of work on this important bilateral subject.

The above-mentioned deficiencies and difficulties underline the obligation to take stock of the incipient results of the Conference's work in the last four years towards further clarification of the present outer space order and body of law, and to create the basis of consensus necessary for their intensive analysis. This cannot be done without the necessary expertise and an interdisciplinary approach.

(Mr. von Stülpnagel, Federal Republic of Germany)

What is needed for the achievement of real progress in the work of the Committee is a less heterogeneous approach. Adding issues and deliberately broadening the scope of discussion without also carrying out the necessary analytical work does not serve our purpose. The Committee should reassess the status and situation after four years of discussion and determine those crucial questions which need further elaboration and which meet the preparedness of all delegations to deal with them. The Committee should make a comprehensive effort to determine to what extent the existing legal régime could be complemented and reinforced by working towards greater observance of existing provisions, towards more precise definitions and shared interpretations, towards improved norms and, finally, towards further provisions of a legal nature. There is no master plan which promises a comprehensive solution of the problem of preventing an arms race in outer space. The complexity and interrelationship of the issues involved only allow for a prudent and well-thought-out step-by-step approach. The lack of consensus for one step should not preclude efforts concerning another. It is by placing pieces of the mosaic together - the "inductive" way - that progress in this field may be achieved.

My delegation is convinced that under the competent chairmanship of Ambassador Bayart of Mongolia we will make important steps forward in our deliberations relating to agenda item 5.

Ms. HERNES (Norway)

And we look forward to an early resumption of the nuclear and space talks between the United States and the Soviet Union. There is now a potential for progress in both areas.

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(Ms. Hernes, Norway)

Issues relating to arms control in outer space are of great relevance to international peace and security. These issues should therefore be dealt with on both a bilateral and a multilateral basis. My country believes that the Conference on Disarmament can make useful, necessary contributions in terms of identifying and examining issues relevant to the prevention of an arms race in

outer space. The Conference should, in fact, seek to agree on the scope and specific objectives of multilateral efforts to prevent an arms race in outer space.

Mr. JAROSZEK (Poland)

Outer space is the common heritage of mankind, and its exploration should benefit all countries, be they big or small, rich or poor. Hence, outer space is destined for peaceful uses. To make this destiny a reality is the primary responsibility of the Conference. At present, the debate on the prevention of an arms race in outer space is still in a rather preliminary phase, concentrating, as it does, on the examination and identification of issues, existing agreements and future initiatives. This work has been very useful. However, further and more intensive efforts are needed to prevent the extension of an arms race into outer space, a development which would inevitably unleash a new, dangerous round of the arms race on Earth. Therefore, it is high time to fill the existing gaps by negotiating new legal instruments. The Conference on Disarmament is an eminently qualified organ to do so. Furthermore, it will not start from scratch. A number of valuable and far-reaching proposals concerning, among other matters, a ban on ASAT weapons, "traffic rules" in space, a space monitoring agency and an international inspectorate, have already been put on the negotiating table. They should all be closely looked at and effectively considered.

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(Mr. Jaroszek, Poland)

In concluding my statement I would like to make a personal comment. As you were kind enough to mention at the beginning of our meeting, I have been deeply involved in the work of the Conference on Disarmament and of its predecessor bodies. I have always believed in the indispensability of multilateral disarmament measures. Years ago some important instruments were negotiated here, in Geneva. Unfortunately, for more than a decade now the Conference on Disarmament has contributed very little that is enduring in the realm of disarmament. There is still a hope, however. The period of dormancy must come to an end if the Conference wishes to prevent its self-destruction. Besides, bilateral negotiations are making impressive and desirable headway. Also, the regional talks in Vienna are very promising. The Conference on Disarmament must eliminate chemical weapons and start serious negotiations on nuclear, outer space and other issues if all its member States wish to have a say on matters concerning their own future.

Mr. FISCHER (German Democratic Republic)

The Conference on Disarmament is mandated to work out measures designed to prevent an arms race in outer space. The German Democratic Republic has suggested an agreement banning anti-satellite weapons. The abuse of space research and technology for armaments purposes would have incalculable consequences for mankind. It is essential to guard against this by a

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(Mr. Fischer, German Democratic Republic)

preventive ban while there is still time. Is it not far better to use satellites for the verification of disarmament rather than for destruction? Mankind needs the exploration of outer space for peaceful purposes. War must be defeated while we are still in times of peace. Science and technology must not serve the arms race. They must be used for the benefit of disarmament and of social and economic development.

In a recent statement, the General Secretary of the Central Committee of the Socialist Unity Party of Germany and Chairman of the Council of State of the German Democratic Republic, Erich Honecker, said:

> "Many global problems are awaiting a solution, which requires concerted efforts by the international community. I am thinking of hunger and underdevelopment, the threatened environment and diseases, but also the need for the peaceful use of outer space or for the mastery of sophisticated technologies for the benefit of mankind. Peace and disarmament are indispensable to progress in these endeavours. Therefore, the desire is growing among the international public that there must be no pause in the disarmament process."

The Conference on Disarmament bears a large measure of responsibility in that respect.

(Mr. Al-Kital, Iraq)

Our interest in current negotiations within the context of the Conference stems from the hope that they will be successful in achieving important, tangible results in line with the expectations of the international community, namely, a real reduction in current armament levels and the elimination of the deadly threat to mankind posed by the stockpiling of weapons of mass destruction, especially nuclear weapons, whose destructive capability is far greater than that of any other weapon. The Conference on Disarmament and before that the Committee of 18 have some noteworthy achievements to their credit. These are reflected in the elaboration of international treaties and conventions, such as the non-proliferation Treaty, the partial nuclear test-ban Treaty and others. The uninterrupted continuation of the international dialogue in the context of the Conference is a substantial achievement in itself, an effort supplementing those made by the United Nations elsewhere and within the context of bilateral and regional negotiations. However, if we look at what has happened over the same period in the arms race, we see that many dangerous developments have taken place. For example, the nuclear arsenals of the major Powers, especially those of the two super-Powers, have continued to increase both quantitatively and qualitatively and reached unprecedented levels. Underground nuclear weapon tests have continued, making it possible to develop new nuclear weapons, with enhanced destructive capability, and innovate in nuclear technology. Delivery vehicles for nuclear warheads have been developed considerably, and new missiles and aircraft have been deployed. There are further possibilities for the militarization of outer space, since many satellites have been launched for various military purposes. The number of nuclear-weapon countries has increased; indeed, reliable reports indicate that countries which have not acceded to the nuclear non-proliferation Treaty have been able to develop and produce nuclear weapons, Israel and South Africa being foremost on the list. In the midst of such vertical and horizontal nuclear proliferation, negotiations have not brought us any closer to effective measures to strengthen the security of non-nuclear-weapon States by protecting them against the use or the threat of use of nuclear weapons. During the same period there has been both vertical and horizontal proliferation in respect of chemical and conventional weapons as well.

Mr. HOULLEZ (Belgium)

With regard to item 5 on the Conference's agenda, "Prevention of an arms race in outer space", Belgium believes that the two main space Powers must be encouraged to continue their negotiations. It also thinks that the Conference can very usefully continue to contribute to the consideration of this item, in all its aspects. The Committee's present mandate and programme of work makes it possible for any delegation that so wishes to contribute, within the framework of the organization of its work, both to actually defining the problem of the prevention of an arms race in outer space, and to clarifying the legal régime applicable in this area and examining proposals or measures that may be thought useful or necessary. Belgium thinks that there is material here for much more serious and detailed work, especially as pragmatism and a realistic outlook take priority over any dogmatism, from whatever quarter. In this connection it welcomes the appeals made recently here for a genuinely detailed discussion on all aspects of the problem with a view to expanding the basis of consensus. It welcomes the first steps taken to follow up these appeals.

Mr. LOEIS (Indonesia)

Considerations on the agenda items dealing with nuclear issues, the prevention of an arms race in outer space and the comprehensive programme of disarmament have caused my delegation much concern. Recognizing paragraph 120

of the Final Declaration of the first special session of the General Assembly devoted to disarmament as the mandate for the work of the Conference, we would envisage that the Conference accord equal consideration to all agenda items.

President: Mr. Simon Bullut (Kenya)

On the one hand, the Conference was able to settle some organizational questions and to re-establish some subsidiary bodies on some important items on its agenda. On the other hand, the Conference was unable to conclude, within the time allocated to its spring session, its consultations on the nuclear issues on its agenda as well as other pending matters before it. The Conference was able to re-establish the Ad hoc Committees on Chemical Weapons, on the Prevention of an Arms Race in Outer Space, on Effective International Arrangements to Assure Non-nuclear-weapon States Against the Use or Threat of Use of Nuclear Weapons, and on Radiological Weapons. The Ad hoc Committee on the Comprehensive Programme of Disarmament resumed its work. I note that all these Ad hoc Committees will continue their valuable work during the summer session, and I would like to thank all their Chairmen for the work done so far in these subsidiary bodies.

I do not wish to comment on the substance of the work being carried out in all these subsidiary bodies, but I do feel that I should make special mention of the work of the Ad hoc Committees on Chemical Weapons, on the Prevention of an Arms Race in Outer Space and on the Comprehensive Programme of Disarmament. This, of course, does not mean that the work in the other subsidiary bodies is of less importance. I also feel that I should mention briefly the consultations on the nuclear issues on the agenda of the Conference, and some pending matters before the Conference.

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The re-establishment of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space was a clear statement that the Conference on Disarmament has an important role in efforts to prevent an arms race in outer space. The

mandate and prgramme of work of this subsidiary body were acceptable to all delegations. However, there was a long and uncomfortable delay before this Ad hoc Committee could commence its substantive work, due to consultations on procedural matters which were finally resolved to the satisfaction of all delegations. It is hoped that this Ad hoc Committee will register positive progress in its deliberations to ensure that outer space does not become an arena for an arms race. Proposals to ensure that such a development does not manifest itself do exist, and this Ad hoc Committee will determine how best it will advance its work for the 1989 session.

Mr. VAJNAR (Czechoslovakia)

With respect to the prevention of an arms race in outer space - another high priority item on our agenda - the Czechoslovak delegation regrets that the activity of the Ad hoc Committee was unduly delayed. When it finally resumed in April however, it became quite obvious that the method of work imposed upon the Committee does not allow for a goal-oriented discussion. We are addressing a whole panoply of subjects at the same time, without moving forward on any of them. Perhaps some measures are not within our reach. The reason for that, however, is not that these measures are not yet ripe for solution, or that the majority of us are misreading the existing legal régime for outer space, as one or two delegations would have us believe. The true reason is that some countries are not prepared to negotiate on measures which could effectively limit and compromise their present military programmes in outer space.

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(Mr. Vajnar, Czechoslovakia)

Obviously, the Ad hoc Committee cannot deal effectively with all subjects at the same time. Our delegation thinks that it should concentrate on some of them, in order to come to some common conclusions and decisions. We prefer strongly that it should focus on measures aimed at actual prevention of the placement of weapons in outer space. However, if that is not a feasible task now, the Ad hoc Committee could start some practical work on measures which might be described as confidence-building, aimed at more openness in activities related to outer space, or simply regulating the movement of objects in outer space. A number of proposals have been submitted in this regard, and some benefit could be drawn from their implementation. It might be useful if, during the summer session, the three items forming the programme of work were not treated in a general and all-embracing way, but the Ad hoc Committee instead concentrated its attention on some issues of wider interest. In full accordance with the three-layer pattern of the programme of work, the Ad hoc Committee could first identify clearly the nature of these issues or an issue, then consider to what extent they are or are not already treated within the existing legal régime and, finally, examine how the existing relevant proposals could be implemented most effectively. For the purposes of moving to more goal-oriented work, the Czechoslovak delegation would be prepared to display the utmost flexibility in selecting issues for more active consideration in the summer. By no means are we proposing the establishment of permanent priorities, since consensus on them cannot be achieved now.

Many delegations, including mine, have asked for more active participation by experts in our proceedings on item 5. We disagree with the view that our work has not sufficiently matured yet to benefit from the organized presence of technical experts. We consider that it is precisely organized debate with wider expert participation that we are lacking most. Moreover, the delegation doubting the utility of the presence of experts in our work praised some of their specific past contributions and claimed that issues under discussion were not understood sufficiently, and that proposals advanced were not based on clear technical knowledge of the matter. One would expect that this delegation would be the first to favour involvement by experts and would contribute actively to bringing it about.

A number of delegation have pointed out the importance of the bilateral Soviet-American talks on nuclear and space arms and their relevance to our work in the CD. We fully share this view. At the same time, we have heard that these bilateral talks place certain limitations on our deliberations. We do not think that is right. Multilateral and bilateral negotiations on disarmament are mutually complementary, not mutually limiting or exclusive. Any measures agreed bilaterally and aimed at prevention of an arms race in outer space can only contribute to our multilateral efforts. What indeed might be limiting is only the slow pace of bilateral negotiations or their absence. Czechoslovakia hopes that the Soviet-American bilateral negotiations on strategic nuclear and space arms will resume soon without further undue delay.

Mr. DIETZE (German Democratic Republic)

More and more statements delivered by foreign ministers and other high-ranking officials in this forum attest to the importance attached to the work of the Conference. Among these statements made at the current session are also those delivered by representatives of socialist countries. Furthermore, we take note of the fact that a constructive atmosphere has prevailed during the spring part of the session, which made it possible to conduct an open dialogue on the most crucial issues of disarmament. However, we also have to note that no decisive breakthrough has been achieved to date in the work of the Conference on Disarmament. No headway has been made on the nuclear items, and the Conference's work on item 5 has not yet been action-oriented.

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Noting with satisfaction the re-establishment of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space, the delegations of socialist countries regret that too much time was spent on settling organizational questions, thus limiting scope for carrying out substantive work. Our delegations believe that an important task to be addressed by the Ad hoc Committee now is to search for common ground in terms of systematic and action-oriented work by the Conference with a view to preventing an arms race in space. This, by the way, was mentioned by many other delegations as well. The assessment of the results of the outer space Committee's work clearly shows that there exists a sound basis to build on. This is borne out by the working paper submitted by the delegation of Mongolia (CD/905), encompassing a review of the proposals presented to the Ad hoc Committee in recent years. The socialist countries endorse both global and partial solutions which lead to a comprehensive ban on space weapons. In the past they have advanced relevant moves to this effect. During the Ad hoc Committee's meetings this year, the socialist countries outlined their position, supporting the concept of devising "rules of the road" in space. They aired concrete thoughts on how to enhance confidence and openness as regards space activities. We hope that the thorough analysis of existing proposals will be continued in a more systematic way at the forthcoming summer session. The countries of our Group have also come out in favour of holding discussions among scientific experts in the framework of the Ad hoc Committee, and offered concrete ideas to this end.

President: Mr. Alfonso García Robles (Mexico)

The programme of work we have adopted contains various items: the prohibition of all nuclear tests; cessation of the nuclear arms race and nuclear disarmament; prevention of an arms race in outer space; prevention of nuclear war, including all related matters; elimination of chemical weapons; the adoption of a comprehensive programme of disarmament; the conclusion of international arrangements to ensure that no one uses or threatens to use nuclear weapons against States that have no such weapons; radiological weapons and any other types of weapons of mass destruction.

Mr. AZAMBUJA (Brazil)

The Ad hoc Committee on item 5 has yet to properly address its agenda because no amount of preliminary discussions have conclusively settled the procedural arguments that in reality mask one basic question: whether the present legal régime applied to outer space is or is not sufficient to prevent an arms race from developing in that environment. The Brazilian delegation has consistently maintained that the present legal régime must be expanded and enhanced if we are to succeed in checking the ongoing threats of the militarization of outer space. At the same time, my delegation is ready to further the debate on any facet of this question with a considerable amount of flexibility. But we will not condone any attempt to prejudge the final work of the Ad hoc Committee, or any other attempt that would lead it to an impasse in contradiction with the basic assumptions under which it was established.

Mr. BENHIMA (Morocco) (translated from French): Thank you, Mr. President. It is a great pleasure for me to address my heartfelt congratulations to you on taking up the presidency of the Conference. I would also like to pay special tribute to your dedication to the cause of peace and disarmament, for which you have ceaselessly striven for many years and for which you have received the most highly valued token of recognition - the Nobel Peace Prize. Your long experience in the field of disarmament and your skill as a practised negotiator, together with your legendary patience, will, I am sure, give new impetus to your work during the summer session. I would also like to take this opportunity to welcome Ambassador Batsanov of the USSR and assure him of the co-operation of my delegation.

This time last year the third special session of the General Assembly devoted to disarmament was taking place. One of the subjects that was omnipresent in all the statements and underlay all the discussions was that of outer space and the risks of militarization that are threatening it. Last September's issue of the UN Chronicle listed this same subject at the forefront of the six obstacles that prevented a consensus on the closing document.

The concerns of the international community concerning the spread of the arms race to outer space were once again the subject of a lengthy debate at the forty-third regular session of the General Assembly last autumn. Out of the 76 resolutions that the Assembly adopted on disarmament questions, the one on outer space was alone in receiving the votes of all delegations with the exception of one. This near-unanimous support of all Members of the United Nations for resolution 43/70 is the universal expression of the will to work for the achievement of a goal shared by the whole of mankind, that of preventing an arms race in outer space. This resolution does not confine itself to recalling that space is the common heritage of mankind. It also reaffirms that the exploration and use of space must be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development. It expresses international concern about the danger that would hover over mankind if there were an arms race in space. In order to grapple with this danger, the resolution calls upon all States, in particular those with major space capabilities, to protect space from the arms race and to promote it as an area for co-operation and use for peaceful purposes. The two main space Powers were also requested to pursue their bilateral negotiations with a view to reaching early agreement for preventing an arms race in outer space. However, what we should bear in mind in this resolution is the primordial role it grants to the Conference on Disarmament in the negotiation of one or several multilateral agreements on the question. It is a role that arises out of paragraph 80 of the Final Document of the first special session of the General Assembly devoted to disarmament, which states: "In order to prevent an arms race in outer space, further measures should be taken and appropriate international negotiations held".

In order to implement this paragraph, the Conference on Disarmament has had an ad hoc committee since 1985. Unfortunately, and because of the very modest mandate given to it, this body has not been in a position to respond to the expectations of the international community. Far from embarking on a negotiating process on the question of the preventon of an arms race in outer space, its terms limited the scope of the Committee's task to an examination,

(Mr. Benhima, Morocco)

as a first step ... through substantive and general consideration. It is true that these terms were the result of a laboriously negotiated compromise. But it is also true that this compromise was limited in time in so far as the negotiating process was to get under way at a later stage. Five years afterwards, we are obliged to recognize with regret that the terms of the mandate have become immutable, since every attempt to revise them along the lines of paragraph 80 of the Final Document has met with a blunt refusal. Over the years, this has led to the consecration of a status quo which could paralyse a body in which we placed high hopes.

Providing the Ad hoc Committee on outer space with a negotiating mandate is not an end in itself. This mandate constitutes the only path which has been traced for us by the relevant resolutions of the General Assembly, just as it is the best way of responding to the concerns of the international community. Inspired by all these considerations, the neutral and non-aligned countries tried once again last spring to follow up the resolutions I have referred to. It was our ardent wish to make a reality of the calling of our Conference for negotiation, by proposing an appropriate mandate for this Committee. However, as in previous years, it was not possible to achieve consensus with regard to this objective. The political responsibility that we unanimously shoulder as members of the Conference has encouraged us to persevere in our position of flexibility, without which the Committee would not have seen the light of day. The re-establishment of this subsidiary body gives us some satisfaction, but we nevertheless feel utterly disappointed at the failure to respect the scenario which has presided over the adoption of the mandate in recent years. Moreover, it was our wish that the belated adoption of this mandate would encourage the members of the Conference to embark on the work of the Committee with all due speed. But this was not the case. Quite the contrary, a procedural imbroglio prevented the Committee from carrying out its mandate, leaving only a few meetings during the spring session. In this connection my delegation would like to express the wish that such procedural problems will not arise in the future, either to delay or to prevent this body from discharging the function the Conference has entrusted to it.

The work accomplished by the Ad hoc Committee on outer space has moved forward the examination and identification of various questions relating to the prevention of an arms race in space. The debates that took place in the Committee, although sometimes repetitive, did provide a wealth of information because they not only led to an understanding of a number of problems whose complexity has been unanimously acknowledged, but also provided us with a better perception of the positions that were set out. In fact it is in this same spirit that my delegation intends to make a few comments on the three points of the Committee's programme of work.

With regard to the first question, concerning the examination and identification of issues relevant to the prevention of an arms race in outer space, my delegation feels that everything should be done to ensure that outer space remains the common heritage of mankind. If such an objective, which is highly prized by all members of the international community, is to be attained, it is imperative to opt for making the exploration and use of space an area for international co-operation, whose purpose must be exclusively peaceful and in the interest of all countries without any exception

(Mr. Benhima, Morocco)

whatsoever. The advent of the atom and the conquest of space have been the two major scientific and technological achievements of this second half of our century. The atom has been the object of many civilian applications that have given rise to great hopes for the whole of mankind. It has, alas, also led to the development of an entire arsenal of nuclear weapons that are capable of destroying human civilization. As to the conquest of space, it has certainly opened up new fields of research and activity. In this way it has been at the origin of solutions found to the many problems that man has been facing on Earth. They include weather forecasts that have been made more precise and more rapid thanks to satellites. Exploration of the Earth by means of remote sensing has produced unexpected results in agriculture, hydrology, geology, environment, oceanography. I might also mention satellite telecommunications and radio navigation, etc.

Unfortunately, the use of space has not been confined solely to peaceful or civilian purposes. Out of the 2,500 satellites that have been launched since 1957, more than 75 per cent perform purely military functions: observation, surveillance, photography, missile launch detection, surveillance of theatres of conflict, early warning, and so forth. In addition to these activities, which in reality represent the extension of purely civilian space activities for military requirements, there are the recent developments that have occurred in the 1980s, namely, the development, testing and, very likely, the deployment of new systems of weapons which can be used in or from space. In the light of what I have said, we must recognize that the conquest of space is not separable from the arms race, and especially the nuclear arms race. Moreover, the exploration and use of space have been carried out in the global context of East-West rivalry and the arms race between the major Powers. It is perhaps this observation that inspired the prophecy by Christopher Lee and Bhupendra Jasani, in their book Countdown to Space War, that: "if the two super-Powers go to war any time after, say, 1990, it is very likely that the war would start in space."

With regard to existing agreements relevant to the prevention of an arms race in outer space, my delegation considers that the body of law that is applicable to outer space is insufficient, and continues to believe that the Charter of the United Nations is the basis of the rules of international law that govern all space activities. It is natural that the provisions of the Charter governing relations among States on Earth should guide their activities in space. It is thus that the scope of the principle of the non-use of force should be broadened to encompass space in order to ensure protection of space objects. Nevertheless, realism prompts us to share the view of those that consider that since this same principle is not respected on Earth, it would be presumptuous to count on its application in space. This lacuna in the Charter nevertheless gave rise to international awareness of the need for space law. This law benefited from the fact that this need for rules was felt and later accepted and understood by the instigators of the conquest of space. It has been given shape progressively by a series of international instruments - notably 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, the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, the 1972 Convention on International Liability for Damage Caused by Space

(Mr. Benhima, Morocco)

Objects, the 1975 Convention on Registration of Objects Launched into Outer Space and the 1979 Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, as well as a number of bilateral agreements, the most well-known of which is the ABM Treaty.

These multilateral agreements have codified a number of principles, such as the prohibition of the placing in orbit around the Earth of any object with nuclear weapons or any weapon of mass destruction; the use of the Moon and the other celestial bodies exclusively for peaceful purposes; the prohibition of the development of military bases, the testing of weapons of all types and the conduct of military manoeuvres on celestial bodies; and the prohibition of testing of nuclear weapons or the conduct of nuclear explosions in space. It is true that these principles have impeded the arms race in space. Nevertheless, they were not such as to form a juridical barrier preventing any militarization or arms race in space. These rules are perceived as having value as a string of restrictions limiting certain military activities without its being possible to incorporate them into a global ban. There are therefore a number of gaps and loopholes which have allowed what the experts in this field call - and rightly so - the "creeping arms race". In this context I could cite, for instance, the 1967 outer space Treaty, the limited scope of which has been recognized by all. This Treaty bans the introduction into space of nuclear weapons or weapons of mass destruction, but leaves open the possibility of placing in space other weapons such as anti-satellite weapons or anti-ballistic-missile systems. Another problem of great importance is that pertaining to "demilitarization" as contemplated in these treaties. The scope of this concept is limited solely to stellar space, which means the Moon and the other celestial bodies, depriving it of any effect on the remainder of Cosmic space. Moreover, clashing interpretations continue to prevent an identical interpretation of the words "peaceful purposes". To these juridical lacunae we should add the observation that the evolution of space science and technology, combined with space projects and programmes, especially military ones, is progressing more rapidly than space law. We must therefore conclude that current international legal instruments are insufficient to prevent an arms race in space. This is why our analysis tallies with that of many delegations in emphasizing the urgent need to fill out, strengthen and broaden the present legal régime in order to effectively prevent any arms race whatsoever in outer space.

The discussions that have taken place in the Ad hoc Committee on outer space since its establishment in 1985 have been fruitful with regard to the third part of its work. The Committee has received a certain number of proposals which prompt two comments. Firstly, these proposals displayed variety and came from all the groups, which represents a laudable collective effort and endeavour. Secondly, these proposals and these initiatives, through their diversity and the large number of sponsors, have shown that there was not only food for thought here, but also work to be done and an effort to be undertaken. In this connection, my delegation in no way intends to review all these proposals, which the Mongolian delegation has taken the welcome initiative of compiling in document CD/905. Nor does it intend to express a preference for one proposal or another, because it believes that the option or options that will be finally approved by the Committee have already been dictated to it by the objective being pursued, which is the prevention of

(Mr. Benhima, Morocco)

an arms race in outer space. This is especially so as the ways and means of achieving it have already been defined both in the Final Document and in the relevant General Assembly resolution I have already referred to.

What my delegation would like to underscore, is that the Ad hoc Committee on outer space is at a decisive turning-point in its work. The past four years of work have enabled it to conduct a diagnostic study of space, and even to carry out a synoptic analysis of the activities, especially the military activities, that take place there. From this work the Committee must now proceed to the next phase, which will involve devising appropriate answers to the questions that have been raised and to rectify the anomalies that have been perceived in the "juridical fabric" of space. This is no easy task, because we are not unaware of the pitfalls facing the Committee in its task - especially as there are many deep divergences among delegations. Nevertheless, whatever the magnitude of this disagreement, it should not constitute a handicap which would paralyse the Committee, but should be an incentive for us to renew our efforts to attain our common goal.

Obviously, our view of what we hoped for from this Committee is optimistic. Above and beyond the political distance which separates those who want a simple strengthening of present space law and those who urge radical solutions through new international instruments, especially a ban on the use of force in space or a ban on placing weapons of all types in space, or yet again those who are in favour of the adoption of limited measures designed to increase confidence or guarantee the immunity of artificial satellites, we may observe two common denominators: a collective - although sometimes unequal - perception of the danger of the militarization of space, and a common will to work for the prevention of an arms race in space. The two components of this observation fortify us in our evaluation of the work accomplished so far by the Committee. Moreover, they give us reasons for trusting in the capacity of this body to deal squarely with the question of proposals and initiatives capable of offering a concrete response to the risks of an arms race in outer space.

In 1984, that is to say a year before the Conference on Disarmament established its Ad hoc Committee on outer space, the Academy of the Kingdom of Morocco devoted its spring session to the "Ethics of space conquest". One of its distinguished members, the American astronaut, Neil Armstrong, who was the first man to walk on the Moon, gave a presentation entitled "New knowledge of the Earth through the exploration of space". He concluded this presentation by noting that the exploration of space has in fact led to very precious knowledge about the Earth, and that the exploration of space has also been the exploration of the Earth. This statement, which underlines clearly the close link between space and the Earth, prompts me to express the wish that space will continue to bring about beneficial co-operation and peace for all the peoples of our planet. Moreover, may the present work of the Ad hoc Committee take the direction that will lead it to the adoption of measures or agreements so that space, this natural extension of our planet, is spared the arms race for ever.

(Mr. Benhima, Morocco)

I would not wish to conclude my statement without warmly congratulating Ambassador Bayart of Mongolia, who is chairing the Ad hoc Committee on outer space for the second time. The talents he displayed during his first term as Chairman were unanimously appreciated. We wish him every success in his new term and assure him of our full and total consideration.

Mr. EVANS (Australia)

The final issue that I would like to touch on more briefly today is outer space. From one perspective, we have collectively displayed an imperfect but still admirable degree of restraint in the military exploitation of space. The space age is over 30 years old and space programmes have been driven overwhelmingly by military requirements, and yet we have in practical terms very largely avoided extending into space the offence/defence competition so familiar from the other environments. As a consequence of this restraint, there is wide acceptance of the view that space assets have made, and continue to make, a strong positive contribution to peace and stability. It is sobering to speculate on the course of events over the past 30 years had we not possessed the communication, intelligence-gathering and surveillance/verification capabilities afforded by space assets. The Australian Government considers the protection of this state of affairs to be of central importance.

The objective of this Conference on this issue - and the objective proclaimed by the super-Powers in February 1985 - is the prevention of an arms race in outer space. The word "prevention" in this context is especially significant. In all other environments we have had to set a much tougher goal, namely, stopping and reversing an arms race through seeking stability at progressively lower force levels. The Ad hoc Committee on the Prevention of an Arms Race in Outer Space is of course aware of just how complex a field this is. I do not propose to comment in any detail on the issues that it has exposed: for example, the lack of clarity on key terms like "peaceful uses", the precise scope of the existing legal régime for outer space, or the

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(Mr. Evans, Australia)

different views on whether a meaningful distinction can be drawn between dedicated anti-satellite systems and systems with an incidental or potential anti-satellite capability. I would, however, like to make the observation that, in our view, preventing an arms race in outer space is crucially dependent on addressing the incentives to acquire space weaponry. We cannot expect to secure binding restraints on systems capable of destroying or disabling space assets unless we develop a clear and common understanding on acceptable functions for these assets.

The degree of interest in ballistic missile defences correlates strongly and inversely with the prospects of addressing the ballistic missile threat in other ways. Similarly, interest in anti-satellite systems will persist unless the functions performed by satellites stay within agreed parameters. Members of this Conference will recognize the linkage between this observation and Australia's long-standing proposal that the Ad hoc Committee consider measures to protect from attack all satellites and associated ground stations that contribute to strategic stability and the verification of arms control and disarmament agreements.

Mr. KOSIN (Yugoslavia)

The prevention of an arms race in outer space is another item on which the Conference is lagging behind the disquieting spread of militarization of outer space.

Outer space is our common place. The spread of the arms race to outer space, if continued, will have unpredictable consequences and court dangers which will be more difficult to control later. It should therefore be prevented and halted at the earliest opportunity. Otherwise, in a very short time we would face its destabilizing effects on international relations as a whole. The Conference cannot be excluded from negotiating efforts towards that end.

Furthermore, outer space is being used more and more for peaceful purposes, with the increasing participation of countries in search of a model of international co-operation. In that context, it is imperative to reorient scientific and technological achievements from military purposes to peaceful aims. The work of the Ad hoc Committee has been useful in deepening and increasing understanding of the complexity of the entire problem, in increasing awareness of a commonality of interests and the need for a multilateralization of the effort. But the Committee cannot do a little more of the same each year. It is high time, therefore, to pass on to the next stage of substantive work, which, at this moment in our view, should be focused on strengthening the present legal régime, expanding and improving it. The present legal régime is not sufficient to cope with the diversity of aspects connected with the prevention of an arms racé in outer space. It should be supplemented and enlarged.

The significant number of extremely important proposals and initiatives for further work in the Conference has been compiled through the remarkable efforts of both the present and former chairmen of the Ad hoc Committee. Work in the CD should not be seen to contradict the very important bilateral talks on the issue. The problem is universal and must be globally dealt with.

Mr. BILD (Canada)

The prevention of an arms race in outer space is something that we all wish to achieve. The march of technology is relentless: more and more countries are developing know-how and the means to send rockets with satellites, space probes and other scientific instruments into space. Our task is to try and assure our publics that these activities, even ones carried out under military auspices, are for purposes that contribute to, not detract from, international security. But before a start can be made in this regard, we must know what international security means as it relates to the uses of space. International security, as Ambassador Marchand has recently pointed out, implies not only the absence of weapons as such in outer space, it entails the responsibility of the two major space Powers to maintain a stable, controlled relationship between themselves on space issues. This means that all efforts to consider the relationship between international security and outer space are predicated on the enhancement of stability. It is our job to identify measures concerning the use of outer space that can be taken on a multilateral basis and through consensus, and that will enhance stability - admittedly a daunting task. That is all the more reason to ensure that the first step provides a strong building block from which further proposals can proceed.

Let me reiterate the contention already put foward by the Canadian delegation. Much more attention has to be given to the basic framework involved in the use of space. The current régime on outer space, comprising a number of international agreements and treaties, can be strengthened: we can search for agreement on the definition of key terms, clarify the issue of stability and, in general, thereby set up a solid foundation to guide our work in the coming years. We could make a start, for example, in applying principles of transparency to activities in space by urging more States to sign the registration Convention and by persuading the parties to the registration Convention to agree to provide more timely and specific information on the functions of the satellites they launch, including whether specific satellites are intended to fulfil civilian, military or combined functions.

(Mr. Dietze, German Democratic Republic)

And may I add another idea? Should it not be the task of the Conference to make an essential contribution to the elaboration of principles governing nuclear disarmament? In this context, we have in mind the following:

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The interrelationship between bilateral and multilateral negotiations on nuclear disarmament, in particular between a drastic cut in the strategic offensive weapons of the United States of America and the USSR and the halting of the build-up of nuclear armaments by other nuclear-weapon States. What would have to be taken into account in this respect is the interrelationship between the different levels of nuclear armaments - strategic, intermediate-range and tactical nuclear weapons;

The interrelationship between nuclear disarmament and other areas of disarmament, e.g. to reduce conventional armed forces and prevent an arms race in outer space;

Discussion of collateral measures of nuclear disarmament. They include the withdrawal of nuclear weapons from foreign territory, security assurances for non-nuclear-weapon States, measures to forestall a nuclear war, the establishment of nuclear-weapon-free zones as well as the strengthening of the régime of non-proliferation of nuclear weapons.

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The demand for greater precision in terms of the prevention of an arms race in outer space is equally important. Our delegation advocates that the discussion in the outer space Committee should be conducted in a more structured and intensive manner, with experts being involved. A step-by-step approach to the factual problems seems practicable in this respect. Here we have in mind the consideration of confidence-building measures providing for the protection of outer space objects, as advanced, inter alia, by France and the Federal Republic of Germany in connection with a "code of conduct" and "rules of the road". This approach also encompasses the proposals made by socialist States and non-aligned countries concerning agreements on the prohibition of anti-satellite and other outer space weapons. We have repeatedly undertaken initiatives in this field, and will continue to develop them further.

Mr. BATSANOV (Union of Soviet Socialist Republics)

However, the reduction and elimination of the nuclear threat is impossible unless a solution is found to the problem of preventing an arms race in space, which brings me to item 5 of the Conference's agenda.

As M.S. Gorbachev stressed in his recent message to the leaders of Argentina, Greece, India, Mexico, Tanzania and Sweden on the occasion of the fifth anniversary of the Six-nation Initiative, space should remain free of arms. The Soviet-American dialogue in this field is important but, to quote the message, "more active use of multilateral diplomacy, and primarily the Conference on Disarmament", is also needed. The Soviet leader also confirmed in this context that the USSR "has not placed arms in space on a permanent basis and has no intention of being the first to do so". We have been and continue to be advocates of workable, far-reaching measures for the prevention of an arms race in space. They include, for instance, the prohibition of anti-satellite systems and space-to-Earth weapons, the creation of a system for the verification of the non-placement of arms in outer space, and in particular the establishment of an international space inspectorate, as well as a number of other proposals. We also believe that now it is important to try to find a common basis which would allow the Committee to move from general debate to the search for concrete arrangements. This might be a small first step to begin with, but it should and can be taken. Why should we not begin with measures to strengthen confidence and openness, which have proved

themselves in some other field of arms limitation? As far as the Soviet delegation is concerned, it would not object to taking as a basis the idea proposed by the Federal Republic of Germany of "rules of the road" in space, including the elaboration of fly-by rules for manned and unmanned spacecraft, advance notification of the launch of space objects, inspections, the exchange of information, and so on. Also deserving of attention in this context is the French idea of space-based remote sensing systems for providing the international community with information, particularly in such areas as verification of arms limitation and the reduction of international tension. For our part, we too are working on specific considerations related to the issues of space monitoring.

Mr. RODRIGO (Sri Lanka)

While the universal consensus against chemical weapons has engendered a sense of urgency in the CD, regrettably the declared determination of all to prevent an arms race in outer space does not appear to be reflected in the record of the CD on this vital subject. In the CD, since 1985 the Ad hoc Committee concerned has dealt with the complexities of the subject and examined the existing legal régime - its positive elements as well as its limitations. The Committee has also had elucidated before it a number of proposals directed at different aspects of the overall question of preserving outer space for peaceful purposes and negotiating an agreement or agreements to prevent an arms race in outer space. All this has brought to light a

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(Mr. Rodrigo, Sri Lanka)

complex of legal, political, technical and other issues which need to be engaged in a serious manner. The working paper (CD/905) presented by Ambassador Bayart of Mongolia, Chairman of the Ad hoc Committee, provides an admirable summary of the proposals and initiatives advanced by different member States underr item 5. The time has perhaps now come for a structured, more organized, negotiations-oriented approach to all the issues of outer space.

Document CD/905 is a convenient reminder also that there is clearly an intrinsic link between the three items on the Ad hoc Committee's work programme in the context of which the individual proposals can be given more detailed and organized examination. This would facilitate their clarification as well as the eventual negotiation of those proposals which have endured the weight of critical scrutiny and gained general acceptance. Unfortunately the Committee appears to be frittering away valuable time each successive year on sterile organizational debate on the hierachy and relative importance of the items on the work programme.

It is clear that despite differences of view among members, the major role played by the existing legal régime in outer space has been acknowledged. The future enhancement of this régime through wider participation and more complete compliance with existing treaties is a need universally acknowledged. The extent of its efficacy in preventing an arms race in outer space is of course an open question. The argument that it has held the peace thus far is hardly a guarantee for the future, given the bewildering pace of technological developments and the fact that what we call the space age is barely three decades old.

In Geneva, bilateral talks between the Soviet Union and the United States have resumed this week on space issues, and any reluctance to be engaged in negotiations in a multilateral forum like the CD may perhaps be explained in terms of a lack of finality in negotiating positions. Nevertheless the commencement in parallel, in the CD, of negotiations on space issues will not deny the special responsibility of those with major space capabilities nor in any way hinder or circumscribe their efforts towards commonly held goals.

There could be two basic approaches to negotiations on outer space in the CD. The first could focus on disarmament and arms control, and would involve working towards a comprehensive ban or limitations on weapons of all types. This would also involve the consideration of proposals for the amendment of the 1967 outer space Treaty. This approach would furthermore need to work towards guaranteeing immunity for satellites and the banning or severe restriction of ASAT weapons. The second alternative approach would concentrate for the time being on confidence-building measures, and here there is an abundance of material on which to work profitably and productively. This includes the French proposal on an international satellite monitoring agency, the Soviet proposal on an international space inspectorate, the proposals made by the Federal Republic of Germany on "rules of the road", and proposals advanced by a number of delegations, including my own, which centre on the strengthening of the registration Convention and measures for greater transparency in outer space activities.

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Helsinki, Stockholm and Vienna have all shown the advantages of the second sort of approach in ultimately helping the first sort. Neither Helsinki nor Stockholm focused on disarmament per se, but they nevertheless provided a helpful climate which eased the way for disarmament and arms control in the European context. The suggestion that consideration should be given to a protocol to the registration Convention deserves particular consideration. This could be a concrete first step, modest though it may seem, towards the realization of one of the goals of the 1967 outer space Treaty by building international confidence in space activities through greater openness.

With respect to outer space, preventing an arms race is decidedly better than curing or curbing one. The choice could still be exercised between, on the one hand, pursuing its potential for peaceful development, and, on the other, courting conflicts of a nature and scale that could hardly be assessed at this early stage of man's entry into space.

The spreading launch capability of militarily significant States is being justified on both civilian and defence grounds. Space applications and the conversion of currently Earth-bound or modest technological capabilities are no longer a remote possibility. If the current space Powers do not support a multilateral process for preventing the weaponization of space, the entire existing space system, which is said to provide strategic stability, could, with the inevitable proliferation of military space tecnology, become a soft strategic target. Experience shows that sectoral controls without a comprehensive and multilateral approach, as for example in the nuclear and chemical field, cannot ensure globally effective non-proliferation.

Quite apart from likely future applications in space, the refining of launch capabilities could hardly be expected to promote confidence in regions which have thus far been spared the dubious advantage of such weaponry. If the potential for more sophisticated space application appears remote at this point of time, then at least the regional ramifications of such capabilities deserve consideration.

Mr. BOJILOV (Bulgaria)

We believe that with realism and readiness for work we could also move forward on the question of the prevention of an arms race in outer space. We are well aware of the arguments of those who, for the moment, are not ready to embark on immediate negotiations due to what they perceive as the complexity of the matters involved, the lack of clarity on key terms, the need to define the precise scope of the existing legal régime, etc. We agree to discuss everything that will enable us to carry out the task formulated under item 5 of our agenda. We could start with the identification of the subjects that every delegation considers it necessary to be clarified, and then try to find exhaustive answers to all of them.

Some member States are not ready at this stage to subscribe to comprehensive solutions aimed at the prevention of an arms race in outer space. Let us then start concrete work in those fields where a common approach could be worked out - for instance, on some confidence-building measures in space. In this connection, we agree with the opinion expressed by Ambassador Vajnar of Czechoslovakia that "it might be useful if, during the summer session, the three items forming the programme of work were not treated in a general and all-embracing way, but the Ad hoc Committee instead concentrated its attention on some issues of wider interest. In full accordance with the three-layer pattern of the programme of work, the Ad hoc Committee could first identify clearly the nature of these issues or an issue, then consider to what extent they are or are not already treated within the existing legal régime and, finally, examine how the existing relevant proposals could be implemented most effectively".

Bulgaria has participated in the activities of the Conference on Disarmament since its inception. We have seen all the ups and downs in the work of this multilateral negotiating body, which has significant results to

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(Mr. Bojilov, Bulgaria)

its credit. Against this background we cannot but be alarmed that over the past decade the Conference has been unable to produce a single multilateral agreement. It is as though a vicious circle has been created.

> "For years" - stated Mr. Petar Mladenov, Minister for Foreign Affairs of the People's Republic of Bulgaria, in this hall last year - "it was alleged that the Conference was not in a position to conduct disarmament negotiations because of the confrontation between the USSR and the United States, between East and West. Today there are those who maintain that it cannot fulfil its role in this field since intensive Soviet-American talks are under way. If the first allegation had some logic to it, we feel the second thesis is totally biased."

Can one regard as unbiased the thesis rightly criticized by Ambassador Azambuja in his statement of 13 June, to the effect that "multilateral and bilateral negotiations on a CTB are mutually exclusive, whatever their time frame, and thus that the CD should not exercise its negotiating prerogatives in dealing with its agenda item 1"? Can one regard as unbiased the thesis that the Conference should confine itself to mere study of item 5, "Prevention of an arms race in outer space", since bilateral negotiations are going on? My delegation is of the opinion that bilateral and multilateral disarmament negotiations can and should be complementary options. It is necessary to find ways and means of harmonizing them. It is not only politically wrong, but also politically dangerous, to let the credibility of the CD slip away.

Mr. DIETZE (German Democratic Republic)

At today's plenary debate, the prevention of an arms race in outer space is at issue. This problem justifiably occupies a central place in our work. The commitment to the pursuit of peace makes it necessary to end the arms race on earth and to prevent it from spilling over into outer space. The recently resumed Soviet-American negotiations must for our point of view make a

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contribution to this end - while strictly adhering to the ABM Treaty as it was signed in 1972. We, too, have to pull our weight in order that the goal of preventing an arms race in outer space may be achieved. For eight years now the prevention of an arms race in outer space has been on the agenda of the Conference on Disarmament. The Outer Space Committee established for this purpose has been dealing with this question for almost five years. A good many efforts have been undertaken to get things going. A quite considerable number of proposals are on the table. We all know of the problems which urgently call for a solution. We feel that it is time to get down to business notwithstanding all the obstacles, i.e. to set about concrete work with regard to the prevention of an arms race in outer space. The German Democratic Republic is in favour of concluding effective and verifiable agreements on the prohibition of the development, testing and deployment of weapons in space. No doubt there do exist reservations, and differences on the roads to be followed to this end have not been bridged. But should this hinder us from fully harnessing the potential for agreement and searcing for a step-by-step solution to the existing problems?

The consideration of confidence-building measures, in our view, offers the chance to impart strong momentum to the Outer Space Committee. We think that it would serve confidence-building if the international exchange of information was expanded. The concrete discussion of the proposal advanced by France concerning the "code of conduct" and that of the Federal Republic of Germany regarding the "rules of the road" would also help build confidence. What is of interest, in our opinion, is Poland's idea of considering a separate protocol to be appended to the 1975 Convention on Registration providing for the extension of data exchange and ad hoc inspections of announced launches into outer space. The German Democratic Republic also endorses the appeal made by Argentina to all States to declare whether they have any weapons deployed in outer space. The implementation of the Soviet proposal concerning the establishment of an international system of verification of the non-deployment of weapons of any kind in outer space would eventually constitute a significant confidence-building measure from our point of view. In so doing, it would, in fact, be possible to forestall the introduction of important categories of weapons in space as well as their components. In our opinion, such confidence-building measures augur well for bringing about mutually acceptable agreements.

It is along these lines that the German Democratic Republic and the Mongolian People's Republic tabled in 1987 a document containing the main provisions for a treaty on the prohibition of antisatellite weapons and on ways to ensure the immunity of space objects. To follow up this initiative, I should like to submit today a proposal specifying ASAT components and ways of verifying their prohibition. Here we are drawing on the debate so far conducted concerning ASAT weapons. In this context, I especially have in mind the suggestions made by Sweden, and I also have in mind the proposal advanced by India, with respect to an outline of an agreement that would commit all States not to develop, produce or acquire, test or deploy ASAT weapons.

The document before us, which was presented by my delegation, document CD/927, "ASAT components and ways of verifying their prohibition", comments on the problems of definition and categorization of ASAT weapons. At the same time, it indicates possibilities for effective verification of

(Mr. Dietze, German Democratic Republic)

future agreements. This proposal stems from the fact that the technological development of so-called conventional ASAT weapons is highly advanced and the prohibition of these weapons is of particular urgency. For this reason, document CD/927 deals with important categories of that group of ASAT systems, such as: space-based chemical rockets and mass accelerators; ground-based chemical rockets and mass accelerators; and space mines and collision bodies. We believe that the considerations pinpointed in this paper could help advance the discussion of: the kinds of space weapons or components; the measures required to prevent such weapons; the description of the weapons and their stage of development; and the type of verification. These are undoubtedly comprehensive and complex issues, for the discussion of which the involvement of scientific experts from our point of view is imperative. The proposals for setting up an expert group to look into relevant scientific and technological questions will therefore receive our unqualified support also in future.

For a long time the pros and cons of international organizations and institutions have been deliberated which could help verify compliance with disarmament accords by means of outer space technology. We think that the Soviet initiative on the setting up of an international space inspectorate, the Canadian PAXSAT concept, the French proposal on the establishment of an international satellite monitoring agency and the proposal of the USSR to establish a world space organization deserve to be discussed in depth with the aim that an overall structure be finally created.

At this juncture, let me refer to the proposal for joint European satellite observation, which is contained in the joint initiative of the Socialist Unity Party of the German Democratic Republic and the Social Democratic Party of the Federal Republic of Germany for the creation of a zone of confidence and security in Central Europe. It is likely that it could form part of an international satellite monitoring agency. Interesting in this context would, finally, be the ideas advanced by the United Nations Secretary-General in terms of a multilateral international alert system.

After all, it is obvious that there is indeed no lack of substance in the work of the Outer Space Committee. As for the agenda item "Prevention of an arms race in outer space" our delegation deems it important that the gap between general debates and a more structured and intensive work be bridged. We feel that substantive discussions leading us to negotiations should be started in fields where common ground could probably be found. Political will and readiness for compromise, together with an accommodating approach by all parties, are certainly required in this endeavour. My delegation is prepared to make a distinctive contribution to this effect.

Mr. von STÜLPNAGEL (Federal Republic of Germany)

My statement today relates to item 5 of our agenda, "Prevention of an arms race in outer space". It will be very brief. Its main purpose is to comment on the expert contribution which will be provided at this afternoon's

meeting of the Ad hoc Committee. As already announced in my plenary statement on our basic views on the matter on 11 April this year, we had asked an independent research institute in the Federal Republic of Germany to examine our positions and proposals introduced so far and to come up with a comprehensive view on the question of space-related confidence-building measures. Today Dr. Hubert Feigl from the Stiftung Wissenschaft und Politik will share his findings with the members of the Committee. He will - in particular - deal with "objectives, realizable possibilities and problems of a multilateral protection régime for outer space" and related questions. Dr. Feigl will provide us with the independent view of a scientist. His arguments will speak for themselves. His paper is based on non-classified sources and its contents are subejct to verification. In the belief that more profound discussion will bring more progress my delegation would like to stimulate debate in the Ad hoc Committee on the basis of a well founded set of interrelated expert views.

Dr. Feigl's contribution will draw a kind of road map in this regard, pointing out which roads from his point of view are impossible or almost impossible and possible as far as a weapons-related ASAT ban is concerned and the implications this has for the objective of an ASAT ban itself. He will also be pointing out the roads which may more easily lead to the intended improvement of the protection of space in general and the protection of stability-related satellites in particular.

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(Mr. von Stülpnagel, Federal Republic of Germany)

When, in 1986, my delegation introduced the subject of space-related confidence-building measures, including a "code of conduct" and "rules of the road", as an idea which could substantially contribute to attenuating the effects of unintended escalation and to limiting the risks arising from misunderstandings in crisis situations, the corresponding proposals seemed to be too technical and too complicated to be dealt with in the Ad hoc Committee at that juncture. In the meantime the Committee has gained experience and achieved a much better understanding of the many questions involved. My delegation feels encouraged to reiterate its former proposals as contained in PV.345 of 6 March 1986 and developed further in my plenary statement of 11 April this year and the corresponding contributions to the work of the Ad hoc Committee. We know that we shall have to convince the Conference of the usefulness and adequacy of these proposals. The presence of an independent expert is a welcome opportunity to re-examine them in a critical common effort.

It may be useful and necessary to briefly describe the background against which this effort should be seen. There is no doubt that certain space objects - such as satellites with verification, observation, communication and command functions - are vital components of strategic stability. Accordingly, it would be counterproductive to prohibit, per se, all military activities in outer space. Multilateral arms control and disarmament matters in the outer space area cannot be considered independently of basic developments at the bilateral level. Many of the space-related problems will - by their nature - remain the domain of the two main space Powers. The prevention of an arms race in outer space by adequate and appropriate arms control measures touches

upon basic questions of strategic stability between these Powers. The related questions have still to be solved in the bilateral talks. We believe that nothing should be done that would hinder the success of these negotiations.

On the other hand, it is widely agreed that in view of dynamic technological developments, many aspects of a future outer space order inevitably necessitate comprehensive regulation by the international community as such. It is rightly recognized, too, that more and more States are becoming space Powers or participating in important programmes for the exploration and utilization of outer space. Furthermore, all States could be threatened by a possible misuse of that environment. Thus there are good reasons for an approach requiring greater participation by the international community. The creation of a robust, stable future space order is a task ahead. My delegation will continue to actively contribute to preparing the ground for its realization.

Mr. HYLTENIUS (Sweden): Let me first of all warmly congratulate you not only on the occasion of your national day but also on your assumption of the presidency during the month of July. I am confident that our work will greatly benefit from your diplomatic skill. That skill has been shown, inter alia, in your chairmanship of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space. It is therefore particularly appropriate to devote a plenary statement to this question under your presidency. I also take this opportunity to express the gratitude of my delegation to Ambassador García Robles of Mexico for his experienced guidance of the Conference during the past month. I have listened with great interest to the statement by His Excellency the Under-Secretary of State of Finland and to the other distinguished speakers before me.

In my statement today I will exclusively address the question of the prevention of an arms race in outer space. Useful work has been carried out in the Conference on Disarmament, and in particular in its Ad Hoc Committee, in existence since 1985. The time should now be ripe to take stock of the extensive discussions and the many proposals which have been made. Our continued deliberations should be structured with a view to defining measures on how to prevent an arms race in outer space. An extension of the arms race into outer space could have profoundly destabilizing consequences. Deeply conscious of these risks, an overwhelming majority of the Member States of the United Nations have in recent years urged the Conference on Disarmament to take resolute measures aimed at preventing an arms race in outer space.

Although the civilian exploitation of outer space is increasing, the vast majority of satellites perform military functions. There is a great variety in their missions. Some of them play, or have a potential to play, a vital role in verifying compliance with arms limitation or disarmament agreements, or carry out crucial early-warning and communication tasks. These satellites thus have stabilizing functions. Some are in geosynchronous orbit, or in eccentric earth orbit, and others are in lower earth orbit. Mention could be made of reconnaissance satellites with photographic, electronic or

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ocean-surveillance tasks. In principle, all these satellites can have important functions in connection with weapons systems on earth. Their military role, however, is of a passive nature. Military support satellites may, nevertheless, be given more active assignments, for instance regarding target acquisition and identification, or other active support functions for military operations. The various types of satellites are becoming increasingly sophisticated and manoeuvrable.

In time of war, satellites could thus be important military targets. Consequently, there has long been a military interest in developing means for anti-satellite warfare. Both the Soviet Union and the United States have tested dedicated ASAT systems. Their actual deployment is, however, limited. One of the concepts comprised an interceptor launched into the same orbital plane as the target. The other system was an air-launched miniature vehicle with a terminal homing warhead. Both systems were reportedly capable of reaching targets in low earth orbit only.

There may be reason to recall the diversity of means of carrying out ASAT warfare A satellite can be disrupted, either by being physically destroyed or through interference with some of its vital functions. A satellite could for instance be destroyed by impact with space debris. Ballistic missiles could be modified for ASAT purposes. ABM-interceptors could have an inherent ASAT capability. To be effective, however, these weapons would have to be tested in an ASAT mode. Some potential ASAT weapons could in addition perform anti-ballistic-missile defence tasks. They could thus lend themselves to a circumvention of the ABM Treaty. Moreover, the functions of a satellite could also be impaired by jamming or spoofing operations. Command and control communications could be interfered with in a similar fashion and the satellite's sensors incapacitated by laser radiation. Electronic warfare or high-power microwaves could also be used for such functions.

A whole literature has developed regarding technological research on potential earth-based or space-based weapon devices, related to kinetic energy or directed energy principles. One example is clusters of homing vehicles equipped with infra-red guidance. As to directed energy weapons, various lasers under consideration are the chemical laser, the free electron laser, the excimer laser, and the X-ray laser. The last is for obvious reasons the most controversial concept, since such a laser would have to be "pumped" by a nuclear explosion. Whereas some of the concepts referred to may carry a flavour of science finction, others could have a more realistic potential for ASAT tasks, although the context in which they are being considered apparently concerns ballistic missile defences. Satellites could be considerably easier to attack than missiles, because of their overall features as well as of their static orbit positions.

It may sometimes be difficult to make a clear distinction between dedicated ASAT weapons and non-dedicated capabilities to interfere with the normal functioning of a spacecraft. Any spacecraft capable of manoeuvring in orbit could be programmed to interfere with another space object. Even if a

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satellite can by itself function as an interceptor, to be considered as a dedicated ASAT weapon it should inter alia be equipped with interceptors aimed at destroying other satellites.

It goes without saying that many counter-measures could be conceived of against various contemplated or existing means of interfering with satellites. A satellite could, for example, be hardened against directed-energy weapons, if such devices were to be developed for ASAT purposes, infra-red sensors could be blinded by lasers, a satellite could be shut off, and satellites could be deployed in large numbers, etc.

Questions pertaining to the strategic balance are subject to bilateral negotiations between the two major Powers. However, the issue of ballistic missile defences is, along with the ASAT question, of relevance also to the Conference on Disarmament. All nations would be affected by a ballistic missile defence (BMD) system, as well as by other possible destabilizing developments that are implied.

One contemplated BMD system would contain both space-based and so-called "pop-up" systems, based on the new "exotic" technologies I have referred to. Several counter-measures could be expected against such systems. Thus, to mention just one example, a warhead decoy could by simulation be made to respond like a re-entry vehicle and, conversely, a re-entry vehicle to respond like a decoy, etc. In accordance with a familiar pattern, counter-measures could indeed proliferate. At the same time, the decision-making process to a large extent will have to be assigned to supercomputers, etc. By such a development the survival of mankind would increasingly be getting into the grip of machines.

The many critics of ballistic missile defences have underlined the destabilizing implications. There is a great risk that an adversary with less efficient ballistic missile defences would be tempted to resort to a pre-emptive strike. Furthermore, if the two major nuclear and space Powers were really capable of developing ballistic missile defences, other nuclear-weapon States might feel incited to live up to their doctrine of effective deterrence by significantly increasing their nuclear weapons potential.

Both the leading nuclear and space Powers continue to devote considerable resources to research on ballistic missile defences, which may have adverse implications for the ABM Treaty, and probably also for the ongoing nuclear and space talks. However, a shift in emphasis seems to be under way in favour of ASAT programmes. One reason for such a development may be attributed to the fact that, as pointed out by SIPRI in its 1989 Yearbook, a major increase has taken place in the number and capabilities of operational military satellites in several categories. This expansion also involves an increased integration of various space-based systems with land, sea and air forces, thereby enhancing their capabilities in several respects.

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Given the fact that it may be relatively easy to develop various types of ASAT weapons, other States, too, may consider strengthening their military capacities by acquiring such weapons. Already the spread of advanced missile technology could promote such a development. Increased dedicated or non-dedicated ASAT capabilities represent new risks already of accidental interference with satellites, which could have serious implications for international security.

The risk of an arms race in outer space has been partly attributed to the fact that the existing body of international law is not sufficient to effectively prevent such a development. The relevant provisions are both of a general and a specific nature. I do not intend to go over existing agreements pertaining to the prevention of an arms race in outer space, since this has been done by my delegation on previous occasions, as well as by several other delegations. It may be sufficient to touch upon a few examples.

Article 2 (4) of the Charter of the United Nations outlaws the use of force and the threat of use of force. In certain cases some might argue that an attack on a space object would be a measure of self-defence in accordance with Article 51 of the Charter. It is, however, inconceivable that this Article could be interpreted as permitting attacks on non-military space objects. The Outer Space Treaty prohibits the placing of nuclear weapons and other weapons of mass destruction in Earth orbits and on celestial bodies, but no other weapons systems. The Moon Treaty, which aims at entirely demilitarizing outer space, with the exception of the proximity of the Earth, has been signed by very few States indeed and has not yet entered into force. The Registration Convention may have some confidence-building functions, but, as pointed out by many delegations, would need to be more effectively complied with. It would also have to be strengthened by additional provisions.

As to various pertinent bilateral agreements between the Soviet Union and the United States, emphasis should be given to the significant stabilizing role of the 1972 AMB Treaty. It is conceived of as a crucial building block in the strategic relationship between the two major nuclear and space Powers. Many States have therefore repeatedly urged the two Parties to the Treaty to secure its continuation.

Other bilateral disarmament agreements, which are relevant in this context are, for example, the 1971 Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War and the 1973 Agreement on the Prevention of Nuclear War, which secure a protection for early warning satellites, thus indicating the vital stabilizing function attributed by the two major Powers to such satellites. There may also be reason to recall the unratified SALT II Treaty, which prohibited the testing and deployment of Fractional Orbital Bombardment Systems (FOBS). Relevant parts of the provisions of these Treaties can be of interest also for multilateral purposes.

My delegation has consistently been in favour of a comprehensive solution to the ASAT question. Even if a comprehensive ASAT ban may not be achievable in a short-term perspective - given the wide-ranging issues involved,

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pertaining inter alia to definitions and dual functions - it is, however, of the utmost importance that we start work on delineating measures that would at least provide for basic legal provisions with regard to ASAT systems. We should also aim at strengthening the confidence-building régime, and introduce measures aiming at the prevention of accidents with satellites. In the opinion of my delegation, the approach will have to build on a combination of confidence-building and functional measures, together with a ban on anti-satellite weapons.

As an immediate measure the Swedish delegation has proposed that the present de facto moratorium by the two major space Powers on testing of existing dedicated ASAT systems be formalized. Production as well as deployment of dedicated ASATs should be prohibited without delay, and existing ASAT systems should be dismantled. Furthermore, the testing of non-dedicated systems in an ASAT mode should be prohibited. I have previously touched upon various types of non-dedicated systems, which would have to be addressed here. This approach would thus in a functional way comprise all convertible ASATs.

Furthermore, rules aiming at diminishing the risk of accidents should be introduced. Given the relatively large number of satellites in low earth orbit, measures to prevent accidents in that area are urgently called for. But also satellites in the geostationary orbit should, obviously, be covered, since they are of crucial importance for international stability and security.

Several proposals have been made in the Conference on Disarmament concerning the question of indirect protection of satellites, including rules of the road, keep-out zones, codes of conduct, immunity for satellites, etc. These proposals should be discussed in a systematic way with a view to defining relevant measures. It will also have to be established to what extent various proposed measures should be dealt with in the Conference on Disarmament, or should be referred, for instance, to the Committee on the Peaceful Uses of Outer Space (COPUOS).

Sweden has proposed that an expert group be established under the auspices of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space. Such a group should discuss the feasibility of relevant measures to prevent an arms race in outer space. It should also consider verification of compliance with such measures, as well as focus on questions pertaining to the establishment of an international satellite monitoring system.

Verification could be carried out by many different methods, in particular on-site inspection, as well as satellite tracking and data collection. Inspection of a satellite from the ground could, at least in the case of low earth orbit, be performed by the help of telescopes with modern electro-optical sensors. Other means could be various radar devices. These new systems can give detailed accounts of satellites. Fly-by or co-orbiting can be used for observation. In the context of verification by means of satellites the Canadian PAXSAT concept is of great relevance. Consideration should also be given to the establishment of an international satellite

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agency, taking into account the various proposals that over the years have been made in the United Nations and in the Conference on Disarmament. Such an agency could have at its disposal a network of observation stations and make use of common data bases.

The question of how to prevent an arms race in outer space is often referred to as an unusually complex one. We should, however, not let ourselves be overwhelmed by the difficulties. As I have tried to illustrate, there are several measures that the Conference on Disarmament could usefully negotiate, namely: dedicated ASAT weapons could be comprehensively banned; an agreement could be made on banning the testing in an ASAT mode of various types of non-dedicated systems; appropriate verification régimes could be scheduled, and an international satellite monitoring system be established; confidence-building measures, including rules of the road, could be adopted.

My delegation holds that these measures should be introduced as a matter of urgency, given the risks of vertical and horizontal proliferation of dedicated and non-dedicated ASAT capabilities, as well as the dangers posed by possible non-intentional harmful interference with satellites. These measures should be subject to multilateral negotiations in the single multilateral disarmament negotiating forum, that is to say the Conference on Disarmament, and more precisely in its Ad Hoc Committee on the Prevention of an Arms Race in Outer Space.

My delegation is fully aware of the fact that the least common denominator in the CD has hitherto not allowed for a more measure-oriented approach. As stated at the beginning of my intervention, however, Sweden is of the view that time is now ripe for more structured work in the subsidiary body of the Conference, allowing us to more purposefully address the task before us.

Mr. MOREL (France)

All delegations have stressed, from the very beginning of this session, how much the recent improvement in the international situation is helping to revive the negotiations on arms control and disarmament. We, of course, share that view. But how can we fail to notice at the same time that there is no reason at all for euphoria? We can see still more clearly in these favourable circumstances that disarmament will not come about by itself. Now that we have got past the stage of breaking the political deadlock, we have entered upon another period which may be, which ought to be, a period of consolidation. If I hesitate, it is because we realize every day that an unceasing effort is required to equip ourselves for future success. This applies to the major negotiations under way in the nuclear, chemical and conventional fields, but also to space, and to the other items on the agenda of the Conference on Disarmament.

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In the field of nuclear disarmament, first of all, the bilateral negotiations on Soviet and United States strategic arms and on space have just started up again. We all know their aims, which are ambitious ones, particularly the 50 per cent cut in stockpiles, and my country supports those aims. Even if no specific deadline has been set, everybody agrees that these negotiations cannot go on for ever without producing any results. The two partners wanted to reach a conclusion by the end of 1988. Circumstances prevented them from doing so, and we all know that the matter is a particularly difficult one. But the international community can and should remind the two most heavily armed Powers of its legitimate impatience to see them achieve the goal they themselves have set.

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After mentioning chemical, conventional and nuclear weapons, I should now like to deal at greater length with space, which is not given the importance it deserves in multilateral forums. Rather than attribute this to ill-will on

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the part of States, it would be better to recognize the special nature of space activities, which makes them complicated to deal with. Space differes from other sectors of disarmament in that the main kinds of equipment involved, i.e. satellites, use technology that is still evolving. A state of continuing uncertainty as to their future development prevents us from weighing all the strategic implications and thus limits the possibility of negotiating on such systems. Hence it is difficult to distinguish in advance what is important in security terms from what is secondary, and what is dangerous from what is effective.

Faced with such complexity, we should avoid over-simplification and look the facts clearly in the face, which means in effect recognizing certain points: it would be both illusory and inopportune to envisage complete demilitarization of outer space; the present legal régime for space is not adequate by itself to prevent an arms race there; an absolute ban on anti-satellite systems appears to be unverifiable in practice, because no general régime can effectively cover very different kinds of devices; finally, the anti-satellite and anti-missile fields are closely linked, and no multilateral regulation exercise aimed at prohibiting the permanent placing of weapons in space could advance independently of the United States-Soviet bilateral negotiations, nor a fortiori more rapidly than those negotiations.

These few considerations thus lead us to rule out measures which, however attractive they seem, would in reality be delusive or unsuitable for multilateral treatment.

Does this mean we should give up and regard the prevention of an arms race in space as too much for the international community? Certainly not. The multilateral bodies, and first and foremost the Conference on Disarmament, have a special role to play, alongside bilateral efforts, in promoting further thought on these subjects and resolving the deadlock we are faced with at the moment.

We should first of all continue to improve our technical knowledge of the issues and difficulties of disarmament in space, without which it will not be possible to reach any specific agreement on the means to be applied. The Conference on Disarmament can and should also identify pragmatically the fields in which a consensus seems possible here and now. From this standpoint, France notes that there has been a welcome change of attitude in two important fields, on which I should now like to dwell: firstly the increasing recognition of the usefulness of space for monitoring and verification; and secondly, the growth in many countries' interest in the subject of the legal immunity of satellites.

As regards the first, the development of facilities for observation shows that space is not just an area for disarmament; it is also a potential tool of disarmament, given the possibility of satellite verification of agreements. Recent trends, marked in particular by growing recognition of the stabilizing role of observation satellites and the appearance of high-resolution satellites other than those of the United States and the USSR, mean that one can envisage a greater contribution by space facilities to the verification of disarmament agreements and confirms in the event the validity of the course France has been proposing since 1978.

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After submitting at the first special session on disarmament a proposal for an international satellite monitoring agency (ISMA), which was thoroughly studied by a United Nations group of experts from 1979 to 1981, France proposed at the third SSOD in June 1988 that the first phase envisaged under the ISMA should be implemented, in the form of an agency for the processing of satellite images, or APSI.

Without giving up the more ambitious objective set in 1978, we have since realized the need in present circumstances to distinguish very clearly between monitoring and verification. The latter is only possible within the framework of a specific agreement, in order to ensure that the agreement is being complied with, and it can only be carried out by the countries parties to that agreement.

It would certainly be conceivable, in the long term, to develop, for the benefit of the whole international community or of the parties to a particular treaty, either general observation satellites or specialized satellites for the verification of compliance with a particular provision. That is one of the things envisaged for the third phase of the agency we proposed in 1978.

But it seems to us preferable at the present stage to set as the objective for the initial phase the pooling of existing data. The space image processing agency proposed in 1988 would not cost very much, but it would enable national experts to be given the necessary training in the interpretation of space images and above all would make it possible to assess what could actually be achieved with satellites later on in the fields of monitoring and verification. This preliminary phase should thus provide an opportunity to determine the specific requirements for new systems and possible future applications.

It must however be clear that such an agency would merely be a confidence-building device and would not be designed to form the embryo of a verification system attached to the United Nations with universal competence. The principle of the specificity of verification in fact argues against the idea that the international community as a whole should be responsible for verifying any disarmament agreement, whatever its nature and whoever the parties, and seek to employ one single instrument for that purpose. The way to achieve the best possible use of space facilities for purposes of security, stability and disarmament is thus for the time being to establish as clear a distribution of responsibilities as possible. If we try and mix everything up together, we shall not make progress anywhere.

The same applies when we make a combined effort to guarantee the security of space activities that deserve to be protected, which is the second component of our proposals in this field. We should continue our efforts to arrive at a consensus on measures acceptable to everyone in order to prevent the arms race in space. But the present difficulties show that the legal approach, through satellite immunity, is the one most in keeping with the Disarmanent Conference's capacity for action. We observe with interest, moreover, that this theme is coming up more and more often in statements made at this Conference. The idea of immunity is at the heart of the proposals submitted by France in recent years. We should like today to propose that the

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international community's work in this field should be organized around three points, which will be developed this afternoon in the statement to be made to the Ad hoc Committee by Mr. de La Chapelle, an expert from the French Ministry of Foreign Affairs.

The first point we propose, and there are three of them, is the principle of non-interference. Recognizing to start with that the only effective criterion for identifying satellites deserving protection is whether or not they have the capacity to interfere actively with another satellite, we can arrive at a precise definition of the principle of non-interference with non-aggressive space activities, which should apply to all devices that are not themselves equipped for such interference. For the time being, this principle is not mentioned explicitly except in United States-Soviet bilateral agreements. It has the merit of being much more precise than the provision in the Charter of the United Nations on the simple non-use of force and should therefore, in our view, be given fully explicit recognition by the international community as a whole. Such confirmation might not be enough on its own to give space objects absolute protection. But it would at least enable the States to make a precise commitment on a common rule already formulated and designed precisely for space activities.

The second point we are proposing in order to organize the work is the space code of conduct. It is clear that adoption of the principle of non-interference will not have any effect unless it is accompanied by definite rules to facilitate compliance, in two ways.

Firstly, implementation of the principle of non-interference requires first of all a better knowledge of the characteristics of space objects, and hence a strengthening of the Registration Convention of 1975. The degree of precision that would be adequate remains to be determined and the legal framework to be adopted for the new régime has not been established. Should we revise the 1975 Convention or adopt a new document? It is still too early to decide. On the other hand, it should be possible to determine in an initial stage the possible content of such a strengthened registration régime with a view to promoting greater security for space activities.

Secondly, as far as this code of conduct is concerned, however reliable the future registration régime may be, it should be accompanied by precise rules of behaviour for space objects in order to reduce the risk of incidents, and above all to avoid their misinterpretation. Ignorance of the space environment and the diversity of possible kinds of interference with equipment in orbit might at a time of tension cause cessation of the operation of one of these satellites to be misinterpreted as being the result of hostile action justifying retaliation. The aim is thus to have a better knowledge at all times of the immediate environment of each space object, and hence of the dangers to which it is exposed.

These two components, the registration system and the rules of behaviour, should constitute an initial code of conduct, which would be expanded later as space activities developed. This pragmatic approach, based on confidence-building measures, could in our view constitute an acceptable working basis for all States. It does not prejudge their readiness to sign

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prohibition or limitation agreements later on and does not in any way impede the bilateral negotiations. It is not designed to achieve by roundabout means the equivalent of prohibition, but at the same time it does leave room for adjustment to developments in technical capacities and to increases in confidence so that more binding measures could be worked out if States came to want them.

The third point for organizing work on the prevention of an arms race in space is the trajectography centre. The strengthened registration system and the formulation of rules of conduct will have to be based on an appropriate instrument reconciling the requirements of technological and military confidentiality with the need to gather all the requisite information concerning the trajectories of all satellites. After an initial consideration of this question, my country takes the view that a centralized data system could store and process, without publishing them, the parameters communicated at the time of registration and on subsequent updatings. The trajectography centre would be permanently engaged in calculating all the available trajectories and as such would have a double role: under normal circumstances it would spontaneously issue a warning if satellites were getting too close on the same orbit or were liable to pass too close; in the event of an accident leading to allegations of deliberate collision, it would be able through consultation machinery to furnish proof of good faith. Such a system could be run discreetly and simply. It would be attached, like the agency for the processing of satellite images, to the United Nations Secretariat and would be open to all States possessing or using satellites that wanted to take advantage of it.

Those are the main proposals that our expert will be submitting to the Committee this afternoon.

Mr. PUGLIESE (Italy)

Lastly, in the field of the prevention of an arms race in outer space, we welcomed the announced resumption of bilateral negotiations between the United States and the Soviet Union at Geneva, on 19 June, on START and space matters; it is to be hoped that progress on all space-related items at a bilateral level will stimulate more substantive progress on the same item here at the CD: this may take place through the clarification of issues, such as a correct and uniform terminology, the relationship between bilateral and multilateral forums, improved access to information, the strengthening of the existing régime governing outer space, as well as the promotion of an appropriate set of confidence-building measures consistent with technological innovations.

In this framework, growing stability in space relationships can greatly benefit from closer co-operation also in the civil exploitation of space, given the close interconnection between the civil and military uses of outer space.

The military use of outer space poses serious problems of verification, but these are not impossible to solve: technical problems connected with verification procedures can be tackled when there is a strong political will. My delegation believes that significant progress can and should be achieved in the field of outer space verification and of the identification of means to ensure compliance with existing agreements.

Mr. DIETZE (German Democratic Republic): Already at the beginning of this month, I had an opportunity to set forth in detail our viewpoint on the prevention of an arms race in outer space. As you know, the German Democratic Republic advocates that effective and verifiable agreements be concluded on the prohibition of the development, testing and deployment of weapons in outer space. On several occasions we have advanced proposals to this end. Today I should like to briefly touch upon another issue of the work of the Outer Space Committee, i.e. an analysis of existing agreements relevant to the prevention of an arms race in outer space.

The delegations of socialist countries have repeatedly elaborated on the special aspect of the protection of objects in outer space. Therefore I should like to submit to the Conference today on behalf of Bulgaria, Hungary and the German Democratic Republic a working paper CD/933 (CD/OS/WP.34) entitled "Survey of international law relevant to immunity and protection of objects in space and to other basic principles of outer space activities". This document shows in particular that the existing legal régime for outer space is adding to the protection of outer space objects. Against this background, it is crucially important that all States strictly comply with these agreements and apply their specific provisions. The working paper comprises a review of international law regarding immunity of objects in outer space. It is structured, as you will see, in the following manner: first - basic norms; second - norms concerning national jurisdiction over and ownership of objects after their launch into outer space; third - other main principles of activities in outer space. The survey contained in document CD/933 clearly indicates that the existing legal régime does not guarantee all-embracing protection of objects in outer space. Therefore, we think, additional measures are needed to this effect. What would also serve this aim is the further codification and development of existing rules of international law relating to the protection of space objects, which would constitute a major step towards preventing an arms race in outer space. These measures could encompass steps providing for confidence-building and for prohibiting the weaponization of outer space. In our opinion, these two aspects are interlinked.

So much for the introduction of the document before the Conference. I should like to add some other remarks.

During the last meetings of the Outer Space Committee it was possible to listen to interesting scientific contributions on the subject of arms control, which were delivered by outer space experts from the Soviet Union, France and the Federal Republic of Germany. It has become obvious once more that the knowledge and expertise of experts is indeed helpful in this context. On the part of our delegation it is envisaged that an expert from the German Democratic Republic will address the meeting of the Outer Space Committee next week. As regards the involvement of experts in the work of the Outer Space Committee, we hold the view that tangible progress has been achieved in this

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(Mr. Dietze, German Democratic Republic)

respect. The explanations made by experts have been substantial in nature and focused on expounding the proposals of their countries in a more detailed way. We would welcome it very much if in July 1990 delegations would facilitate the appearance of outer space experts. We feel that it would be suitable, in this connection, to co-ordinate the activities of experts and organize a direct exchange of opinion among them first. We think this could help to make the future work of the Outer Space Committee more concrete and more effective. As far as my delegation is concerned, we are prepared to make a distinctive contribution to this effect.

Mr. DOLGU (Romania)

In the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, thanks to various initiatives, including your own, Mr. President, we have got a better grasp of the substantive issues to be discussed and to be settled in the framework of a legal régime that could meet our aims.

Mr. DOLGU (Romania)

Nevertheless the world situation continues to be complex and contradictory, since the favourable processes have not yet become irreversible. The build-up of weapons and their modernization has not stopped. Nuclear tests continue, as does work on the militarization of outer space. The concepts of confrontation, of reliance on force, born in the years of the "cold war", are being overcome with difficulty.

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The participants are ready to continue to seek, together with all interested countries, agreements leading to the progressive reduction and subsequently to the complete elimination of nuclear weapons, the prohibition and destruction of chemical weapons, the radical reduction of conventional armed forces, the prevention of an extension of the arms race into outer space, the gradual curtailment of military production and the substantial reduction of military spending. In that connection, they proceed from the assumption that disarmament measures must ensure equal security for all States with strict respect for the sovereignty, independence and territorial integrity of every State within its existing borders, and must exclude the possibility of the use of force or the threat of force in inter-State relations.

Expressing their satisfaction at the resumption of Soviet-United States negotiations on major disarmament issues, the allied States express the hope that they will soon lead to practical results. They consider one of the priority objectives to be the completion of work on the treaty on a 50 per cent reduction in the offensive strategic weapons of the USSR and the United States subject to observance of the ABM Treaty as signed in 1972. The States represented at the Meeting called for the immediate cessation of nuclear tests and for detailed examination of this question, including examination at the multilateral level, at the Disarmament Conference in Geneva. They called for the rapid finalization of the verification protocols to the Soviet-United States agreements of 1974 and 1976 and for the entry into force of these agreements as a step towards the complete prohibition of nuclear tests.

Mr. SUJKA (Poland)

The Polish delegation notes with attention increasing interest at this Conference in this category of measures. CSBMs have played a useful role in other international negotiations, particularly in the process of the Conference on Security and Co-operation in Europe. We believe that they can also make our Conference a more flexible and live instrument, responding better to different needs and allowing it to use all opportunities to make its contribution to international peace and security. Having this in mind, my delegation has proposed for further consideration a set of measures related to our discussion on prevention of an arms race in outer space.

Mr. ROMERO (Chile)

As to the demilitarization of outer space, my country favours the complete elimination of every type of weapon, whether nuclear or not. In this respect, it should be noted that Chile signed the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water in 1963 and is therefore subject to its provisions. We have not signed the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, because we do not agree with the formula agreed for verification, but we do undoubtedly uphold the lofty aims that were taken into account in concluding it in 1971.

(The President)

Other consultations are also to be held with the aim of seeking the most appropriate way for the Conference to tackle items 2 and 3, which deal respectively with nuclear disarmament and the prevention of nuclear war. It seems to me that the Conference desires a speeding up of the negotiations on chemical weapons and the intensification of work on radiological weapons and outer space. The adoption of a report by the Ad hoc Committee on negative security assurances is a good omen for the other committees. Similarly, the Conference wishes finally to adopt the comprehensive programme of disarmament, in accordance with the recommendation set out in resolution 43/78 K. Since the Conference has on several occasions found it impossible to comply with the deadlines laid down by the General Assembly, it must do all in its power to secure the adoption of the programme at the end of this session.

Mr. BATSANOV (Union of Soviet Socialist Republics)

As the distinguished delegates know, along with the work of the Conference on Disarmament, Geneva is the venue for Soviet-American talks on a number of key disarmament issues. Bearing in mind the great interest of the members of the Conference and the entire world community in these negotiations - as evidenced in particular in a number of resolutions adopted by the General Assembly of the United Nations - the Soviet side would like to outline the state of affairs in the talks on nuclear and space weapons. The Soviet delegation at the negotiations is headed by Ambassador Yuri Nazarkin, who is well known to the distinguished delegates, since for two years he headed the Soviet delegation at the Conference on Disarmament. With your permission, Mr. President, I should now like to turn the microphone over to Ambassador Nazarkin.

Mr. NAZARKIN (Union of Soviet Socialist Republics)

You will recall that on 15 January 1986 the Soviet Union put forward a programme for ensuring security through disarmament, whose pivotal element is a plan for a stage-by-stage transition to a non-nuclear world, the complete elimination of weapons of mass destruction and a drastic lowering of the levels of military confrontation in the world as a whole. The reaction to that programme was not unequivocal: some people supported it, while others were sceptical. We were also accused of saying one thing and doing another. It is not my intention now to take stock of the implementation of this programme. Yet already we can safely say that humanity has succeeded in overcoming a major psychological barrier: nuclear disarmament has ceased to be just a slogan, and has become a reality of today's world.

Less than two years separate 15 January 1986 from the date of signature of the Soviet-American INF Treaty. For the first time in the entire history of nuclear weapons the Soviet Union and the United States of America were able to agree on the elimination of two categories of their nuclear missiles. This first and therefore particularly significant step towards building a nuclear-free world created preconditions for further, still more profound and comprehensive cuts, both in nuclear and in other types of armaments. The conclusion of the INF Treaty established a methodological as well as a political basis for settling the difficult problems that arise in the course of the Soviet-American nuclear and space talks.

The question of 50 per cent reductions in the Soviet and American arsenals of strategic offensive arms continues to top the agenda in our relations with the United States. On the other hand, such reductions are not only of interest to these two countries. The nuclear and space talks which are bilateral in terms of the participants and the arms they cover, are of vital importance to mankind as a whole since they involve elimination of huge

amounts of nuclear weaponry with a vast destructive potential which represents a danger for the whole world. Indeed, it would be hard now to divide the disarmament process into "bilateral" and "multilateral" disarmament; this is a single process which touches on the interests of all and everyone and requires joint purposeful efforts by the world community as a whole. The nuclear and space talks and the activities of the Conference on Disarmament and other international forums are integral parts of that process. One manifestation of this approach is to be seen in the now traditional statements with which the heads of the Soviet delegation to the nuclear space talks make to the Conference on Disarmament to brief its participants on progress in the talks. We note with satisfaction that this time the head of the American delegation has also joined in this useful and indispensable exercise. We view this as a positive sign.

In recent years we have seen the situation in the world gradually but steadily improving. New horizons are opening up; real opportunities are emerging for the establishment of a comprehensive system of international security through the construction of a nuclear-free and non-violent world. Many obstacles along that road remain but our progress has already been marked by many milestones. The Delhi Declaration, in which India and the Soviet Union proclaimed the principles of a nuclear-weapon-free and non-violent world, is of great significance. In his address to the United Nations on 7 December 1988, M.S. Gorbachev said: "We are present at the birth of a new model of ensuring security, not through the build-up of arms, as was almost always the case in the past, but on the contrary through their reduction on the basis of compromise". The favourable changes that are currently taking place in the world soon had a positive impact in the field of disarmament. The Vienna talks on conventional arms reductions in Europe have got off to a promising start. Prospects are bright for the early conclusion of an international convention on the general and complete prohibition of chemical weapons. The new political thinking is clearly asserting itself and has already yielded its first fruits.

The eleventh round of the nuclear and space talks, which were resumed after a lengthy seven-month recess, comes to an end in three days' time. This round was preceded by a change of Administration in the United States and the subsequent "strategic review". It was naturally important, then, to find out what ideas the American delegation brought along to this round and how the "strategic review" affected the United States position at the nuclear and space talks. I can tell you that work at the talks resumed on the basis of the texts that were on the negotiating table on the last day of the previous round, which recessed last November. Of course, the starting-point for work to resolve the outstanding issues remains the understandings reached and reflected in the joint statements adopted at the summit meetings held in Washington (1987) and Moscow (1988). In this way continuity has been ensured in the talks, which is a positive factor since it allows the negotiators to draw on all that has already been accomplished, and on the understandings and formulations that were tentatively agreed to by the sides in the past. In this respect the talks which took place in May this year during United States Secretary of State J. Baker's visit to Moscow were highly significant. This enabled us to embark without wasting time, practically from the outset of this round, on the main tasks, namely the search for solutions to major outstanding issues and continued drafting work on the texts of the documents being prepared.

The current status of that effort is as follows: agreement to observe the ABM Treaty as signed in 1972 and not to withdraw from it for a specified period of time certainly remains the key issue, which has continued to be the focus of keen attention throughout this round. Regrettably I am unable to note any significant progress towards its resolution. The positions of the two sides remain far apart. The Soviet side bases its position on the fact that the parameters for agreement on this issue were laid down in Washington in December 1987. This is what is known as the Washington formula, which appears in the joint Soviet-American summit statement. As the Washington statement indicates, the leaders of the two countries instructed their delegations in Geneva, taking into account the preparation of a treaty on strategic offensive arms, to work out an agreement that would commit the sides to observe the ABM Treaty, as signed in 1972, while conducting their research, development and testing as required, which are permitted by the ABM Treaty, and not to withdraw from the ABM Treaty for a specified period of time. It was also agreed that intensive discussions of strategic stability should begin not later than three years before the end of the specified period, after which, in the event the sides have not agreed otherwise, each side will be free to decide its course of action. In line with that understanding, we view our task at the nuclear and space talks as being to prepare an agreement on observance of the ABM Treaty as signed in 1972 and non-withdrawal from it for a specified period of time. We do not suggest any artificial linkages, but in view of the fact that there is an objective interrelationship between defensive and offensive strategic arms, 50 per cent reductions in strategic offensive arms are possible only in the context of non-emplacement of weapons in outer space and observance of the ABM Treaty. The task is to give treaty status to the Washington formula and couch it in appropriate legal language.

It is our view that the provision on observance of the ABM Treaty as signed in 1972 is sufficiently clear in itself. At the same time, to avoid disputes over the interpretation of the Treaty, we have proposed a pragmatic solution that calls for agreement on a list of devices whose launching into outer space would be prohibited if their specifications exceeded an agreed threshold limit. At the same time the parties could draw up appropriate confidence-building and verification measures, including exchanges of data and on-site inspections to be carried out prior to the launch of certain devices into outer space, so as to rule out any unclear situations which arouse concern on either side as regards compliance with obligations under the ABM Treaty.

Another outstanding issue concerns possible actions by the parties after the period of non-withdrawal. Our position is that the agreement to be worked out in the current negotiations should not include a provision authorizing the deployment of large-scale ABM systems, including space-based systems, immediately after the period of non-withdrawal. In our view, such an approach would prejudge the outcome of the future talks on strategic stability which, in accordance with the Washington agreement, are to start three years before the end of the period of non-withdrawal. There is an understanding that an agreement regarding ABM defences should include a protocol that would provide for predictability and confidence-building measures. And despite the fundamental differences which still exist regarding the substance of the agreement proper, there is a certain measure of proximity in the parties' approaches to the nature of certain measures that would be included in the

protocol. These are predictability measures with respect to ABM activities carried out by the parties (data exchange on activities, regular meetings of experts, visits to test ranges).

Work continued during this round to produce agreed language for this protocol on predictability measures. At the same time I wish to recall that the Soviet side continues to hold that in addition to predictability measures, the protocol should also provide for measures to verify compliance, including inspections of facilities that arouse concern on either side. Moreover, the protocol should certainly make provision for consultations to discuss situations which either side considers as jeopardizing its overriding interests. In the course of the consultations the sides would make use of all the measures at their disposal to settle situations on a mutually acceptable basis. This would realistically ensure compliance with the obligations regarding non-withdrawal from the Treaty for a specified period.

In order to reflect the objective interrelationship between reductions in strategic offensive arms and limitations on ABM systems, we propose that the text of the treaty on 50 per cent reductions in strategic offensive arms should include a provision that the treaty can be terminated in the event of a breach of the ABM Treaty or of the agreement to observe that Treaty. Unfortunately, we have not been able so far to achieve mutual understanding on that subject.

Mr. COOPER (United States of America)

I am pleased to appear before the Conference on Disarmament to discuss the status of the defence and space talks. Let me begin with some background material.

Since our talks began in March 1985, the United States has sought to facilitate a possible future co-operative transition to a stabilizing balance

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of offensive and defensive forces, should effective defences against strategic ballistic missiles prove feasible. President Bush has directed us to preserve United States options to develop and deploy advanced defences when they are ready. We believe that stability and the security of all nations can be enhanced by such defences, especially if they are introduced at a measured pace and in a co-operative way.

There is clearly a growing likelihood of effective, non-nuclear defences against ballistic missiles. Great advances in data processing, sensors, micro-electronics, materials, propulsion, and directed energy have opened a window to a potentially new and safer era. Over the past six years the creative talents of our scientists and engineers have extended these advances. Now, innovative non-nuclear defensive concepts are emerging from laboratories and will undergo testing. If our hopes are realized, the nuclear- or chemically-armed ballistic missile, by far the most dangerous instrument of war to use the medium of space, will no longer be an "absolute weapon".

Our Soviet colleagues and others suggest there should be great concern regarding these developments. I want to address their arguments head-on. In effect, various spokesmen suggest that publics should believe that responsible leaders ought not use technological advances to defend against ballistic missiles. In other words, advancing technology should be used only to enhance the effectiveness of the threat posed by offensive ballistic missiles - even if it were technically possible to defend against and devalue that threat, and thereby make deterrence more stable. Of course, Soviet spokesmen do not make their arguments in these terms. Rather they divert attention into misleading disputes about the ABM Treaty.

For example, the Soviets inaccurately charge that our SDI programme, because of its openly declared purpose, violates the ABM Treaty. They, of course, know better - and have known better since the ABM Treaty was signed in 1972. Marshal Grechko, then the Soviet Defence Minister, told the Supreme Soviet during its ratification process that the ABM Treaty "imposes no limitations on the performance of research and experimental work aimed at resolving the problem of defending the country against nuclear missile attack".

So we and the Soviets both understand that there are no limitations on ABM research and experimental work to determine if effective defences are feasible. And the Soviets are, themselves, very interested in strategic defences and are conducting their own related research and experimental work. In November 1987, General Secretary Gorbachev, on American television in answer to a direct question about Soviet activities in this field, said that "practically, the Soviet Union is doing all that the United States is doing". Although he also said that the Soviet Union would not build or deploy its SDI, it is capabilities rather than declared intentions that count.

In fact, the Soviets are already doing far more than the United States on strategic defences. The magnitude of their civil and air defences is unequalled anywhere else in the world. They also have the world's only deployed ABM system, which they are modernizing - as is their right under the ABM Treaty. And certain of their activities clearly go beyond the limits of the ABM Treaty. So Soviet actions make clear they do not oppose all defences, only United States defences.

Beyond their attack on SDI, the Soviets argue that the ABM Treaty specified, for all time, the only possible stable strategic régime: one which severely limits the deployment of strategic ballistic missile defences. They cannot explain why effective defences against the most threatening offensive weapon, the strategic ballistic missile, would be destabilizing - whereas their defences in other areas, such as air defences, are stabilizing. Furthermore, it is simply not true that the ABM Treaty politically established, for all time, a particular strategic régime. To the contrary, the ABV Treaty explicitly acknowledged that the future strategic situation could change. Accordingly, its provisions provide for discussions and amendment.

The ABM Treaty also provides an explicit mechanism that makes clear that neither side can veto the other's decision to withdraw for its own stated reasons of supreme interest and deploy defences beyond its terms. The United States made clear in 1972 that such a reason might be failure to achieve agreement, within five years, to significantly limit strategic offensive arms. Such an agreement was not achieved. Now, 17 years later, the Soviets are seeking to apply reverse linkage to this fundamental premise of the ABM Treaty. They say there must be strict compliance with the ABM Treaty or there cannot be a START Treaty. Meanwhile, since 1972 Soviet strategic offensive nuclear weapons have quadrupled and ours have doubled. So, even the significant reductions anticipated in START will leave more strategic weapons than existed in 1972. It is long past time to conclude a START treaty, as promised in 1972, without further restrictions on strategic defences.

At the same time, we do understand the Soviet interest in assuring predictability as both sides' research and experimental work proceeds and as reductions in strategic offensive arms take place. We, too, wish to assure predictability - not only now, and in the near future, but also into the more distant future when advancing technologies may enable effective defences to play an increased role in the strategic forces of both sides. Therein lies a basis for agreement on a defence and space treaty. And although key differences remain, and the pace has been slower than we would wish, there has been some progress toward such an agreement.

Specific United States proposals have indicated how such predictability measures might be assured. In part, at Prime Minister Thatcher's suggestion, we began in 1986 proposing "predictability measures". Then, in 1988, the United States formally proposed a predictability measures protocol to a defence and space treaty. While there is not yet agreement on the specific purpose for the protocol, both sides are constructively drafting a joint draft text. Notably, both sides agree that, under this protocol, they would use the Nuclear Risk Reduction Centres to exchange data each year on their activities regarding the development, testing, deployment, modernization and replacement of strategic ballistic missile defences. The United States also wishes to exchange data on research activities conducted prior to the commencement of the formal development stage.

In working on this protocol, the sides have also agreed to have experts meet and, on the basis of the data exchanged each year, plan subsequent activities that could include visits to each other's test ranges to observe certain tests where the inviting party determines the agenda. Again, the United States would go further and include in the exchange visits to laboratories not necessarily at test ranges, the observation of tests not

necessarily at test ranges, and activities not necessarily observable by national technical means. The United States believes these measures are practical only if they are carried out on a voluntary, reciprocal, and comparable basis.

While accepting the idea of such confidence-building measures, the Soviets also emphasize developing new verification measures, including on-site inspections unacceptable to the United States. Of course, the United States supports co-operative means of verification when they can be effective without compromising United States and Allied security interests, when they are necessary and tailored to the circumstances, and when they are appropriate to the systems being negotiated. But, in this instance, verification of the ABM Treaty, as signed in 1972, is provided by national technical means. While the United States-proposed predictability measures would provide more transparency into activities of the sides and thereby enhance some verification goals, they are primarily confidence-building measures.

In any case, the significant progress on this protocol has not received much public attention. Rather, the emphasis has been on Soviet threats that there can be no START treaty without an agreement not to withdraw from the ABM Treaty for a specified period of time.

The fact is that, since 1986, the United States has made clear that it would agree to conclude a separate treaty of unlimited duration, including such a non-withdrawal period - but not as payment for a START treaty that should be concluded on its own merits. Rather, the United States is prepared to meet the Soviet demand for a non-withdrawal period provided the Soviet Union meets three United States conditions. First, after the non-withdrawal period, the United States will be free to deploy defences without further reference to the ABM Treaty, after giving six months' notice. Second, withdrawal and termination rights under international law, other than those associated with deployment per se, will be retained. And third, there must be no disputes during the non-withdrawal period about research, development, and testing - including in space. In this regard, I would reiterate that the United States is conducting, and will continue conducting, the SDI programme in compliance with all international agreements, including the ABM Treaty.

Two of these three United States conditions were dealt with in the 10 December 1987 Washington summit joint statement, an important benchmark in our negotiations, which directed us in Geneva to work out an agreement with the same legal status as the ABM and START treaties.

First, it was agreed in Washington that "intensive discussions of strategic stability shall begin not later than three years before the end of the specified non-withdrawal period, after which, in the event the sides have not agreed otherwise, each side will be free to decide its course of action". Thus was acknowledged a new régime after the non-withdrawal period in which either side could decide to deploy ballistic millile defences without further reference to the ABM Treaty. The United States position is that, unless and until a party exercises this "right to deploy", ABM Treaty restrictions will remain in force.

Second, it was also agreed that the sides would "observe the ABM Treaty, as signed in 1972, while conducting their research, development and testing as

required, which are permitted by the ABM Treaty". General Secretary Gorbachev accepted this United States language which, over the preceding 18 months, the Soviets had rejected in Geneva because they said they understood the United States meant it to mean that space-based ABM systems based on other physical principles and their components could be tested in space.

The Soviets here in Geneva have sought to discount these Washington summit understandings. In the first case, they have sought to terminate the defence and space treaty at the end of the non-withdrawal period, nullifying the agreed new régime after the non-withdrawal period. The United States-proposed defence and space treaty is of unlimited duration and preserves the agreed "right to deploy" along with appropriate notification procedures. In the second case, the Soviets have argued that they did not agree to the "broad interpretation" of the ABM Treaty even though the Geneva negotiating record clearly shows they understood that the United States meant the "broad interpretation" by the language the General Secretary accepted at the Washington summit.

Consequently, the United States has made clear that concluding a defence and space treaty is contingent upon clarifying this language from the Washington summit joint statement to assure an unambiguous mutual understanding of the permitted testing activities. To accomplish this, and to move the discussion beyond disputes about ABM Treaty interpretation, the United States has taken three initiatives. First, we proposed the predictability measures I cited above. Second, taking into account unsolvable verification problems and the importance of developing new, stabilizing space-based sensors, the United States proposed that the sides agree not to object, on the basis of the ABM treaty, to the development, testing or deployment of each other's space-based sensors. Third, taking into account Soviet-stated concerns about deployment of ABM systems in space, or the preparation of a base for such deployment, we provided last October a "space testing assurance". In that assurance, the United States pledged that it will test only from a limited number of designated ABM test satellites components of space-based ABM systems based on other physical principles and capable of substituting for ABM interceptor missiles to counter ballistic missiles or their elements in flight trajectory. The number of United States-designated ABM test satellites in orbit simultaneously will not exceed a number well short of that associated with any realistic deployed capabilty. In conjunction with this assurance, we proposed notification procedures relating to testing activities of ABM test satellites.

While the Soviets do not yet accept them, we are satisfied that these United States initiatives build on solid technical and political foundations, and deal fairly with the concerns of both sides. They will provide predictability to both sides concerning all strategic ballistic missile defence activities. They assure that there will be no deployment of advanced defences beyond the terms of the ABM Treaty for a specified period of time, and even then assure that there will have been extensive prior discussions of strategic stability in the United States-Soviet strategic relationship.

But these United States initiatives are also designed to achieve a safer, more secure, and more stable future régime in which the security of both sides, and the whole world, is based upon an ever increasing role for effective non-nuclear defences against the most threatening weapon of modern technology, the offensive ballistic missile - whether armed with nuclear,

conventional, or chemical warheads. This future seems entirely consistent with recent Soviet statements that the USSR is altering its overall military strategy to be defensive in nature. And this future is entirely consistent with the well-known Soviet interest in defences, generally speaking. Thus, we will be patient and wait for a positive Soviet response.

In this regard, I want to observe that we are concluding a useful round in our negotiations. The United States side has emphasized the continuity of the United States position on defence and space, and provided some new material related to the protocol. Although the Soviets have provided no new material and have refused to incorporate both sides' positions in the joint draft text of the defence and space treaty, they have worked constructively on the protocol joint draft text.

There also seemed to be a modest shift in this round toward more discussion of the offence-defence relationship, based upon a mutual recognition that there is no absolute weapon - offensive or defensive. Where such a discussion will lead, in view of the advancing technical possibilities, is unclear, but it would seem most unlikely to conclude that effective defences, should they prove feasible, should not be deployed. The United States believes it makes sense to develop effective defences if advancing technology makes this feasible, and to deploy them when they are ready - preferably at a measured pace and in a co-operative way.

Before I close let me take note of the work of the outer space Committee here at the Conference on Disarmament. As you can tell from my description of the defence and space talks, work in this area is exceptionally complicated. Building understanding in this area is not an easy process, and I congratulate the outer space committee for its work in developing greater understanding on this subject. While a fundamental framework must be first established on a bilateral level, the United States remains interested in and willing to continue examining issues associated with space arms control at the Conference on Disarmament. But the United States has not yet identified any practical outer space arms control measures that can be dealt with in a multilateral environment.

Let me conclude by stating that I am honoured to have had the opportunity to address this Conference. I follow your work attentively and I wish the Conference every success.

Mr. CESKA (Austria)

The twentieth anniversary of the day when man first set foot on the Moon reminds us dramatically of the enormous technical evolution that has taken place in this century. As in all spheres of human activity, we are not only faced with the positive outcome of such endeavours, but also with their adverse effects. I wish to take the opportunity offered by this anniversary to underline Austria's interest in the purely peaceful use of outer space, an interest reflected, inter alia, in our country's chairmanship for many years of the United Nations Committee on the Peaceful Uses of Outer Space. The prevention of an arms race in outer space is therefore one of our major concerns in the field of arms control and disarmament.

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As far as the Conference on Disarmament is concerned, we do see considerable importance in scientific presentations within the outer space Committee, but we regret that no substantial progress has resulted so far. It seems necessary that particular issues in which progress could be achieved, should be identified and duly considered. We neither share the opinion of those who affirm the adequacy of the existing legal régime governing outer space, nor do we believe that it must be regarded as insufficient. Rather, we are of the opinion that the legal régime governing outer space can and should be reinforced so as to render it flexible yet at the same time strict enough to prevent undue military spin-offs now and in the future.

A particular area for further work concerns the elaboration of definitions for such concepts as space activities, space objects, ground activities having a direct impact on outer space and, in particular, space weapons. In this regard, we must agree on defining such military activities in space as are instrumental in furthering confidence-building measures designed to enhance international security, as well as those activities which do not correspond to this overall objective. Among the latter, space systems which endanger international security, even if they appear to be within the framework of existing international law and regulations, should clearly be banned under the future convention.

Mr. FAN (China)

Opposing the arms race and promoting the realization of disarmament have been major components of China's foreign policy. We will never join in the arms race. We stand for the comprehensive prohibition and thorough destruction of nuclear, chemical, biological and space weapons. We also favour deep cuts in conventional armaments. It is our hope that the United States-Soviet bilateral disarmament negotiations will achieve concrete results at an early date, benefiting world peace and security. We also hope for the early reaching of agreement in the conventional disarmament talks in Europe. We expect progress in the work of the Conference on Disarmament.

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Many delegations have voiced their concern over the arms race in outer space and have tabled a number of proposals in that field. This is inseparable from the prevailing stark reality in this area. Reports keep coming in of work by the major space Powers to develop and test various systems of space weapons. It is no secret that the present danger of an arms race in outer space comes from the major space Powers, which already have space weapons in their possession, and have continued with the research and development of these weapons. As such, they bear unshirkable special responsibility for the prevention of an arms race in outer space. Their readiness to commit themselves not to develop, research, produce or deploy space weapons and to destroy all those already in their possession would surely pave the way for the conclusion of an international agreement or agreements on the complete prohibition of space weapons through multilateral negotiations.

Since its establishment by the Conference, the Ad hoc Committee on the Prevention of an Arms Race in Outer Space has achieved some success in its extensive endeavours. Regrettably, no substantive progress has been registered. The Ad hoc Committee itself has for some time been bogged down

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(Mr. Fan, China)

in an endless debate over the adequacy of the existing international legal instruments relating to outer space in preventing an arms race in that arena. The crux of the matter actually lies in whether the countries concerned possess sufficient good faith and political will to prevent such an arms race. If today there was no country possessing space weapons and carrying on the research and development of such weapons, the question of the adequacy of the existing international legal instruments in preventing an arms race in outer space would not arise. Preventing an arms race in outer space would thus be like shooting an arrow without a target. It is a fact that the danger of an arms race in outer space exists, and in a sense such an arms race has begun already. Circumstances have led to a call for the reconsideration of the relevant international instruments on outer space so as to improve them and plug any loopholes. In the past I have pointed out that although the existing legal instruments are of positive significance in restraining military activities in outer space, nevertheless, with the advance of science and technology, and in particular the application by the major Powers of state-of-the-art technology to the arms race in outer space, these legal instruments can no longer meet present-day requirements. The 1967 outer space Treaty bans only the placing of nuclear weapons and weapons of mass destruction in outer space. This treaty was drawn up some 20 years ago, when the present-day space weapons did not exist. Therefore the category of the weapons to be banned should be expanded to include all space weapons so that the call to prevent an arms race in outer space may be embodied in legal language. It goes without saying that States parties to existing international legal instruments should continue to adhere strictly to them.

The prevention of an arms race in outer space is a matter in which the interests of all countries are at stake. All countries have an equal right to take part in the discussion and solution of these issues. Ambassador Bayart, the Chairman of the Ad hoc Committee on outer space this year, has tabled document CD/905 in which he reviews progress in the Committee over the past few years and lists under different headings the views and proposals submitted by the different delegations. This is most useful for the Committee's work. The Chinese delegation believes that some of these proposals are of positive significance in the prevention of an arms race in outer space. The proposals by Venezuela, Peru and others on the revision and supplementing of the outer space Treaty, if agreeable to all, will greatly facilitate work on the drafting of legal instruments to prevent an arms race in outer space.

The German Democratic Republic, Sweden and other delegations have proposed a ban on ASAT weapons. China has all along stood for the banning of all space weapons, which naturally includes ASAT weapons. In order to facilitate consideration and negotiation of the issue of the prevention of an arms race in outer space, the banning of ASAT weapons as a first step has a certain practical significance. The concept of a multilateral verification system advanced by the Canadian delegation also warrants serious study. Highly technical matters are involved in the prevention of an arms race in outer space. We therefore endorse the idea of the formation of a group of experts to advise on technical matters. During this summer session, experts on outer space matters from the USSR, France, the Federal Republic of Germany, the German Democratic Republic and Canada have come and given their views on questions related to outer space. This has surely facilitated the discussions

(Mr. Fan, China)

in the Ad hoc Committee. Of course, the basic task of the Ad hoc Committee lies in the prevention of an arms race in outer space. We hope the Committee will achieve concrete success in its future endeavours.

Mr. JOHANES (Czechoslovakia)

Czechoslovakia is also working actively for the negotiation of measures which would prevent the deployment of any kind of weapon in outer space. The Soviet proposal for the establishment of an inspectorate to monitor objects launched into space for the purpose of checking that they do not carry offensive weapons is important in our view. If this is done, we will be

willing to allow checking of all the Czechoslovak technical devices launched into space under the Interkosmos programme. We are also ready to consider constructive proposals made by other States for confidence-building measures and for greater openness in activities performed in outer space, which might become a guarantee precluding extension of the arms race into outer space.

Mr. SHARMA (India)

Turning to the subject of prevention of an arms race in outer space, it is accepted that an extension of the arms race into outer space would have profoundly destabilizing consequences. Deeply conscious of such risks, an overwhelming majority of the Member States of the United Nations have in recent years urged the Conference on Disarmament to take resolute measures aimed at preventing an arms race in outer space. The international community has, for more than three decades, recognized outer space as a common preserve of mankind. To expand international co-operation in the peaceful uses of outer space, it is essential for it to be kept free of all types of weapons and anti-weapon systems.

Since 1985, the Conference on Disarmament, and in particular the Ad hoc Committee, have carried out useful work. The time has now come to take stock of these discussions and a dozen or more proposals that have been put forward by delegations. Our future work needs to be structured and organized so as to enable us to undertake full-fledged negotiations that can strengthen the international legal régime pertaining to outer space. We have been told that the existing international legal régime pertaining to outer space is adequate, as no violation of the Charter, particularly Article II, paragraph 4, has reportedly occurred in outer space. We find such an argument insufficient. To find reassurance in the belief that, because there has not been any violation of the Charter in outer space, there will not be any in the future, would be to shut our eyes to history, the logic of research and scientific and technological developments that are taking place all around us. This Conference, at the present moment, has been charged with the responsibility of negotiating measures for preventing an arms race in outer space so that no violations of the Charter are reported in future decades and we will not have to inscribe a far more complex and troubling subject on the CD's agenda, namely, cessation of an arms race in outer space.

It is universally accepted that it is in mankind's common interest for the exploration of space to be carried out exclusively for peaceful purposes. This gives every country, irrespective of its level of scientific and technological development, a stake in maintaining outer space free of all weapons. Bilateral negotiations between the United States and the Soviet Union are by their very nature limited. Further, their objective too is restricted compared to the responsibility enjoined upon the Conference on Disarmament. Therefore, bilateral negotiations cannot be considered a substitute for effective multilateral action leading to universal agreements in this field.

The existing international legal régime does place some legal restraints on the placement of certain types of weapons in outer space. However, these restraints are neither comprehensive in scope nor do they apply to all kinds of weapon systems. Under the outer space Treaty, only the placement of nuclear weapons and other weapons of mass destruction in the Earth's orbit and on celestial bodies is prohibited. Other weapons are left outside the scope of the outer space Treaty. These are precisely the areas where research is currently being undertaken to develop directed-energy weapons as well as kinetic energy weapons. Another debate has concerned the definition of the term "peaceful purposes". The negotiating record of the outer space Treaty indicates that a great majority of delegates addressing this issue consider

(Mr. Sharma, India)

that the term "peaceful" should be interpreted as "non-military" and not merely in the narrow sense of "non-aggressive". The limitations of the existing international legal régime have become strikingly more evident in view of technological developments taking place. New legal instruments need to be developed which will reflect the political reality as well as technological developments.

The existing corpus of international law, in the form of both bilateral and multilateral agreements, indicates clearly the direction in which we have to move. Among the proposals put forward by delegations, some relate to specific aspects such as banning ASAT weapons or providing immunity to satellites, while others adopt a comprehensive approach such as amendment of the 1967 outer space Treaty or addition of a protocol to it. While supporting different proposals for negotiating concrete measures aimed at preventing an arms race in outer space, my delegation has placed particular emphasis on a comprehensive agreement which would prohibit the development of anti-satellite weapons and provide for the dismantling of all existing systems.

Satellite technology has reached a stage where it is an important aid in economic planning and development. Communications, remote sensing, navigation and meteorology are some of the fields where developing countries enjoy great benefits from satellite technology. We therefore view with great concern the development of anti-satellite weapon systems. The existing international legal régime with respect to anti-satellite weapons is also limited. Anti-satellite weapons cannot legally be tested, installed or used on any celestial body and cannot be placed in orbit around the Earth or stationed in outer space if they carry a nuclear weapon or any other weapon of mass destruction. However, testing and use of conventionally armed anti-satellite weapons is permitted. At the same time, the bilateral treaty between the United States and the Soviet Union - the ABM Treaty - places restrictions on testing of weapons in ABM mode but permits weapons to be tested in ASAT mode. This gap has been the justification used in the past for testing of anti-satellite weapons. Nevertheless, since 1985, both the United States and the USSR have observed a moratorium on anti-satellite testing. As an immediate measure, therefore, my delegation would propose that the de facto moratorium on testing of the existing dedicated anti-satellite weapons should be formalized. What is needed now are multilateral negotiations to convert this voluntary restraint into a universally binding commitment. Production as well as deployment of dedicated anti-satellite weapons should be prohibited, and existing anti-satellite systems should be dismantled. Furthermore, the testing of non-dedicated systems in ASAT mode should also be prohibited, thereby closing the gap that exists in the relevant legal régime. Problems of definitions and verification are not insurmountable. This is evident from the fact that, since 1985, no allegations have been traded about the violation of the self-imposed moratorium on ASAT testing by either of the two States concerned, indicating that not only are national technical means of verification adequate to detect and verify testing of space weapons in ASAT mode, but a mutually agreed definition of a dedicated ASAT weapon does exist.

(Mr. Sharma, India)

In addition, other delegations have also put forward complementary proposals to provide immunity to satellites, especially those that generate opportunities for development in economic growth and international security. The immunity provided by the Charter is limited. This was soon realized by both the United States and the USSR, and in both bilateral treaties, SALT and ABM, interference with each other's national technical means of verification, namely satellite systems, was prohibited. Global peace-keeping and universal disarmament agreements need an integrated multilateral verification system, as proposed by the leaders of the Six-nation Initiative. Other proposals for international satellite monitoring have been put forward, particularly by France and Canada. Work on confidence-building measures is useful in the context of negotiations on an ASAT ban, as these would help in providing for greater data exchange possibilities. However, it must be kept in mind that confidence-building measures such as "rules of the road", "keep-out zones", etc. provide only a limited immunity; full immunity can only be provided by a verifiable, comprehensive ASAT ban. My delegation believes that work on such confidence-building measures and negotiations on an ASAT ban are not mutually exclusive, and hopes that next year we will be able to establish an *ad hoc* committee with a mandate that will enable progress to be registered across a broad spectrum of issues.

Mr. KOSTOV (Bulgaria)

The deliberations on the subject of the prevention of an arms race in outer space this year in the Ad hoc Committee, under the able chairmanship of Ambassador Bayart, again underlined the many-sided relationship between the utilization of outer space and international security. There is now a commonly shared belief that the implementation of a wide set of confidence-building and co-operative measures in outer space could enhance transparency and predictability in this sphere of human activity, thus contributing to the main objective of ensuring the absence of arms of any kind in outer space. My delegation is convinced that the elaboration of "rules of the road" and a code of conduct in outer space could be instrumental for the cause of the prevention of an arms race there, and we are ready to participate in practical efforts to that end. The set of measures of a political character proposed recently by the delegation of Poland in document CD/941 are also conducive, in my opinion, to future progress on this item and deserve in-depth consideration in the Ad hoc Committee.

We note with satisfaction the participation of experts from various member States in the deliberations of the Ad hoc Committee. This testifies to the increased interest in various aspects of the problem of the prevention of an arms race in outer space. The contributions made by the experts provided us with better knowledge of the issues involved and demonstrated the utility of having further recourse to expert advice and opinion.

If the prevailing opinion is that it is still too early to institutionalize a permanent group of experts, a proposal that my delegation has already spoken in favour of, we could probably start by asking an open-ended expert group, on an ad hoc basis, to explore and present to the Ad hoc Committee its opinion on certain problems of a purely technical or legal nature - for example, the assessment of existing verification technologies with respect to the prevention of an arms race in outer space. The elaboration of common standards, requirements and procedures for international satellite data exchange for the purpose of verification could also be taken up effectively at the expert level under the auspices of the Ad hoc Committee. In this respect it is worth mentioning the Soviet proposal for the creation of an interntional space monitoring agency in document CD/OS/WP.39. In our view this is an initiative of great importance not only in the sphere of disarmament, but also in the wider context of strengthening international security and co-operation.

Mr. YAMADA (Japan)

Briefly on the issues relating to preventing an arms race in outer space: We acknowledge the special responsibility of the two major space Powers in this field. Progress in their bilateral negotiations has a critical impact on our discussions in the Conference. And we wish for early progress in their negotiations in Geneva. At the same time, we should proceed with our work of examining what multilateral agreements would be useful. Our work must be on the basis of three elements: that outer space does not belong to any

country; that an arms race in outer space directly affects the security of not just the two major Powers but all other countries as well; and that rapid progress in space development is being made by countries other than the United States and the USSR.

What approach should we take in the Conference? We must know exactly how outer space is being used in practice, and examine the existing legal régime to see how it can be utilized to prevent an arms race in outer space. This approach requires discussion on how to deal with gaps between current outer space activities and the existing international legal régime, as well as on how to enhance the existing legal régime in order to prevent an arms race in outer space. It is essential to have a common interpretation in order to implement the existing legal régime. But there does not exist consensus on interpretation of these legal provisions. Steps must be taken to try to arrive at agreement on the definition of terms, taking into account recent scientific and technological advances. In this regard, I commend the analysis of terminological problems presented to the outer space Committee by Canada last year.

The Conference could play an important role in formulating confidence-building measures in outer space. In coming years, as outer space becomes increasingly crowded with space objects of various types, there will be a need to evolve "traffic rules" so as to avoid accidents. The concept of "rules of the road" in outer space might be a subject which the Conference could develop. In this regard, the presentation made by the scientific experts of the Federal Republic of Germany and France during the summer session was very useful.

Current space-based reconnaissance involves the use of several types of satellites. Scientific and technological advances make it possible to monitor military manoeuvres and military equipment. Satellite observations provide a major tool for verification, and may also be used to provide data complementary to the evidence obtained by other means of verification of disarmament agreements. Satellite verification is also a subject which the Conference might tackle from various angles.

(Mr. Fan, China)

Many of my colleagues from different delegations have expressed such mixed feelings when talking about the work of the Conference. Disarmament affairs are no longer the monopoly of a few major military Powers. All countries, big or small, developed or developing, nuclear or non-nuclear, have the right to participate in work on disarmament. The Conference on Disarmament is composed of 40 member States with equal rights. These mechanisms which were established in line with the trends of the time made one feel eager to try for prompt results. It is disheartening to note, however, that this single multilateral negotiating forum on disarmament, as established by the first special session of the General Assembly devoted to disarmament, has made no progress on the agenda items concerning nuclear disarmament and outer space. Although some progress has been made in the intensive negotiations on the prohibition of chemical weapons, a breakthrough on key issues has yet to be made. The momentum of disarmament negotiations must be maintained and the multilateral negotiations on disarmament should by no means be weakened. How, then, can we resolve such a contradiction, which one might describe using the Chinese expression "much thunder but little rain"? It is in this context that many delegations have contributed various suggestions, including suggestions on how to continue the work of the Group of Seven.

Mr. BAYART (Mongolia)

I now have the pleasure of presenting to the Conference on Disarmament the report of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space, which I have had the honour to chair during this 1989 session. The report, as you indicated a moment ago, appears in document CD/954. This report reflects in a concise manner the work carried out by the Ad hoc Committee during its 1989 session, and it was adopted in its entirety by the Committee at its 17th meeting on 24 August. During the current session the Committee has worked on the basis of the same mandate by which it has been governed, in principle, since the time of its establishment. As was agreed at the outset of the current session, the Committee allocated equal time to all three subjects covered by its mandate and the programme of work.

I believe that the discussions we have had during this session crystalized the positions of various countries still further and facilitated the search for ways and means to reach our ultimate goal - that of preventing an arms race in outer space. In this sense, the Ad hoc Committee made further progress in the implementation of its mandate. In my opinion, the discussions in the Committee were constructive, rich in substance, as well as in content, and added valuable new material to the already impressive amount of proposals and initiatives it had before it. I should like to point out that it was the opinion of many delegations that there exists a sound basis for activating a multilateral negotiating process aimed at the prevention of an arms race in outer space. They believe that step-by-step advancement towards comprehensive agreements through implementing a wide range of specific and mutually acceptable measures would promote greater confidence, thus opening up promising prospects. In this regard, a number of concepts of confidence-building measures were introduced in the Ad hoc Committee, such as the proposal to develop a multilateral code of conduct for States operating in outer space, and proposals on the use of space-based remote sensing techniques for monitoring compliance with international agreements. This year alone more than 10 working papers were submitted containing concrete proposals on ways of tackling various aspects of the problems related to the peaceful uses of outer space and the prevention of an arms race. I believe that this is evidence of a deep commitment and keen interest by member States in keeping the province of all mankind - outer space - free of arms of any kind. These proposals represent significant collective efforts by the Committee members, and I am confident that they will, in their own way, promote in-depth analysis of this highly complicated problem. The Committee gave preliminary consideration to a number of them.

Statements made both in plenary and in the Ad hoc Committee clearly demonstrate that delegations consider the problem of the prevention of an arms race in outer space as one of the priorities of the Conference on Disarmament. In this connection it should be noted that many delegations expressed their impatience and dissatisfaction at the fact that, after five years' consideration of this vital issue, no tangible result has been attained.

(Mr. Bayart, Mongolia)

The current session of the Committee was also highlighted by presentations by outer space experts from the USSR, the Federal Republic of Germany, France, the German Democratic Republic and Canada. Many believed that the contributions from scientific and technical experts increased the Committee's technical knowledge, and continued to support the idea of the establishment of a group of governmental experts to provide technical expertise to assist in the consideration of the issues before the Ad hoc Committee. I am happy to report to the Conference the Ad hoc Committee's recognition of the importance and urgency of preventing an arms race in outer space, and its readiness to contribute to that common objective. It is recommended that the Conference on Disarmament should re-establish the Ad hoc Committee on the Prevention of an Arms Race in Outer Space with an adequate mandate at the beginning of the 1990 session.

The report I am presenting today is the fruit of lengthy and, at times, not very easy consultations. I am extremely grateful to all the members of the Committee for their spirit of compromise and flexibility, which enabled us to adopt the report almost on time and thus secured the continuity of the Ad hoc Committee's work. I would like to commend it to the Conference for approval. At the same time, I should like to express the hope, as did my predecessors, that next year the Committee will be able to commence more substantive work on the important issues before it. I have the feeling that more should and, indeed, could be done to prevent the arms race from spilling into outer space.

Finally, I would like to express my gratitude to the item co-ordinators of the various groups and China for their valuable support. I would also like to extend my sincere gratitude to Mr. Valdimir Bogomolov, the Secretary of the Committee, to all other members of the secretariat staff, to the interpreters and those who assisted us directly or indirectly and provided us with all the necessary conditions for our work.

May I conclude this introduction on a personal note? This year I chaired the Ad hoc Committee on the Prevention of an Arms Race in Outer Space for the second time. It was indeed a very special honour and privilege for my country and for me personally.

President: Mr. El Ghali Benhima (Morocco)

The PRESIDENT (translated from French): I thank the distinguished representative of the United Kingdom for her comments and for her kind words addressed to the Chair. I now propose that we take up for adoption the report of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space, which is contained in document CD/954. Are there any delegations wishing to take the floor now? I see none. If there are no objections, I shall take it that the Conference adopts the report.

It was so decided.

The PRESIDENT (translated from French): Are there any delegations wishing to take the floor following the adoption of the report? I see there are none.

Mr. BATSANOV (Union of Soviet Socialist Republics)

I would now like to return to the statement of the Group of Socialist Countries. The group also regards the prevention of an arms race in outer space as a priority issue in the work of the Conference. During the 1989 session the delegations of our countries sought to intensify the work in the Conference in this field and make it more concrete. This was the aim of the working papers from Mongolia and Poland and three working papers from the German Democratic Republic submitted to the Ad hoc Committee this year. Although substantial progress is unfortunately some distance away, we believe that this year certain encouraging trends towards a more businesslike approach in the consideration of the problems on our agenda were visible in the Ad hoc Committee. These trends should be developed by making good use of the potential for points of contact so that next year we can identify a number of subjects for thorough elaboration. In our view it is time for the Ad hoc Committee on Outer Space to move beyond the phase of general abstract debate, and to stop going round in circles discussing the same old subjects without any prospect of finding a solution. This body of the Conference on Disarmament should not be an arena for unproductive confrontational polemics or rival tactical gambits in a diplomatic game, but should become a forum for meaningful consideration of the military, strategic, scientific, technological and legal aspects of problems relevant to the prevention of an arms race in outer space. This will obviously require, on the basis of existing realities, agreement on a generally acceptable basis, the achievement of true concensus and the taking into account of the positions of all sides. In the assessment of the delegations of the socialist countries, the devising of measures to increase confidence and openness in States' outer space activities could provide a foundation for this purpose. They would thus constitute the first tangible steps towards realization of the more ambitious long-term objective of keeping outer space free from weapons.

The socialist countries, noting with satisfaction the growing support in the Ad hoc Committee for the need for in-depth study of the concepts of measures to build confidence and openness, believe that a promising direction for work would be consideration of the prospects of using space facilities to promote the evaluation of compliance with multilateral agreements in the area of confidence-building, arms limitation and disarmament and to monitor developments in areas of tension. Approaches to such a task have been proposed specifically in the working paper submitted to the current session by the USSR on the establishment of an international space monitoring agency, and in the French paper on space and verification, relating to a proposal for the establishment of an agency for the processing and interpretation of satellite imagery. Despite the considerable differences between these proposals, we believe that they contain converging or parallel ideas which can be developed

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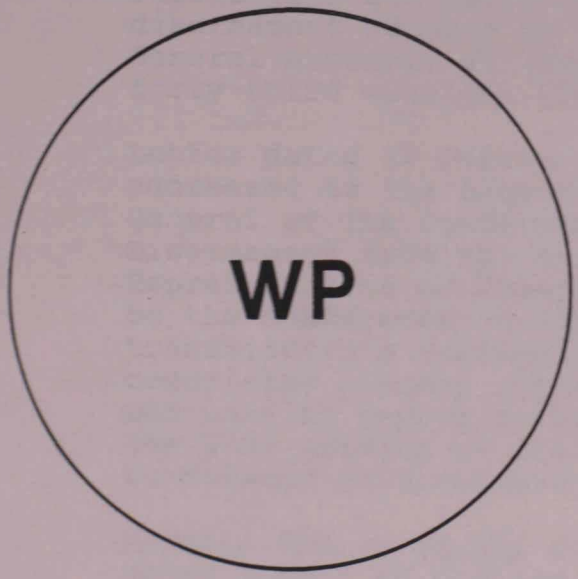
(Mr. Batsanov, USSR)

further. The Group of Socialist Countries is convinced that, despite the considerable importance of the Soviet-American dialogue on the problems of preventing an arms race in outer space, and without prejudice to the way the dialogue may develop, the Conference on Disarmament is the very forum where meaningful multilateral efforts can be made in order to prevent outer space from being turned into a new arena for military confrontation.

Allow me to express the gratitude of the Group of Socialist Countries to the distinguished Chairman of the Ad hoc Committee on outer space, Ambassador Bayart, whose diplomatic skill, wisdom and tact eventually made it possible to find compromise solutions and thus successfuly complete the work of the Ad hoc Committee. We also remember Ambassador Bayart's effective guidance of the work of the Conference in July. Many delegations will, I think, agree that under the able guidance of Ambassador Bayart the Ad hoc Committee took a further step forward during the 1989 session.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INDEX

WORKING PAPERS

THE PREVENTION OF AN ARMS RACE IN OUTER SPACE

CONFERENCE ON DISARMAMENT (CD)

1989

Reference	Nation	Title	Date
CD/908 CD/OS/WP.29	Venezuela	Letter dated 31 March 1989 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Mission of Venezuela transmitting a list of existing proposals on the prevention of an arms race in outer space.	31.03.1989
CD/915 CD/OS/WP.32	Chile	Legal problems raised by the militarization of outer space.	26.04.1989
CD/927 CD/OS/WP.33	German Democratic Republic	Working paper: ASAT components and ways of verifying their prohibition.	26.06.1989
CD/933 CD/OS/WP.34	German Democratic Republic, Bulgaria, Hungary	Letter dated 13 July 1989 from the Permanent Representative of the German Democratic Republic addressed to the Secretary General of the Conference on Disarmament transmitting a working paper entitled "Survey of international law relevant to immunity and protection of objects in space and to other basic principles of outer space activities".	13.07.1989
CD/937 CD/OS/WP.35	France	Letter dated 20 July 1989 from the Representative of France addressed to the Secretary-General of the Conference on Disarmament transmitting a working paper entitled "Prevention of an arms race in outer space: Proposals concerning monitoring and verification and satellite immunity".	21.07.1989
CD/939 CD/OS/WP.37	Peru	Proposal for the amendment of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.	28.07.1989

Reference	Nation	Title	Date
CD/941 CD/OS/WP.38	Poland	Letter dated 1 August 1989 addressed to the Secretary-General of the Conference on Disarmament by the Permanent Representative of the Polish People's Republic transmitting a working paper entitled "Confidence-building measures related to item 5".	01.08.1989
CD/945 CD/OS/WP.40	France	Letter dated 1 August 1989 from the Representative of France to the Secretary-General of the Conference on Disarmament transmitting a working paper entitled "Space in the service of verification: Proposal concerning a satellite image processing agency".	01.08.1989
CD/953	Argentina, India, Mexico, Sweden	Letter dated 21 August 1989 addressed to the President of the Conference on by the President representatives of India, Mexico Sweden and the charge d'affaires A.I. of Argentina transmitting the text of the joint statement made on the occasion of the fifth anniversary of the initiative for peace and disarmament on 22 May 1989. [Extract].	23.08.1989
CD/954		Report of the Ad Hoc Committee on Prevention of an Arms Race in Outer Space.	24.08.1989

CONFERENCE ON DISARMAMENT

CD/879
3 February 1989

Original: ENGLISH
(EXTRACT)

LETTER DATED 20 JANUARY 1989 FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE RESOLUTIONS AND DECISIONS ON DISARMAMENT ADOPTED BY THE GENERAL ASSEMBLY AT ITS FORTY-THIRD SESSION

I have the honour to transmit herewith the texts of the resolutions adopted by the General Assembly at its forty-third session, which entrust specific responsibilities to the Conference on Disarmament in 1989. The relevant provisions of those resolutions are reproduced in the Annex.

For the information of the Conference, you will also find attached the texts of other resolutions and of two decisions, dealing with or related to disarmament matters, which were adopted by the General Assembly at its forty-third session.

(Signed) Javier Pérez de Cuéllar

GE.89-60066/1132A

ANNEX

I. Resolutions dealing with disarmament matters

(A) Resolutions that entrust specific responsibilities to the Conference on Disarmament

At its forty-third session, the General Assembly adopted the following resolutions entrusting specific responsibilities to the Conference on Disarmament:

(...)

43/70 "Prevention of an arms race in outer space"

(...)

(5) In resolution 43/70, operative paragraph 5 reiterates that the Conference on Disarmament, as the single multilateral disarmament negotiating forum, has the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects; operative paragraph 6 requests the Conference on Disarmament to consider as a matter of priority the question of preventing an arms race in outer space; operative paragraph 7 also requests the Conference on Disarmament to intensify its consideration of the question of the prevention of an arms race in outer space in all its aspects, taking into account all relevant proposals and initiatives, including those presented in the Ad Hoc Committee on the prevention of an arms race in outer space at the 1988 session of the Conference and at the forty-third session of the General Assembly; operative paragraph 8 further requests the Conference on Disarmament to re-establish an ad hoc committee with an adequate mandate at the beginning of its 1989 session, with a view to undertaking negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in outer space in all its aspects; operative paragraph 9 urges the Union of Soviet Socialist Republics and the United States of America to pursue intensively their bilateral negotiations in a constructive spirit aimed at reaching early agreement for preventing an arms race in outer space, and to advise the Conference on Disarmament periodically of the progress of their bilateral sessions so as to facilitate its work; and operative paragraph 12 requests the Conference on Disarmament to report on its consideration of this subject to the General Assembly at its forty-fourth session.

(...)

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/RES/43/70
4 January 1989

Forty-third session
Agenda item 59

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/838)]

43/70. Prevention of an arms race in outer space

The General Assembly,

Inspired by the great prospects opening up before mankind as a result of man's entry into outer space,

Recognizing the common interest of all mankind in the exploration and use of outer space for peaceful purposes,

Reaffirming that the exploration and use of outer space, including the Moon and other celestial bodies, shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind,

Reaffirming also the will of all States that the exploration and use of outer space, including the Moon and other celestial bodies, shall be for peaceful purposes,

Recalling the obligation of all States, in accordance with the Charter of the United Nations, to refrain from the threat or use of force, including in their space activities,

Recalling that the States parties to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 1/ have undertaken, in article III, to carry on

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1/ Resolution 2222 (XXI), annex.

into outer space and the recommendations 4/ made to the competent organs of the United Nations, in particular the General Assembly, and also to the Committee on Disarmament, 5/

Noting also that in 1988 the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, taking into account its previous efforts since its establishment, undertook the examination and identification of various issues, existing agreements and existing proposals, as well as future initiatives relevant to the prevention of an arms race in outer space, and that this contributed to a better understanding of a number of problems and to a clearer perception of the various positions,

Convinced that additional measures should be examined in the search for effective and verifiable bilateral and multilateral agreements in order to prevent an arms race in outer space,

Emphasizing the paramount importance of strict compliance with existing arms limitation and disarmament agreements relevant to outer space, and with the existing legal régime concerning the use of outer space,

Emphasizing also the necessity of maintaining the effectiveness of relevant existing treaties, and in this context reaffirming the vital importance of strict compliance with the Treaty on the Limitation of Anti-Ballistic Missile Systems, 6/

Recognizing that bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America could facilitate the multilateral negotiations for the prevention of an arms race in outer space in accordance with paragraph 27 of the Final Document of the Tenth Special Session,

Noting the importance in this context of bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America that have continued since 1985, including at their summit meetings in Washington and Moscow on a complex of questions concerning space and nuclear arms,

Hopeful that concrete results would emerge from these negotiations as soon as possible,

Emphasizing the mutually complementary nature of bilateral and multilateral efforts in the field of preventing an arms race in outer space,

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4/ See Report of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, Vienna, 9-21 August 1982 (A/CONF.101/10 and Corr.1 and 2), para. 426.

5/ The Committee on Disarmament was redesignated the Conference on Disarmament as from 7 February 1984.

6/ United Nations, Treaty Series, vol. 944, No. 13446.

Taking note of that part of the report of the Conference on Disarmament relating to this question, 7/

Welcoming the re-establishment of an Ad Hoc Committee on the Prevention of an Arms Race in Outer Space during the 1988 session of the Conference on Disarmament, in the exercise of the negotiating responsibilities of this sole multilateral negotiating body on disarmament, to continue to examine and to identify, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space,

1. Reaffirms that general and complete disarmament under effective international control warrants that outer space shall be used exclusively for peaceful purposes and that it shall not become an arena for an arms race;

2. Recognizes, as stated in the report of the Ad Hoc Committee of the Conference on Disarmament, 8/ that the legal régime applicable to outer space by itself does not guarantee the prevention of an arms race in outer space, that this legal régime plays a significant role in the prevention of an arms race in that environment, the need to consolidate and reinforce that régime and enhance its effectiveness, and the importance of strict compliance with existing agreements, both bilateral and multilateral;

3. Emphasizes that further measures with appropriate and effective provisions for verification to prevent an arms race in outer space should be adopted by the international community;

4. Calls upon all States, in particular those with major space capabilities, to contribute actively to the objective of the peaceful use of outer space and to take immediate measures to prevent an arms race in outer space in the interest of maintaining international peace and security and promoting international co-operation and understanding;

5. Reiterates that the Conference on Disarmament, as the single multilateral disarmament negotiating forum, has the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects;

6. Requests the Conference on Disarmament to consider as a matter of priority the question of preventing an arms race in outer space;

7. Also requests the Conference on Disarmament to intensify its consideration of the question of the prevention of an arms race in outer space in all its aspects, taking into account all relevant proposals and initiatives,

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7/ Official Records of the General Assembly, Forty-third Session, Supplement No. 27 (A/43/27), sect. III.E.

8/ Ibid., para. 80.

including those presented in the Ad Hoc Committee at the 1988 session of the Conference and at the forty-third session of the General Assembly;

8. Further requests the Conference on Disarmament to re-establish an ad hoc committee with an adequate mandate at the beginning of its 1989 session, with a view to undertaking negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in outer space in all its aspects;

9. Urges the Union of Soviet Socialist Republics and the United States of America to pursue intensively their bilateral negotiations in a constructive spirit aimed at reaching early agreement for preventing an arms race in outer space, and to advise the Conference on Disarmament periodically of the progress of their bilateral sessions so as to facilitate its work;

10. Calls upon all States, especially those with major space capabilities, to refrain, in their activities relating to outer space, from actions contrary to the observance of the relevant existing treaties or to the objective of preventing an arms race in outer space;

11. Takes note of the report of the Secretary-General 9/ on the question of the prevention of an arms race in outer space submitted in accordance with resolution 42/33 of 30 November 1987;

12. Requests the Conference on Disarmament to report on its consideration of this subject to the General Assembly at its forty-fourth session;

13. Requests the Secretary-General to transmit to the Conference on Disarmament all documents relating to the consideration of this subject by the General Assembly at its forty-third session;

14. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Prevention of an arms race in outer space".

73rd plenary meeting
7 December 1988

9/ A/43/506 and Corr.1 and Add.1 and 2.

CONFERENCE ON DISARMAMENT

CD/898
9 March 1989

Original: ENGLISH

Mandate for an Ad hoc Committee under item 5 of the agenda of the Conference on Disarmament entitled "Prevention of an Arms Race in Outer Space"

(Adopted at the 493rd plenary meeting on 9 March 1989)

In the exercise of its responsibilities as the multilateral disarmament negotiating forum in accordance with paragraph 120 of the Final Document of the First Special Session of the General Assembly devoted to disarmament, the Conference on Disarmament decides to re-establish an Ad Hoc Committee under item 5 of its agenda entitled "Prevention of an arms race in outer space".

The Conference requests the Ad Hoc Committee, in discharging that responsibility, to continue to examine, and to identify, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space.

The Ad Hoc Committee, in carrying out this work, will take into account all existing agreements, existing proposals and future initiatives as well as developments which have taken place since the establishment of the Ad Hoc Committee, in 1985, and report on the progress of its work to the Conference on Disarmament before the end of its 1989 Session.

CONFERENCE ON DISARMAMENT

CD/891
22 February 1989

Original: ENGLISH

LETTER DATED 17 FEBRUARY 1989 ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT FROM THE PERMANENT REPRESENTATIVE OF CANADA TO THE CONFERENCE ON DISARMAMENT TRANSMITTING A COMPENDIUM COMPRISING PLENARY STATEMENTS AND WORKING PAPERS RELATING TO THE 1988 SESSION OF THE CONFERENCE ON DISARMAMENT 1/

You will recall that in the past my delegation has, in order to facilitate our discussion under item 5 of our agenda, Prevention of an Arms Race In Outer Space, made available to the Conference a compendium of plenary statements and working papers tabled in plenary during the previous session. It is my pleasure to make available the compendium of statements and working papers tabled in plenary during the 1988 session.

I would be grateful if the necessary arrangements could be made for the distribution of the compendium to the members of the Conference and to observer Delegations. I would also be grateful if this letter would be circulated as an official document of the Conference on Disarmament.

Yours sincerely,

(Signed) de Montigny Marchand
Ambassador
Permanent Representative

1/ A limited distribution of this Compendium in English only has been made to the members of the Conference on Disarmament. Additional copies are available from the Permanent Mission of Canada at Geneva.

CONFERENCE ON DISARMAMENT

CD/905
CD/OS/WP.28
21 March 1989

ENGLISH
Original: RUSSIAN

LETTER DATED 21 MARCH 1989 FROM THE PERMANENT REPRESENTATIVE OF THE MONGOLIAN PEOPLE'S REPUBLIC ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A WORKING PAPER ENTITLED "REVIEW OF PROPOSALS AND INITIATIVES OF THE STATES MEMBERS OF THE CONFERENCE ON DISARMAMENT UNDER AGENDA ITEM 5, 'PREVENTION OF AN ARMS RACE IN OUTER SPACE'"

I have the honour to transmit herewith a working paper entitled "Review of proposals and initiatives of the States members of the Conference on Disarmament under agenda item 5, 'Prevention of an arms race in outer space'".

I should be grateful if you would arrange for the distribution of this working paper as an official document of the Conference on Disarmament and the Ad Hoc Committee on Prevention of an Arms Race in Outer Space.

(Signed) L. BAYART
Ambassador

MONGOLIA

Working paper

Review of proposals and initiatives by States members of the Conference on Disarmament under agenda item 5, "Prevention of an arms race in outer space"

Contents

Contents (continued)

I. INTRODUCTION

The prevention of an arms race in outer space is one of the highest priorities of disarmament negotiations.

In view of the importance and urgency of this task, the Conference on Disarmament, in the exercise of its responsibilities as the multilateral disarmament negotiating forum in accordance with paragraph 120 of the Final Document of the first special session of the General Assembly devoted to disarmament, decided in 1985 to establish an Ad hoc Committee under item 5 of its agenda, entitled "Prevention of an arms race in outer space", and requested it "to examine, as a first step at this stage, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space".

At its 1986 session, the Conference re-established an Ad hoc Committee and requested it "... to continue to examine, and to identify, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space ... [taking into account] all existing agreements, existing proposals and future initiatives as well as developments which have taken place since the establishment of the Ad hoc Committee, in 1985 ...". At the 1987 and 1988 sessions, the Committee was re-established with the same mandate as in 1986.

The work of the Ad hoc Committee has been governed by that mandate.

As from 1986 the Committee proceeded in accordance with the following programme, which contained minor changes as compared to the initial one adopted in 1985:

"1. Examination and identification of issues relevant to the prevention of an arms race in outer space;

2. Existing agreements relevant to the prevention of an arms race in outer space;

3. Existing proposals and future initiatives on the prevention of an arms race in outer space.

In carrying out its work, the Ad hoc Committee will take into account developments which have taken place since the establishment of the Committee in 1985."

In the course of the Ad hoc Committee's work in the period 1985-1988, delegations of the States members of the Conference on Disarmament drew attention to a number of issues, such as: the status of outer space as the

common heritage of mankind which should be used exclusively for peaceful purposes; the need to prevent an arms race in outer space; the absence at present of weapons in space; the identification of the dangers which threaten space objects; the relationship between the prevention of an amrs race in outer space and arms limitation and disarmament measures in other areas; the relationship between bilateral and multilateral efforts to prevent an arms race in outer space; the definition of space weapons; the improvement of work procedure; the necessity of strengthening the existing treaty régime; and questions relating to verification and compliance.

Many delegations, considering that the stage of examining issues relating to the prevention of an arms race in outer space had passed and that transition towards a stage of more practical work was required, declared themselves in favour of a mandate that would provide for negotiations.

Virtually all the States members of the Conference on Disarmament expressed their views on the idea of launching multilateral negotiations. By way of example, the following list will help to give an idea of delegations' positions:

Algeria (CD/PV.402, 2 April 1987); Argentina (CD/PV.465, 14 July 1988); Australia (CD/PV.440, 16 February 1988); Belgium (CD/PV.424, 23 July 1987, L. Tindemans, Minister for Foreign Affairs); Bulgaria (CD/PV.413, 16 June 1987); Burma (CD/PV.310, 23 April 1985); Canada (CD/PV.468, 26 July 1988); China (CD/PV.423, 21 July 1987); Czechoslovakia (CD/PV.410, 30 April 1987); Egypt (CD/PV.459, 21 April 1988; France (CD/PV.390, 19 February 1987); German Democratic Republic (CD/PV.454, 5 April 1988); Germany, Federal Republic of (Ad hoc Committee, 15 August 1988); Hungary (CD/PV.388, 12 February 1987); India (CD/PV.392, 26 February 1987); Indonesia (CD/PV.437, 4 February 1988, M. Kusuma-Atmadja, Minister for Foreign Affairs); Iran, Islamic Republic of (CD/PV.425, 28 July 1987, A. Velayati, Minister for Foreign Affairs); Italy (CD/PV.296, 5 March 1985); Japan (CD/PV.419, 7 July 1987); Kenya (CD/PV.477, 25 August 1988); Mexico (CD/PV.336, 4 February 1986); Mongolia (CD/PV.389, 17 February 1987); Morocco (CD/PV.451, 24 March 1988); Netherlands (CD/PV.418, 2 July 1987, H. Van den Broek, Minister for Foreign Affairs); Nigeria (CD/PV.391, 24 February 1987);

Pakistan (CD/PV.460, 26 April 1988); Poland (CD/PV.402, 2 April 1987); Romania (CD/PV.388, 12 February 1987); Sri Lanka (CD/PV.453, 31 March 1988); Sweden (CD/PV.463, 7 July 1988); USSR (CD/PV.385, 3 February 1987); United Kingdom (CD/PV.298, 12 March 1985); United States of America (CD/PV.478, 30 August 1988); Venezuela (CD/PV.397, 19 March 1987); Yugoslavia (CD/PV.438, 2 February 1988); and Zaire (CD/PV.409, 28 April 1987).

The delegation of Mongolia, in submitting this review, hopes that it will make an appropriate contribution to the efforts of the States members of the Conference on Disarmament directed towards substantive elaboration of the proposals and initiatives before the Ad hoc Committee, and will promote an in-depth analysis of the complex range of political, military, scientific, technical and international legal problems they involve, taking into account the necessity of examining ways of moving on to the holding in the Conference on Disarmament of multilateral negotiations aimed at preventing an arms race in outer space.

The official documents and records of the United Nations General Assembly and the Conference on Disarmament and statements made in the Ad hoc Committee were used in compiling this review, on the understanding that this review does not purport to be a complete presentation of the position of any delegation.

II. COMPREHENSIVE PROPOSALS

The Ad hoc Committee has before it comprehensive proposals submitted by Italy, Venezuela and the Soviet Union.

Amendment to Article IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies

On 9 September 1968, Italy proposed in the United Nations that article IV of the 1967 Treaty should be reviewed (doc. A/7221). On 1 February 1978, both in New York and Geneva, Italy proposed the adoption of further measures to prevent the extension of the arms race (working paper A/AC.187/97). This is reflected in paragraph 80 of the Programme of Action contained in the Final Document of the first special session of the United Nations General Assembly devoted to disarmament. On 26 March 1979, Italy distributed in the Committee on Disarmament, as an official document, an "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).

A revision of the régime established by the 1967 Treaty was suggested in order to prohibit "the development and use of earth- or space-based systems designed to damage, destroy or interfere with the operations of other States' satellites". As suggested by Italy, the additional protocol to the 1967 Treaty would extend the prohibition contained in article IV of the Treaty explicitly to the launching and stationing in orbit or elsewhere in outer space of all weapons and not merely of nuclear weapons and weapons of mass destruction.

In 1987, the delegation of Venezuela again drew the attention of the Conference to the possibility of amending article IV of the 1967 Treaty (CD/398, 19 March 1987). On 2 August 1988, Ambassador A. Taylhardat submitted an official document, "Proposed amendment to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies" (CD/851). The substance of the amendment is to broaden the prohibition in article IV of the Treaty on the stationing in orbit around the Earth of any objects carrying nuclear weapons by extending it to all kinds of weapon or weapons system as well as to introduce an obligation not to develop, produce, store or use such weapons. A definition of such "space weapons" was also suggested.

The delegations of Bulgaria (CD/PV.402, 2 April 1987), Egypt (CD/PV.459, 21 April 1988), Mongolia (CD/PV.400, 26 March 1987), Peru (CD/PV.428, 6 August 1987), Poland (CD/PV.402, 2 April 1987) and Zaire (CD/PV.461, 28 April 1988) supported the proposals of Italy and Venezuela.

At the same time, the delegation of the USSR stated that "the proposal by the delegation of Venezuela requires serious, expert study. The attractiveness of the proposal is that it offers an outwardly relatively uncomplicated way of filling a gap in the arrangements for preventing the intrusion of weapons into space. At the same time, we should not ignore the difficulties that will arise in amending an important international agreement that is in force. It would seem that development of this initiative could only take place if the Ad hoc Committee reached a consensus decision to that effect" (Ad hoc Committee, 16 August 1988).

Treaty on the prohibition of the stationing of weapons of any kind in outer space

In 1981, the Soviet Union, in a letter to the United Nations Secretary-General (A/36/192, 11 August 1981), proposed the conclusion of a treaty on the prohibition of the stationing of weapons of any kind in outer space. That proposal was submitted to the Committee on Disarmament for consideration at its 1982 session (CD/274, 7 April 1982). The substance of the proposal is to preclude all possibility of outer space becoming an arena for the arms race and an additional source of tension in relations between States.

The draft treaty provides for States parties to undertake not to place in orbit around the Earth objects carrying weapons of any kind, install such weapons on celestial bodies or station such weapons in outer space in any other manner, including on reusable manned space vehicles of an existing type or of other types which States parties may develop in the future. The document provides for each party to the future treaty to undertake not to assist, encourage or induce any State, group of States or international organization to engage in activities contrary to the goal of the non-stationing of weapons of any kind in outer space.

On 9 December 1981, the United Nations General Assembly adopted resolution 36/99 on "Conclusion of a treaty on the prohibition of the stationing of weapons of any kind in outer space", which referred to the need to take effective steps, by concluding an appropriate ... treaty, to prevent the spread of the arms race to outer space.

The draft treaty was supported by a number of delegations of socialist countries in the Conference on Disarmament, including Mongolia (CD/PV.170, 8 April 1982), Czechoslovakia (CD/PV.173, 21 April 1982), German Democratic Republic (CD/PV.183, 31 August 1982), and Hungary (CD/PV.184, 2 September 1982).

At the same time, a number of Western States voiced criticism regarding the draft treaty.

On 15 April 1982, the representative of the Federal Republic of Germany said that the Soviet draft did not appear to his delegation to be a suitable basis for negotiations within the Committee on Disarmament since:

"... article 3 of the draft makes it legitimate to intercept space objects if these are not operated for peaceful purposes. However, the

determination and decision whether interception should take place lies with the interceptor alone, who would thus take on the role of a self-appointed space police. In the absence of firm criteria and of any objective determination of prerequisites for such a police role, this draft provision would seem to pave the way for misuse and serve, rather, as an incentive for the development and testing of additional anti-satellite systems. Secondly, the rules on verification contained in article IV appear to be insufficient, even in the light of other existing multilateral disarmament agreements and certainly in relation to the purposes of the draft treaty. In the view of my delegation it would be indispensable to have a substantially more detailed verification régime ..." (CD/PV.171).

On 20 April 1982, the representative of France also expressed concern that articles 1 and 3 of the draft treaty gave every State "freedom to destroy a space object which it decides of its own accord, without consultation or reference to any pre-established criterion, is carrying weapons ... Furthermore, the draft treaty makes provision only for national technical means of verification of compliance with its provisions" (CD/PV.172).

Treaty on the prohibition of the use of force in outer space and from space against the Earth

In 1983, the Soviet Union submitted for consideration by the United Nations General Assembly at its thirty-eighth session a draft treaty on the prohibition of the use of force in outer space and from space against the Earth (A/38/194, 23 August 1983). The draft was later referred to the 1984 session of the Conference on Disarmament (CD/476, 20 March 1984). As the Soviet delegation stressed, that draft took into account positions and views expressed by States members of the Conference on Disarmament in the discussion of the 1981 draft treaty on the prohibition of the stationing of weapons of any kind in outer space.

The draft treaty proposed that States parties should undertake:

"Not to test or deploy by placing in orbit around the Earth or stationing on celestial bodies or in any other manner any space-based weapons for the destruction of objects on the Earth, in the atmosphere or in outer space;

Not to utilize space objects in orbit around the Earth, on celestial bodies or stationed in outer space in any other manner as means to destroy any targets on the Earth, in the atmosphere or in outer space;

Not to destroy, damage, disturb the normal functioning or change the flight trajectory of space objects of other States;

Not to test or create new anti-satellite systems and to destroy any anti-satellite systems that they may already have;

Not to test or use manned spacecraft for military, including anti-satellite, purposes".

On 15 December 1983, the United Nations General Assembly adopted by an overwhelming majority resolution 38/70, "Prevention of an arms race in outer space", in which it urged that negotiations should begin in the Conference on Disarmament on the elaboration of agreements on the prevention of an arms race in outer space.

The proposal of the USSR attracted the interest of the delegation of Sweden (CD/PV.252, 22 March 1984), Czechoslovakia (CD/PV.253, 27 March 1984), Sri Lanka (CD/PV.254, 29 March 1984), Yugoslavia (CD/PV.255, 3 April 1984), and Poland (CD/PV.255, 3 April 1984).

At the same time, some delegations did not support the USSR proposal. Thus, the representative of the United Kingdom said that "the proposed comprehensive draft treaties presented by the Soviet delegation (CD/274 and CD/476) may also serve the negotiating position of the Soviet Union at their bilateral talks with the United States and have some propaganda value for public relations purposes, but they do not help us to carry out the mandate of this Committee" (Ad hoc Committee, 28 July 1987). The representative of the United States pointed out that "the existing legal régime both flatly bans all aggressive uses of force and permits a State to defend itself in the event of an armed attack. Consequently, the Soviet proposal to ban the use of force in outer space is either redundant to the existing legal régime or undercuts a significant portion of contemporary international law" (Ad hoc Committee, 30 June 1987).

On 3 February 1987, the USSR delegation reiterated its appeal for the States members of the Conference on Disarmament to:

"engage in businesslike consideration of the question of the prohibition of the use of force in outer space and from space against the Earth. ... The Conference could also consider the possibility of creating a system of international verification guaranteeing unswerving compliance with an agreement of the kind in question and, in particular, study the idea of an international inspectorate" (CD/PV.385).

III. PROPOSALS RELEVANT TO SPECIFIC ASPECTS OF THE PROBLEM OF PREVENTING AN ARMS RACE IN OUTER SPACE

Along with comprehensive proposals, proposals on specific issues also have an important role to play in resolving the problem of preventing an arms race in outer space.

1. Ensuring the immunity of artificial Earth satellites

Many delegations took interest in the important problem of ensuring the immunity of satellites. Thus, in addressing the Conference on Disarmament on 23 July 1987, L. Tindemans, the Belgian Minister for Foreign Affairs, said:

> "The problem of the protection of satellites [and] the elaboration of an appropriate ... international code of conduct are, in particular, the questions that the Conference on Disarmament could usefully debate at the multilateral level. They are independent of the ABM Treaty and the SDI, which, in our opinion, remain within the direct competence of the two super-Powers concerned" (CD/PV.424).

A similar approach was adopted on 4 February 1988, by P. Varkonyi, Minister for Foreign Affairs of Hungary, who said:

> "We would find it appropriate for the Committee to start devising a system that would guarantee the safety of satellites in orbit around the Earth, that is, the immunity necessary for their smooth operation" (CD/PV.437).

Views on the issue of immunity were also expressed by the delegations of Australia, the Federal Republic of Germany, France, Japan, Poland and the USSR.

On 2 April 1987, the representative of Poland said that immunity:

> "should be granted for all [satellites]. Sometimes the problem of the dual nature of military functions of satellite happens to be raised. It is argued that satellites that are deployed to verify arms control obligations could be simultaneously used for the gathering of sensitive military information. Yes, that can be the case. But to draw the precise line between different functions of satellites is almost impossible, and could be compared to the question of verification of what goes on in laboratory work on any subject. It is impossible to monitor what happens in a scientist's brain, and it is likewise impossible to know in advance in what manner a satellite computer has been programmed. Hence, the only way out is to grant immunity for all satellites" (CD/PV.402).

On 3 February 1987, the delegation of the USSR said, at the Conference on Disarmament, that "the Conference could consider the possibility of drawing up an international agreement guaranteeing immunity for artificial Earth satellites which do not carry weapons of any sort on board" (CD/PV.385).

On 7 July 1987, the representative of Japan said:

"Up to now, Japan has launched 36 satellites for such purposes as experimental launching, weather forecasting, communication and broadcasting. We are planning to launch about 10 more satellites by 1990. Japan thus has a keen interest in this issue of satellite protection. My delegation believes that space objects and their activities for peaceful purposes should not be attacked and should be duly protected" (CD/PV.419).

Document CD/375, submitted by the delegation of France on 14 April 1982 and entitled "Prevention of an arms race in outer space", said inter alia:

"The efforts of the international community as regards the problems of an arms race in outer space ought to be aimed at two things:

Not to allow outer space to become a base for military actions;

To protect space vehicles and in particular to ensure the immunity of satellites.

In fact the first objective, which concerns the technologies of the future, can be attained only if the second, which concerns innumerable vehicles at present in orbit, is ensured.

Hence the importance of ensuring the immunity of satellites."

The same document suggested that immunity should be "made more specific and should be broadened and extended beyond the scope of bilateral arrangements" to apply to all existing satellites, if they are "equipped" only with passive means of defence.

As a follow-up to its proposal, France suggested in 1984 that the United States and the USSR should extend to the satellites of third countries the provisions concerning the immunity of certain space objects on which they had reached bilateral agreement between themselves (CD/PV.263, 12 June 1984). The delegation of the United Kingdom also found that an interesting idea (CD/PV.331, 20 August 1985).

The representative of the Federal Republic of Germany, in his statement of 6 March 1986 (CD/PV.345), suggested that a special protection régime should be established for satellites to compensate for their vulnerability. He further suggested that such a régime could be conceived on, as it were,

two levels. "Hardware" limitations would be agreed in bilateral talks between the USSR and the United States, while the legal immunization of artificial Earth satellites would be dealt with under multilateral auspices. It was further suggested that a negotiated protection régime for satellites should have two dimensions: one agreement would deal with the legal immunity of satellites proper, while another would cover parallel confidence-building measures, possibly within the framework of a "rules of the road" agreement.

The delegation of the Federal Republic of Germany also advanced proposals relevant to the categorization of artificial Earth satellites when elaborating a legal régime for their protection. At the meeting of the Ad hoc Committee on 16 June 1987, the representative of the Federal Republic of Germany said that:

> "There is no controversy that satellites with verification, observation, communication and command functions are vital components of strategic stability; that satellites in most of these roles need a degree of protection ...; that there are other, combat-related, satellites which in their strictly military function would be subject to the law of war and could not profit from legal immunization."

The delegation of the Federal Republic of Germany also suggested that the consideration of the satellite-protection issue should be divided between the legal Sub-Committee of the United Nations Committee on the Peaceful Uses of Outer Space, which would be charged with civilian activities, and the Ad hoc Committee of the Conference on Disarmament, which would be entrusted with the military aspects of protection for satellites (CD/PV.345, 6 March 1986).

There was another proposal on ensuring the immunity of artificial Earth satellites. On 7 August 1984, W.D. Hayden, Minister for Foreign Affairs of Australia, suggested that the Conference on Disarmament should consider measures to protect from attack all satellites (and their associated ground stations) that contributed to strategic stability and to the verification of arms control agreements (CD/PV.279). On 29 July 1986, the representative of Australia suggested a step-by-step solution for the problem of artificial Earth satellite protection, including the question of which types of artificial Earth satellites should be protected, with the subsequent elaboration of an appropriate protection régime for such artificial Earth satellites (CD/PV.374).

The idea of immunizing artificial Earth satellites and adopting specific measures was also supported by the delegations of Argentina (CD/PV.423, 21 July 1987), Bulgaria (CD/PV.402, 2 April 1987), Canada (CD/PV.471, 17 July 1986), Czechoslovakia (CD/PV.371, 17 July 1986), German Democratic Republic (CD/PV.425, 28 July 1987, and CD/777, 31 July 1987), Mongolia (CD/PV.389, 17 February 1987, and CD/777, 31 July 1987), Netherlands (CD/PV.396, 12 March 1987), Pakistan (CD/PV.413, 16 July 1987), Sri Lanka (CD/PV.404, 9 April 1987), and Sweden (Ad hoc Committee, 22 March 1988).

At the same time, the representative of the United States of America stated, on 2 August 1988, that:

"Those who have made these proposals are apparently unaware that international legal instruments already exist intended to ensure the immunity of satellites. These instruments prohibit the use of force against satellites except in cases of self-defence. Indeed, these international agreements go further than the proposals because they also prohibit the threat of the use of force against satellites. On the other hand, if these proposals mean to prohibit nations from taking actions against satellites in legitimate cases of self-defence, then they undermine the Outer Space Treaty, the United Nations Charter, and the inherent right of sovereign States to take adequate measures to protect themselves in the event of the threat or use of force" (Ad hoc Committee, 2 August 1988).

2. Banning anti-satellite weapons

The ideas expressed by delegations as to the banning of anti-satellite weapons could be grouped as follows:

Total ban on anti-satellite weapons

The idea of a total ban on anti-satellite weapons enjoys the support of quite a number of proponents.

Views on the issue of a total ban on anti-satellite weapons were expressed by the delegations of China, the Federal Republic of Germany, India and Sweden.

On 21 March 1985, the representative of Sweden stated that:

"The main task of the Conference ... should be to aim at achieving a total ban on ASAT weapons. That implies a ban on development, testing, production and deployment as well as on use of such weapons" (CD/PV.301).

The representatives of the Federal Republic of Germany, in turn, in their statements on this issue on 6 March 1986 (CD/PV.345) and in the meeting of the Ad hoc Committee on 16 June 1987, pointed out that their delegation proceeded from the fact that:

"a comprehensive ASAT-ban would have to include almost all means technically able to hit, damage, destroy or seriously impair satellites in their assigned function by kinetic, explosive, electronic and thermodynamic effects. That would involve inter alia intercontinental ballastic missiles, as well as satellites themselves which could without high cost be guided to collision with other satellites in their orbit".

On 23 April 1987, K. Natwar Singh, Minister for Foreign Affairs of India, said:

"In the area of preventing an arms race in outer space, priority should be accorded to halting the development of anti-satellite weapons, dismantling existing systems, prohibiting the introduction of new weapon systems in outer space and ensuring that the existing treaties safeguarding the peaceful uses of outer space, as well as the 1972 ABM Treaty, are fully honoured and extended as required in the light of new technological advances" (CD/PV.408).

The same year, the delegation of India proposed the elaboration of a treaty banning development, testing and deployment of all anti-satellite weapons as well as eliminating existing systems of such weapons. The treaty should be accompanied by specific protocols concerning different categories of space objects - those in near-Earth orbits, those in high-Earth orbits and those in geosynchronous orbits (CD/PV.423, 21 July 1987).

The delegation of China held the view that:

"Since ASAT weapons are the space weapons that exist at present, to start with their prohibition is of certain practical significance. The Chinese delegation, therefore, can go along with this proposal. However, I wish also to point out that the prohibition of other types of space weapons should by no means be ignored" (CD/PV.423, 21 July 1987).

On 4 February 1988, M. Kusuma-Atmadja, Minister for Foreign Affairs of Indonesia, suggested that "the ABM Treaty should be reinforced in the context of new technological developments, including provisions to prohibit anti-satellite weapons" (CD/PV.437, 4 February 1988).

The idea of a total ban on anti-satellite weapons was also supported by the representatives of Burma (CD/PV.358, 22 April 1986), Czechoslovakia (CD/PV.418, 2 July 1987), Egypt (CD/PV.389, 17 February 1987), Morocco (CD/PV.367, 3 July 1986), Romania (CD/PV.296, 5 March 1985), Venezuela (CD/PV.398, 19 March 1987) and Zaire (CD/PV.461, 28 April 1988).

Limitation of anti-satellite weapons

The limitation of anti-satellite weapons is the subject of a whole series of proposals (France, Netherlands, Pakistan, Sri Lanka, United Kingdom).

In particular, a French proposal of 12 June 1984 (CD/PV.263) to this effect was subsequently reiterated and elaborated on several occasions.

The delegation of France proposed the adoption of measures to achieve multilateral agreement on the limitation of anti-satellite systems, including in particular the prohibition of all such systems capable of hitting satellites in high orbit, the preservation of which, in the view of France, was most important from the point of view of strategic balance. Simultaneously, the delegation of France proposed the prohibition, for a renewable period of five years, of the deployment on the ground, in the atmosphere or in space of beam-weapon systems capable of destroying ballistic missiles or satellites at great distances and, as a corollary to this, the banning of corresponding tests.

The French proposal was supported by the delegations of Sri Lanka and Netherlands.

In 1985, the representative of Sri Lanka said:

> Another area in which my delegation thinks we can commence work with a good prospect of making substantial progress is high-altitude ASATs. A ban on these, including their development, deployment and testing, is feasible at the present stage when only low-altitude ASATs are in existence. Inevitably we have to engage in a collective quest for clear definitions of what we mean by high-altitude ASATs" (CD/PV.325, 30 July 1985).

On 2 July 1987, H. van den Broek, Minister for Foreign Affairs of the Netherlands, set out the position of his country:

> "Banning all anti-satellite weapons would therefore pose serious problems. Moreover, it would hardly seem feasible because there are so

many ways to destroy a satellite. But maybe it is not too late to seek some way of protecting satellites in high orbit, which are generally of a stabilizing nature" (CD/PV.418).

The delegations of Pakistan and the United Kingdom also suggested that consideration should be given to issues of limiting anti-satellite activities.

The representative of the United Kingdom stated at the meeting of the Ad Hoc Committee on 28 July 1987 that "the possibility of placing constraints on some elements of anti-satellite activity, consistent with the security interests of all States" deserved serious study at an appropriate point.

The delegation of Pakistan pointed out that:

"The importance of a ban on ASAT weapons is widely recognized. Needless to say, such a ban should give protection only to satellites performing peaceful functions, and not those which threaten the security of other States. An ASAT ban, therefore, presupposes an agreed definition of peaceful functions and a verification system aimed at determining whether objects launched into space fulfil this criterion" (CD/PV.460, 26 April 1988).

Banning of anti-satellite weapons in combination with immunity for artificial Earth satellites

A number of delegations suggested a third course for resolving the issue of banning anti-satellite weapons, one assuming the possibility of the simultaneous solution of two interrelated problems: on the one hand, that of banning anti-satellite systems and on the other, that of immunizing artificial Earth satellites. This combined course of action, involving the linking of a ban on ASAT weapons with immunity for artificial Earth satellites, is reflected in document CD/777, "Main provisions of a treaty on the prohibition of anti-satellite weapons and on ways to ensure the immunity of space objects", which was submitted on 31 July 1987 by the delegations of the German Democratic Republic and the Mongolian People's Republic.

In the opinion of the delegations of the German Democratic Republic and the Mongolian People's Republic:

"It should be within the scope of the treaty to:

(a) ban the use of force against any space object; (b) prevent the deliberate destruction or damaging of space objects; (c) prohibit interference with the normal functioning of any space object;

(d) proscribe the development, production or deployment of ASAT weapons; and (e) provide for the destruction under international control of any ASAT weapons that may already exist" (CD/PV.425, 28 July 1987).

Similar proposals were advanced by the delegations of Argentina (CD/PV.296, 5 March 1985), Australia (CD/PV.329, 13 August 1985), Bulgaria (CD/PV.471, 4 August 1988), Hungary (CD/PV.388, 12 February 1987), Poland (CD/PV.402, 2 April 1987) and the USSR (CD/PV.385, 3 February 1987).

Elimination of existing anti-satellite weapons

On 3 February 1987, the Soviet delegation stated that:

"the Conference could consider the possibility of drawing up an international agreement guaranteeing immunity for artificial Earth satellites which do not carry weapons of any sort on board. In this connection, it would also be desirable to study the possibilities of eliminating existing anti-satellie systems ... [The] USSR, manifesting good will, continues to refrain from placing anti-satellite systems in outer space" (CD/PV.385).

Similar proposals and appeals to the United States and the USSR to eliminate their existing ASAT weapons came from the delegations of Bulgaria (CD/PV.402, 2 April 1987), Egypt (CD/PV.389, 17 February 1987), the German Democratic Republic (CD/777, 31 July 1987), India (CD/PV.408, 23 April 1987, K. Natwar Singh, Minister for Foreign Affairs), Mongolia (CD/777, 31 July 1987), Morocco (CD/PV.367, 3 July 1986) and Poland (CD/PV.402, 2 April 1987).

In response, the United States representative to the meeting of the Ad hoc Committee on 2 August 1988 stated:

"In spite of the fact that the existing legal régime already regulates the use and types of ASATs, some have proposed the additional step of eliminating all existing anti-satellite weapons and banning any such weapons in the future. Such proposals raise a host of problems.

A key problem concerns the verification of compliance with such an agreement. We do not believe that verification schemes proposed to date are adequate to this purpose.

Another problem with a comprehensive ASAT ban concerns the legal issue of how anti-satellite weapons are to be defined and categorized. In addition to systems that a State would choose to identify as an

anti-satellite weapon, there are many different types of weapons systems that could be used to destroy, damage or disable satellites. Such systems could include, inter alia, manoeuvering space objects, direct-ascent ABM interceptors, ground-based directed-energy weapons, long-range ballastic missiles, and weapons that could be carried by orbital complexes."

3. Confidence-building measures, verification and control issues

A third group of proposals before the Ad hoc Committee concern issues of verification and control.

International space inspectorate (ISI)

In 1987, the delegation of the USSR advanced the idea of creating an international space inspectorate (CD/PV.385, 3 February 1987).

On 6 August 1987, E.A. Shevardnadze, Minister for Foreign Affairs of the USSR, stated, in addressing the Conference on Disarmament:

"In our opinion, verification will have a particularly important role to play in preventing an arms race in space.

We would be extremely grateful if you took a close look at the proposal for the establishment of an international verification system to make sure that outer space remains peaceful. Is not the idea of inspecting every space launch a reasonable one? There are as yet not that many space launch centres in the world, and the presence of international inspectors there would reliably guarantee that the objects placed in outer space are not weapons and are not equipped with any weapons. But we go further, and propose not merely a presence but a permanent presence of groups of inspectors at all space launch sites. Information about each upcoming launch, including the location of the site, the type of launch vehicle, general information about the object to be launched and the time of launch would be given in advance to representatives of the inspectorate ...

our proposal provides for the right to conduct an on-site inspection should suspicion arise that a launch was carried out from an undeclared launch site.

And, in the event of a total ban on space strike arms, the Soviet Union would be willing to extend inspections to storage facilities, industrial plants, laboratories, testing centres, etc." (CD/PV.428, 6 August 1987).

On 17 March 1988, the representative of the USSR submitted for consideration by the Conference on Disarmament a document entitled "Establishment of an international system of verification of the non-deployment of weapons of any kind in outer space" (CD/817, which detailed a verification system, the structure of an international space inspectorate and the modalities of its operation.

The need for inspections at launch sites was referred to in a statement made by a representative of Argentina on 21 March 1987.

> "The space Powers, which are few in number, also have only a few places for launching objects into space. Verification of the nature of the objects that are placed in space could be affected at the launch sites themselves and that would entirely dispel all doubts as to the military or peaceful nature of an object sent into space" (CD/PV.423).

The delegations of Bulgaria (CD/PV.402, 2 April 1987), Canada (CD/PV.433, 25 August 1987), Czechoslovakia (CD/PV.390, 19 February 1987), German Democratic Republic (CD/PV.425, 28 July 1987), Mongolia (CD/PV.400, 26 March 1987), Pakistan (CD/PV.460, 26 April 1988), Poland (CD/PV.402, 2 April 1987), Sri Lanka (CD/PV.404, 9 April 1987) and Sweden (Ad hoc Committee, 23 March 1988) also supported the proposal by the USSR concerning the establishment of an international space inspectorate and indicated the need for further work on verification and control issues.

The United States delegation voiced its opposition to the idea of the creation of an international space inspectorate at the meeting of the Ad hoc Committee on 9 August 1988, state, in particular, that:

> "The United States foresees substantial legal, technical, political and organizational difficulties associated with any type of international verification inspectorate. First, the United States believes that treaties already in place adequately regulate military activities in space, while also permitting the conduct of important national security and self-defence activities such as early warning of attack ... Second, the United States believes that the Soviet proposal could be more destabilizing than stabilizing because it could circumvent the development or compromise the effectiveness of strategic defence capabilities that actually threaten no one."

International satellite monitoring agency (ISMA)

In 1978, at the first special session of the United Nations General Assembly devoted to disarmament, France proposed the establishment of an international satellite monitoring agency (ISMA) to verify compliance with certain bilateral arms control agreements and monitor crisis situations.

In the Final Document adopted by that session, the Assembly took note of France's proposal and later that year, at its thirty-third regular session, it adopted resolution 33/71 J, in which it requested the Secretary-General to obtain the views of member States on this question and appoint a group of qualified governmental experts to undertake a study on the technical, legal and financial implications of establishing such an agency. In compliance with that mandate, the Secretary-General appointed experts from Argentina, Austria, Burkina Faso, Colombia, Egypt, France, India, Indonesia, Italy, Romania, Tunisia, Sweden and Yugoslavia.

In its report entitled "Study on the implications of establishing an international satellite monitoring agency" (A/AC.206/14, 6 August 1981) and submitted in 1981 for consideration by the second special session devoted to disarmament the group of experts identified two main sets of technical tasks the ISMA would be charged with:

(a) Verification of compliance with existing and future international arms control and disarmament agreements;

(b) Monitoring of crises.

The report also indicated that the ISMA's facilities could be acquired in stages. It was suggested that phase I could comprise the establishment of an image processing and interpretation centre, i.e. the use of video data obtained from existing civilian and non-civilian satellite systems. Phase II was envisaged as comprising the establishment of ground-based data-receiving stations that could receive data from appropriate civilian and non-civilian satellite systems. Phase III, according to the authors, would allow the agency to acquire its own space segment, i.e. ISMA's own monitoring satellites, in addition to national systems.

No decision on the ISMA was taken at the second special session of the General Assembly devoted to disarmament (1982).

As a follow-up to this proposal, J.B. Raimond, Minister for Foreign Affairs of France, stated on 19 February 1987, at the Conference on Disarmament that "At the institutional level, the idea of entrusting

responsibility for seeing to the application of transparency measures and the code of conduct for space activities to the International Satellite Monitoring Agency might be considered" (CD/PV.390).

The proposal by France to establish an ISMA attracted interest in the Conference on Disarmament from the delegations of Argentina (CD/PV.296, 5 March 1985), Australia (CD/PV.329, 13 August 1985), German Democratic Republic (CD/PV.425, 28 July 1987), India (CD/PV.450, 22 March 1988), Japan (CD/PV.419, 7 July 1987), Pakistan (CD/PV.413, 16 July 1987), Poland (CD/PV.402, 2 April 1987), Sri Lanka (CD/PV.404, 9 April 1987) and Sweden (Ad hoc Committee, 22 March 1988).

The representative of the Federal Republic of Germany, in particular, said on 26 July 1985 that:

> "The involvement of international verification organizations is ... an urgent requirement for such future international legislation. Despite the considerable cost such mechanisms may entail, the projected International Satellite Monitoring Agency, planned and developed by France or - in a regional context - the European Space Agency, might be called upon to take on practical responsibilities in this field" (CD/PV.318, 26 July 1985).

At the third special session of the United Nations General Assembly devoted to disarmament, E.A. Shevardnadze, Minister for Foreign Affairs of the USSR, suggested in furtherance of the French idea proceeding to the establishment of an international space monitoring agency.

At the third special session of the United Nations General Assembly devoted to disarmament, the delegations of Bulgaria, Czechoslovakia and the USSR submitted a working paper (A/S-15/AC.I/15, 13 June 1988), paragraph 6 of which reads:

> "In order to provide the international community with reliable and comprehensive information on compliance with multilateral treaties and agreements in the area of disarmament and the reduction of international tension, and also to monitor the military situation in areas of conflict, it would be possible in pursuance of the idea put forward by France to establish an international space monitoring agency which in future would become an integral part of the international verification agency. The Conference on Disarmament should be instructed to begin detailed negotiations on the establishment of the international space monitoring

agency, including programming and material technical facilities for its work. The Soviet Union would be prepared to consider the question of launching satellites belonging to the agency from Soviet carrier rockets on mutually acceptable terms".

No decision on establishing an international space monitoring agency was taken at the third special session of the United Nations General Assembly devoted to disarmament either.

PAXSAT concept

On 30 April 1987, the representative of Canada stated that a concept termed PAXSAT had been prepared under the authority of Canada's Department of External Affairs.

Two alternatives were proposed for using space-based remote sensing for verification purposes:

PAXSAT-A - use of third countries' satellites to verify non-deployment of weapons in space; and

PAXSAT-B - use of third countries' satellites to assist in the verification of confidence-building agreements and conventional forces limitation agreements in a regional context, primarily in the context of Europe.

Certain themes, whose examination contributed to the prospects of actually realizing such a multilateral verification system, had been identified as core elements of the PAXSAT concept. They included the following:

"Firstly, there must be the prospect of a significant multilateral agreement to warrant the level of sophistication of technology and the expenditure of funds required for the actual development of such an advanced technical verification system.

Secondly, parties to such a multilateral agreement should have the option, at least, of participating in its verification procedures.

Thirdly, use of the PAXSAT system should be treaty-specific: it would be used only with respect to the agreements to which it expressly applied, as part of an overall verification process for those agreements alone.

Fourthly, the treaty being verified would establish the requisite political authority for the verification mechanism and its operation.

Fifthly, technology requirements would be met collectively by participants and would, of course, be open to all States.

Sixthly, PAXSAT should be based, to the extent possible, on existing openly available technology, without requiring major costly improvements" (CD/PV.410, 30 April 1987).

The positions taken by the delegations of the USSR and the German Democratic Republic with regard to that proposal merit attention.

Thus, the representative of the USSR stated that:

"... realization of the PAXSAT-A alternative would promote further confidence and mutual trust; at the same time, this alternative could be viewed as a certain addition in the field of space issues to our proposal for an international space inspectorate which would carry out activities on the ground. As for the PAXSAT-B alternative, it could be useful in implementing the idea put forward by the USSR of setting up under United Nations auspices machinery for wide-ranging international verification" (Ad hoc Committee, 9 August 1988).

For his part, the representative of the German Democratic Republic observed that:

"with this Soviet proposal and the French suggestion that an international satellite monitoring agency be set up, plus Canada's PAXSAT concept, a full-fledged system of possible verification measures is shaping up. At this stage, it would seem desirable to probe its potential. Therefore, the Ad hoc Committee should have a closer look, in the near future, at all the issues related to that matter, preferably by enlisting the help of experts, who could function as a working group of the Committee" (CD/PV.425, 28 July 1987).

Canada's proposal was also supported by the delegations of Australia (CD/PV.426, 30 July 1987, China (CD/PV.423, 21 July 1987), Czechoslovakia (CD/PV.418, 2 July 1987), India (CD/PV.450, 22 March 1988, K. Natwar Singh, Minister for Foreign Affairs), Japan (CD/PV.419, 7 July 1987), Poland (CD/PV.432, 20 August 1987) and Sweden (Ad hoc Committee, 22 March 1988).

"Rules of the road" - Code of conduct

On 26 July 1985, the representative of the Federal Republic of Germany suggested in the Conference on Disarmament the establishment of a code of conduct for outer space, which "could contain the mutual renunciation of measures that would interfere with the operation of space objects of other

States, the establishment of minimum distances between space objects, speed limits imposed on space objects that approximate one another, as well as related measures" (CD/PV.318).

In 1986, the delegation of the Federal Republic of Germany submitted to the Conference on Disarmament a new code of "rules of the road" which:

> "could contribute in large measure to attenuating the effects of unintended escalation and to limiting the risks arising from misunderstandings in crisis situations. Additional rules that could be comprised in such a code might include: restrictions on very low altitude overflight by manned or unmanned spacecraft; new stringent requirements for advanced notice of launch activities; specific rules for agreed, and possibly defended, keep-out zones; grant or restriction of the right of inspection; limitation on high velocity fly-bys or trailing of foreign satellites; and established means by which to obtain timely information and consult concerning ambiguous or threatening activities" (CD/PV.345, 6 March 1986).

In the view of the Federal Republic of Germany, the necessity of elaborating "rules of the road" was also conditioned by the "over-population" of outer space and the resulting risks of unintended collisions of satellites with space debris.

A proposal of a similar nature was advanced by France, which suggested in 1987 the elaboration of "a number of specific measures ... concerning the registration and notification of space objects, as well as the multilateral code of conduct applicable to space activities" (CD/PV.390, 19 February 1987, J.B. Raimond, Minister for Foreign Affairs).

The Polish delegation considered that the "two different proposals coming from different delegations compose a logical whole" (CD/PV.402, 2 April 1987).

The proposals of the Federal Republic of Germany and France were supported by a number of delegations, including Belgium (CD/PV.422, 23 July 1987, L. Tindemans, Minister for Foreign Affairs), the German Democratic Republic (CD/PV.425, 28 July 1987), Sri Lanka (CD/PV.354, 8 April 1986), Sweden (Ad hoc Committee, 23 March 1988), the United Kingdom (Ad hoc Committee, 28 July 1987) and the USSR (Ad hoc Committee, 9 August 1988).

Proposal concerning declarations of non-deployment of weapons in outer space on a permanent basis

On 21 July 1987, the representative of Argentina stated:

"We believe that the international community would be truly relieved to hear that so far there are no weapons deployed in outer space. In our view, the means to be used to inform public opinion of that situation, that is, that no weapons have been placed permanently in outer space could well be the report that the Conference on Disarmament submits to the General Assembly. It would be sufficient in that respect for the Ad hoc Committee to include a paragraph stating that none of the member States represented in the Conference on Disarmament has permanently deployed weapons in outer space. That assertion avoids the complex issue of defining what a space weapon is, since what is sought is a simple statement to the effect that the member States represented in the Conference on Disarmament have not deployed weapons of any nature or kind. It is simply a matter of asserting that there have been no weapons deployed. It would then be enough, as we have said, for such an assertion to appear in the report of the Conference on Disarmament, and we hope that none of the States members of the Conference on Disarmament will refuse to include such a paragraph. A declaration to that end could well constitute the point of departure for more specific and binding initiatives in future with appropriate verification measures" (CD/PV.423).

This proposal by Argentina was confirmed on 14 July 1988 (CD/PV.465).

The proposal by Argentina was supported in principle by the delegations of Sweden (CD/PV.430, 13 August 1987), Sri Lanka (CD/PV.432, 20 August 1987) and the Soviet Union, whose representative in the Ad hoc Committee referred on 16 August 1988 to the statement of 6 June 1985 by M.S. Gorbachev, General Secretary of the Central Committee of the CPSU, to the effect that "the Soviet Union will not be the first to take arms to outer space".

At the same time, the United States delegation questioned the usefulness of this proposal because:

"Unilateral non-verifiable declarations on the non-deployment of weapons in space on a permanent basis raise a host of problems. For example, the issue of how 'weapons' are to be defined and categorized is a serious one for national security and should not be dismissed lightly. As I noted earlier in my presentation, for example, there are many

different kinds of weapon systems that could be used against space objects, and not all of them need necessarily be placed in space. These are precisely the kinds of issues that are under discussion in the bilateral negotiations. One must also keep in mind that information which is presented can only facilitate work if it is accurate; inaccurate declarations decrease confidence and complicate work" (Ad hoc Committee, 2 August 1988).

4. Strengthening the 1975 Convention on Registration of Objects Launched into Outer Space

A number of delegations suggested strengthening the Convention on Registration of Objects Launched into Outer Space.

In his statement on 26 July 1988, the representative of Canada said:

"What we are suggesting ... is that States parties to the Convention on Registration of Objects Launched into Outer Space should take their reporting responsibilities more seriously and go beyond the requirement to disclose the general function of space objects, to provide more detailed and timely 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 of the application of the Convention for arms control purposes" (CD/PV.468).

A similar attitude was expressed by India at the meeting of the Ad hoc Committee on 9 August 1988:

"The Registration Convention specifies a limited number of parameters on which information is voluntarily provided by launching States. This registry of space objects does not, in its present form, serve as a useful data base for a disarmament agreement".

The proposal to extend the scope of the Registration Convention met a critical response from the United States delegation:

"The Registration Convention is not an arms control or confidence-building instrument. It was negotiated in order to establish an international registry of objects for the purpose of giving practical effect to the 1972 Convention on liability for damage caused by space objects. Its consideration falls properly within the venue of COPUOS, and not the Ad hoc Committee on outer space of the Conference on Disarmament. Moreover, in 1986, the General Assembly conducted a review of the Convention and agreed that revisions were unnecessary. The Convention is working effectively" (Ad hoc Committee, 2 August 1988).

Concerning the above question, the Soviet representative in the Ad hoc Committee stated on 16 August 1988:

"The Registration Convention was negotiated in the Committee on the Peaceful Uses of Outer Space and mainly falls within its purview. The Committee on the Peaceful Uses of Outer Space has the necessary expertise to analyse the status of implementation of the Registration Convention and it would seem more appropriate to tackle the issue of the amendment of that instrument within that body".

Various ideas concerning the question were advanced at different times by the delegations of Argentina (CD/PV.423, 21 July 1987), Australia (CD/PV.408, 23 April 1987), China (CD/PV.372, 22 July 1986), France (CD/PV.390, 19 February 1987, J.B. Raimond, Minister for Foreign Affairs), Japan (CD/PV.419, 7 July 1987), Netherlands (CD/PV.481, 13 September 1988), Pakistan (CD/PV.460, 26 April 1988), Sri Lanka (CD/PV.404, 9 April 1987, Sweden (CD/PV.301, 21 March 1985) and Zaire (CD//PV.461, 28 April 1988).

On 25 August 1988, Australia and Canada submitted working paper CD/OS/WP.25, in which, in amplification of the Convention's provision concerning the responsibility of each State party for disclosing the general function of space objects, they suggested that States parties to the Registration Convention should examine the possibility of providing more timely and specific information concerning the function of a satellite, including whether the satellite was fulfilling a civilian or military mission or both, and that space Powers that were not parties to the Convention could also submit the same information under General Assembly resolution 1721 (XVI) of 1961, which called on all States to provide information on their space objects.

5. Proposal relating to a multilateral instrument to supplement the USSR/United States ABM Treaty of 1972

On 26 June 1986, the delegation of Pakistan presented for consideration by the Conference on Disarmament a document entitled "Proposal relating to the prevention of an arms race in outer space: international instrument to supplement the ABM Treaty" (CD/708), in which it suggested, as an interim measure and until the conclusion of a comprehensive treaty to prevent an arms race in outer space, the adoption of an international instrument to supplement the ABM Treaty:

"with a view to ensuring that the self-restraint accepted by the two super-Powers in that Treaty is not negated by acts of omission or

commission by either of these Powers or by other technologically advanced States. The instrument that my delegation has in mind should, inter alia: (a) recognize and reconfirm the importance of the United States-USSR ABM Treaty in preventing the escalation of an arms race, especially in outer space; (b) note the commitment of the two Powers to continue to abide strictly by the provisions of this treaty, in particular its Article V under which they have undertaken not to develop, test or deploy ABM systems or components of such systems that are sea-based, air-based, space-based or mobile-land-based; (c) provide a clear interpretation of the research activities permissible under the ABM Treaty, not only for the two parties but also for other technologically advanced States, so as to facilitate an impartial interpretation of ambiguous aspects of the Treaty such as the definition of 'research' and the phrase 'use of other physical principles'; (d) include a commitment by other technologically advanced States not to take their own research beyond the limits accepted by the United States and the USSR; and (e) include a mechanism to provide for the redress of such activities that are contrary to the limitations contained in the ABM Treaty" (CD/PV.367, 3 July 1986).

The delegations of Indonesia (CD/PV.437, 4 February 1988, Mr. Kusuma-Atmadza, Minister for Foreign Affairs) and Peru (CD/PV.428, 6 August 1987) suggested that the ABM Treaty should be supplemented by provisions banning anti-satellite weapons.

IV. CONCLUSION

The primary objective of the authors of this document has been to help to identify and reveal the negotiating capacity of the Ad hoc Committee, whose task it is to contribute towards preventing an arms race in outer space.

In the course of its work the Ad hoc Committee has accumulated a wealth of useful ideas and proposals. Most of the proposals contain constructive provisions acceptable to a large number of delegations and constituting a good basis for specific and goal-oriented negotiating activity. It is symptomatic that proposals and ideas aimed at such activity came from all groups of States, including the delegations opposing the early start of talks.

The above comparative analysis of proposals, opinions and views is aimed at making it possible to outline common approaches towards resolution of the problems confronting the Ad hoc Committee.

In submitting this document for consideration by the Conference on Disarmament, the delegation of Mongolia invites the representatives of all the States participating in the work of that body to pursue in a constructive spirit creative dialogue in the quest for common ground for multilateral negotiations on the issue of preventing an arms race in outer space.

This review is intended to make it possible to outline common approaches towards resolving the problems before the Ad hoc Committee, to introduce analytical methods and to streamline the approach towards discussing the various aspects of the problem of preventing an arms race in outer space.

CONFERENCE ON DISARMAMENT

CD/908
CD/OS/WP.29
31 March 1989

Original: ENGLISH/SPANISH

LETTER DATED 31 MARCH 1989 ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT FROM THE PERMANENT MISSION OF VENEZUELA TRANSMITTING A LIST OF EXISTING PROPOSALS ON THE PREVENTION OF AN ARMS RACE IN OUTER SPACE

The Permanent Mission of Venezuela presents its compliments to the Secretary-General of the Conference on Disarmament and has the honour to request him to arrange for the attached paper to be distributed as an official document of the Conference on Disarmament.

The paper presented by Venezuela contains a list of proposals submitted to the Conference on Disarmament as of 23 August 1988 concerning item 5 of the agenda. This document is being submitted as a contribution to the structured discussion of item 3 of the programme of work of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space.

VENEZUELA

EXISTING PROPOSALS ON THE PREVENTION OF AN ARMS RACE IN OUTER SPACE

Following is a list of the various proposals submitted as of 23 August 1988 to the Conference on Disarmament on the Prevention of an Arms Race in Outer Space. In each case, reference is made to the document containing the proposal or to the verbatim record of the session in which the proposal was presented.

This document is presented as a contribution to the structured discussion of point 3 of the work programme of the Ad hoc Committee on the Prevention of an Arms Race in Outer Space.

I. Comprehensive proposals

- Treaty prohibiting the use of force in outer space or from space against the Earth (Union of Soviet Socialist Republics, CD/476)
- Treaty prohibiting the stationing of weapons of any kind in outer space (Union of Soviet Socialist Republics, CD/274)
- Amendment to Article IV of the 1967 Outer Space Treaty or additional protocol thereto (Venezuela, CD/PV.398, CD/PV.471, CD/851)
- Amendment to the Outer Space Treaty, Multilateralization of the ABM Treaty and ban of ASAT systems other than space-based systems (Peru, CD/PV.428, CD/PV.472).

II. Proposals addressing specific aspects of the problem of preventing an arms race in outer space

- Definition of space weapons (Venezuela, CD/709/Rev.1 and CD/OS/WP.14/Rev.1; Bulgaria and Hungary, CD/OS/WP.14/Rev.1; China, CD/OS/WP.14/Rev.1; Sri Lanka, CD/OS/WP.14/Rev.1; Union of Soviet Socialist Republics, CD/OS/WP.14/Rev.1; German Democratic Republic, CD/OS/WP.14/Rev.1/Add.1)
- Declarations on the non-deployment of weapons in space (Argentina, CD/PV.423 and CD/PV.465)
- Main provisions of a treaty on the prohibition of ASAT weapons and ways to ensure the immunity of space objects (German Democratic Republic and Mongolia, CD/777)
- General treaty on the prohibition of anti-satellite weapons with specific protocols applicable to different categories of satellites (India, CD/PV.423)
- Prohibition of untested anti-satellite system (France, CD/PV.263, CD/PV.303)

- Prohibition of dedicated ASAT weapons (Sri Lanka, CD/PV/404)
- Multilateral instrument to supplement the 1972 ABM Treaty (Pakistan, CD/708)
- Step-by-step approach to the protection of satellites, including identifying which satellites should be subject to protection, followed by identification of an appropriate protection régime for such satellites (Australia, CD/PV.374)
- Protection régime for satellites that contribute to stability and to verification, and their associated ground stations (Australia, CD/PV.279)
- Multilateralization of provisions of bilateral agreements relating to the immunity of satellites (France, CD/375, CD/PV.263 and CD/PV.339; United Kingdom, CD/PV.311)
- "Rules-of-the-road" agreement (Federal Republic of Germany, CD/PV.318 and CD/PV.345)
- Code of conduct (France, CD/PV.390)
- Confidence-building measures (France CD/375)
- Measures aiming at greater transparency in space activities (Japan CD/PV.419; Australia CD/PV.374; Canada, CD/PV.468)
- Strengthening of the 1975 Registration Convention (France, CD/PV.263, CD/PV.303; Sweden, CD/PV.252; Sri Lanka, CD/PV.404; Pakistan, CD/PV.413, CD/PV.460; Argentina, CD/PV.423; India, CD/PV.423; Canada, CD/PV.468)
- International satellite monitoring agency (France, A/S-10/AC.1/7)
- World space organization (Union of Soviet Socialist Republics, CD/PV.337)
- International Space Inspectorate (Union of Soviet Socialist Republics, CD/817)
- Establishment of a group of experts (Sri Lanka, CD/PV.325, CD/PV.354; Sweden CD/PV.385, CD/PV.430; India, CV/PV.423).

III. Interim measures

- ASAT moratorium (Pakistan, CD/708; Sweden, CD/PV.288 and CD/PV.301; Mongolia CD/PV.297; Union of Soviet Socialist Republics, CD/PV.302).

CONFERENCE ON DISARMAMENT

CD/915
CD/OS/WP.32
26 April 1989

ENGLISH
Original: SPANISH

CHILE

Legal problems raised by the militarization of outer space

The most important principle in the Charter of the United Nations is undoubtedly the prohibition of the threat or use of force, which, in addition, has been given the status of jus cogens under legal doctrine. This means that it may not be derogated from under any other norm of international law which is not of a similar nature and that it applies universally to all countries, whether or not they are Members of the United Nations. This is stated explicitly in Article 2, paragraph 4 of the Charter, which reads: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations".

However, commentators are far from unanimous when it comes to deciding how "force" should be interpreted: whether it means only armed force or, on the contrary, it includes all forms of coercion.

A comprehensive reading of the Charter, and of its guiding principles, would suggest that force is to be construed in a broad sense, as including other forms inconsistent with the attainment of the fundamental objective of the United Nations: the maintenance of peace.

Thus, for example, Article 1, paragraph 1 of the Charter of the United Nations states that the Purposes and Principles of the Organization are:

> "To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace".

Further, Article 41 of the Charter seems to suggest that there are other kinds of force besides "armed force", since it provides that: "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions ...".

Moreover, it should be borne in mind that peace is indivisible and that effective preservation of peace requires a general condemnation of all obstacles that stand in the way of its full attainment. In this context, any type of "force", armed or otherwise, would be at variance with the overriding objectives of international peace and security and co-operation among nations. The two objectives are closely interrelated, so much so that it is impossible to conceive of co-operation in a world affected, at various levels, by situations inconsistent with a state of peace. Nevertheless, it must be admitted that there are legal formulas that correspond more closely to the concept of "threat of force", which also has the status of jus cogens.

Further, aggression, which is a "species" within the broader "genus" of force, is indeed restricted solely to the use of armed force (General Assembly resolution 3314 (XXIX) of 14 December 1974, annex, article 1). In this connection, Article 39 of the Charter of the United Nations draws a clear distinction, stating that "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression ...".

No matter how an act that is inconsistent with peace is characterized - whether as force or as threat of force - it must be rejected as absolutely incompatible with the above-mentioned principles of the Charter.

The only possible use of force accepted by legislators is for purposes of individual or collective self-defence in response to the "unlawful" use of force (provided for in Chapter VII of the Charter).

It might thus be concluded that any act aimed directly at breaching the peace could be considered an act of force or a threat of the use of force, and that the prohibition of the use of force and the threat of force may not be derogated from in any way under any bilateral or multilateral treaty or convention. The fact that they are jus cogens rules means that they are peremptory norms in consonance with the need effectively to protect the overriding objective of world peace. Nevertheless, in the case of economic coercion, the question is not so clear-cut. According to one school of thought, economic coercion is more of a violation of the principle of non-intervention (Art. 2, para. 7 of the Charter).

The norm contained in Article 2, paragraph 4 of the Charter is, accordingly, universally binding and has given rise to an entire body of customary law. The many declarations of indefinite duration made by States provide manifest and irrefutable evidence that this norm is accepted as an internationally binding principle.

In the specific case of space law, any activity carried out in space which affects the security of a subjacent State would be unlawful in accordance with the provisions of article I, paragraph 1 of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (see General Assembly resolution 2222 (XXI) of 19 December 1966, annex), which provides as follows: "The exploration and use of outer space, including the Moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind".

It is thus quite clear that exploration and use of space can be lawful only if carried out in the manner prescribed in the above norm, from which we may conclude that there exists a new subject of international law: mankind.

Moreover, General Assembly resolutions 1721 (XVI), 1962 (XVIII) and 1963 (XVIII), inter alia, provide that the activities of States in the exploration and use of outer space should be carried on in accordance with international law, including the Charter of the United Nations. This means that outer space is not a "legal vacuum", since the Charter and General Assembly resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations", categorically prohibit the threat or use of force.

In accordance with the truly determinant clause of space law (that space activities should be carried on for the benefit of mankind), it is not valid to assert in this case that everything which is not expressly prohibited is permissible. States cannot ignore the mandate that outer space, the Moon and other celestial bodies must be used in the interests of all peoples of the world. This mandate, characterized for the first time in international law, must be the focal point of space activity. It represents an innovation established by space law, a lex specialis of a higher order than ever before. The criterion of the lawfulness of a given space activity must be centred on compliance with the rules set forth in article I, paragraph 1 of the outer space Treaty (see General Assembly resolution 2222 (XXI), annex), rather than on the absence of a prohibitive norm. Such absence, under space law, does not change unlawful acts into internationally lawful acts. It must also be added that the unlawfulness of an act should be judged in accordance with the relevant provisions of international law, and not in accordance with internal law. This principle applies even more decisively in space law because of the higher ethical considerations on which it is based.

What is true in theory, however, is not fully reflected in the outer space Treaty (General Assembly resolution 2222 (XXI), annex). In that regard, article IV of the Treaty provides as follows:

> "States Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station weapons in outer space in any other manner.
>
> "The Moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on celestial bodies shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration of the Moon and other celestial bodies shall also not be prohibited."

Some would argue that the placing of nuclear weapons or other weapons of mass destruction in space, in clear violation of the outer space Treaty, could imply the initiation of an armed attack, which would justify the adoption of

collective defence measures (Article 39 of the Charter). The hostile nature of a space object is a question which must be determined in each case by the Security Council, in addition to which it must decide what measures should be taken: capture or destruction of the object, or other appropriate steps, such as complete or partial interruption of economic relations.

In any case, the prohibition set forth in this article is clearly a partial one, since it states only that "the Moon and other celestial bodies shall be used ... exclusively for peaceful purposes". Outer space and celestial bodies would therefore not have the same legal status, and certain military uses of outer space would not be legally excluded.

Another weakness of the rule in question is the part relating to weapons, since it merely refers to "objects carrying nuclear weapons" or any other kinds of weapons of "mass destruction". What about other weapons which do not fit into the specified categories? For example, are "anti-satellite" weapons lawful?

It is clear that article IV is not consistent with the general theory of space law, since under the latter, as we know, activities of States in outer space must be carried on for the benefit of all mankind. This implies, as a corollary, a total and absolute rejection of the use or threat of force.

The above-mentioned provision is not consistent, for example, with the provisions of articles I and II of the outer space Treaty, which require States to carry on their space activities in accordance with international law, including the Charter of the United Nations. The latter, as was noted earlier, implies a broader concept of force than merely "armed force".

It is therefore urgently necessary to establish the necessary theoretical consistency, which can be done through the elaboration of a protocol additional to the outer space Treaty, which will clearly contribute, from the legal point of view, to preserving outer space as an area of co-operation and not of possible confrontation.

It is also important, for the purposes of this analysis, to keep in mind article 3 of the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (see General Assembly resolution 34/68, annex, of 5 December 1979), which reads as follows:

"1. The Moon shall be used by all States Parties exclusively for peaceful purposes.

"2. Any threat or use of force or any other hostile act or threat of hostile act on the Moon is prohibited. It is likewise prohibited to use the Moon in order to commit any such act or to engage in any such threat in relation to the Earth, the Moon, spacecraft, the personnel of spacecraft or man-made space objects.

"3. States Parties shall not place in orbit around or other trajectory to or around the Moon objects carrying nuclear weapons or any other kinds of weapons of mass destruction or place or use such weapons on or in the Moon.

"4. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on the Moon shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration and use of the Moon shall also not be prohibited."

Although the agreement concerning the Moon is more complete and comprehensive, it does not offer a satisfactory solution to the problem of militarization either. In the first place, there is no specific reference in it to outer space, but only to the Moon and other celestial bodies. Secondly - and here it contains the same paradox as article IV of the outer space Treaty - the provision is binding only on "States Parties", thereby denying the universalist and jus cogens character of the principle of the non-use of force. Moreover, in paragraph 3, it falls into the same error as the outer space Treaty, prohibiting "objects carrying nuclear weapons or any other kinds of weapons of mass destruction", without including other conventional weapons. Lastly, the wording of the last sentence of paragraph 4 seems inappropriate because of the ambiguity and imprecision of the terms "any equipment or facility necessary", and because it does not reaffirm that the Moon should be explored and used "exclusively for peaceful purposes".

However, article 3 of the agreement concerning the Moon also contains some positive elements - for instance, the prohibition of any other hostile act or threat of hostile act on the Moon. Thus it considerably broadens, although in a rather vague way, the notion of prohibited actions.

In any case, the key to the analysis of the problem of militarization lies in the correct interpretation of the term "peaceful uses", as used in the space agreements. There are two views of this problem. One is that the term "peaceful uses" excludes only "aggressive uses" (those which would be equivalent to the use of armed force), and the other is that any non-peaceful use of outer space - except certain "non-aggressive" uses - would be prohibited.

The concept of "peaceful uses" should be examined in the context of the evolution of contemporary international law and the principles which serve as a context for space law. Accordingly, only those activities which are not generally of a "non-peaceful" nature would be permissible in outer space and on the Moon and other celestial bodies. Those who support the theory that it is difficult or impossible, legally speaking, to separate the categories of "military" and "non-military" feel that only clearly discernible armed force should be prohibited.

It is worth asking in that connection how the "thesis of aggression" can be reconciled with the provisions of the eighth preambular paragraph of the outer space Treaty, which reads: "Taking account of United Nations General Assembly resolution 110 (II) of 3 November 1947, which condemned propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, and considering that the aforementioned resolution is applicable to outer space".

The conceptual scope of that paragraph should dispel any uncertainty. In condemning propaganda as contrary to peace, it also explicitly includes "non-aggressive" elements, whether or not they are the product or consequence of a specific space activity.

Propaganda, as well as, for example, fraudulent use of remote-sensed data which might jeopardize the security of the country sensed, could constitute an unfriendly act without going so far as to constitute a direct breach of the peace. Such acts should give rise to international liability.

Furthermore, it is important to point out that the official attribution of civil or military status to an individual civil or military, does not per se allow a juridical decision on the matter. It is the underlying intent which determines whether a human act is civil or military in nature. For example, a civilian official, using non-peaceful means, may commit a "non-aggressive" military act; likewise a military person may devote himself to scientific research for purely peaceful purposes.

Accordingly, the fact that an activity is not strictly aggressive does not alter its intrinsically unlawful nature. As was pointed out earlier, the criterion of lawfulness has more to do with whether an act is consistent with the provisions of the first two paragraphs of article I of the outer space Treaty, than with the absence of a prohibition.

It should also be pointed out that, although the extension of territorial sovereignty to outer space, including the Moon and other celestial bodies, is prohibited, space law is nevertheless based on the principle of respect for the sovereignty of the subjacent nations. This is bound up with the right of States to safeguard their national security, to have priority access to their natural resources and to give their consent for the divulging of certain data regarding their territory to third nations. Accordingly, States must carry out their exploration and exploitation of outer space in accordance with international law, particularly the Charter of the United Nations, bearing in mind, in particular, the principles of sovereign equality and non-interference in internal affairs.

It being established that outer space can be used only for exclusively peaceful purposes, there are none the less circumstances in which the use of force by a country can be justified in accordance with the rules of general law. This is true in the case of self-defence, provided that the force is not disproportionate to the aggression suffered. In the case of outer space, in accordance with the rule which grants the State of registry exclusive jurisdiction over its space objects (article I of the registration Convention), space law does not permit foreign intervention, still less does it permit armed attack on a spacecraft or space station. Only the State of registry is permitted to exercise jurisdiction over its spacecraft in outer space or on celestial bodies, and even to destroy them, provided it does not damage third parties or the environment.

If attacked, the State of registry could resort to self-defence, not only because it is permitted to do so by the very principles of that legal concept, but also because its ability to carry out an activity for the benefit of the

world would be adversely affected. On this point doctrine is very clear, as is the proposition that peace is indivisible and that any action which contravenes peace would have deleterious consequences for all peoples of the universe.

It is well known that two factors are of importance where self-defence is concerned: being the object of an attack or aggression and ensuring proportionality of response. Direct attention must be focused on what is called "advance self-defence", which is purely preventive in nature. It is incompatible with the provisions of Article 51 of the Charter of the United Nations, and its use can involve all kinds of arbitrary actions. Moreover, who is to determine the urgency of resorting to pre-emptive attack, which in itself may constitute a serious breach of world peace? Given the lack of effective mechanisms for resolving international conflicts, how can one prevent a nation which is allegedly about to be attacked from acting as both judge and interested party?

As was stated earlier, in the case of outer space, both aggressive and non-aggressive activities may be judged to be "non-peaceful", and those which involve attack or aggression (use of force in general) imply the immediate invoking of self-defence. And yet, in certain cases it may be very tricky to determine whether an aggression was committed, particularly when dealing with actions whose effects are not instantaneous, bearing in mind, further, that most nations do not have the proper technological means for detecting and preventing non-peaceful use of outer space. These nations can only resort to the United Nations system, invoking the provisions of Chapter VII so that the Security Council may take whatever measures are most effective. For reasons which are easy to understand, this is not a satisfactory and efficient answer to the problem under consideration. Indiscriminate use of the veto in the Council would leave a country which is merely a passive beneficiary of space technology completely defenceless.

Systems for verification of compliance with disarmament treaties constitute another aspect on which there is a need for legislation so that such systems can be granted legitimacy. Some of the most important tasks would be those outlined in the document of the Preparatory Committee for the second special session of the General Assembly devoted to disarmament, concerning a proposed international satellite monitoring agency. They include:

1. Monitoring compliance with arms limitation and disarmament agreements;

2. Monitoring of crisis situations, with applications in the following circumstances:

(a) Early warning of attacks through observation of the build-up of military and paramilitary forces;

(b) Evidence of border violations;

(c) Cease-fire monitoring;

(d) Assistance to United Nations observers for peace-keeping purposes;

(e) Strengthening of international confidence-building measures and observance of the ban on the threat or use of force.

It is important to establish certain clarifications concerning early-warning satellites. Acts involving "advance self-defence" cannot be deemed lawful. Such a possibility is not envisaged in the Charter of the United Nations, and it could constitute a dangerous invitation to pre-emptive attack. None the less, there are certain events in which missions of early-warning satellites would be permissible: while each State is entitled to its privacy and territorial integrity, this must not conflict with the higher right of the international community to see to its own security. If reconnaissance satellites can act as a deterrent to nuclear war, then their function would be legally justified. This does not mean prejudging the lawfulness of "espionage", which, although there is no international legislation on the matter, would be prohibited as constituting unacceptable interference in the affairs of a State. The characterization of "unacceptable interference" would be based, inter alia, on its clandestine nature.

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GERMAN DEMOCRATIC REPUBLIC

Working Paper

ASAT components and ways of verifying their prohibition

1. A prohibiton of ASAT weapons would be an important step on the road towards preventing an arms race in outer space. In 1987 the German Democratic Republic and the Mongolian People's Republic submitted a proposal on "Main Provisions of a Treaty on the Prohibition of Anti-Satellite Weapons and on Ways to Ensure the Immunity of Space Objects" (CD/777). Such a prohibition could also be implemented stage-by-stage. To that end it is necessary to arrive at a clear definition of that weapon category and to identify the pertaining components. This task should be assigned to a group of scientific experts.

2. The term "ASAT weapon" means: "any device or installation based entirely or partially on land, sea, in the air and/or in outer space which is specifically designed and intended to destroy, damage or interfere with the normal functioning of space objects" (CD/OS/WP.14/Add.1). A wide range of technologies can be used for ASAT purposes. An important group is the so-called "conventional" ASAT weapons. As their technological development is highly advanced, prohibition of these weapons is of particular urgency. This paper deals with important components of that category of ASAT weapons and with ways of verifying their prohibition. The paper is designed to promote the discussion of definition issues with a view to speeding up the elaboration of an ASAT agreement.

Limits on space-based chemical rockets and mass accelerators

1. Assemblies of small rockets on space platforms

(i) Kind of space weapons or components

Small devices (launching bodies) to be launched by rockets from space platforms to destroy other objects in space.

(ii) Required acts to prevent such weapons

Observe a lower mass limit of launching bodies.

Limit the number of such launching bodies per space platform (possibly to three).

Renounce the guiding devices on such launching bodies which could aim at other objects in space.

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Launching organizations should refrain from launching space platforms containing assemblies of small rockets. If relaunches from space platforms are necessary for space exploration or application purposes, that number should be limited to possibly three per platform. The re-launching devices should have no guiding sensors which could assist in homing in on objects in outer space at high speed.

(iii) Description of weapon and stage of development

Weapons of this kind do not yet exist in outer space but are completely in reach of current technology. Small rockets to be launched from space platforms against objects in space have to be understood as the weapons part of a comprehensive system, including detection, communications and guiding components. As a weapon system, the small rockets would be installed in assemblies on steerable platforms. The platform itself would possess communications, orientation and guiding devices. The rockets would be equipped with small homing devices.

(iv) Type of verification

Verification of this type of weapon is difficult. Monitoring of manoeuvres of the space platform and inspection in orbit by national technical means (NTM) should bring some degree of confidence. Reliable verification is, however, only possible through on-site inspection of the platform and its devices on the ground before launch. Early prohibition of tests in orbit would greatly support the process to prevent weapons, development and deployment.

2. Mass drivers (rail guns) on space platforms

(i) Kind of space weapons or components

Electromagnetic mass drivers (rail guns) on space platforms using small masses as projectiles.

(ii) Required acts to prevent such weapons

Refrain from launching mass drivers into outer space. Since there is, at least currently and in the near future, no need for electromagnetic mass drivers in non-weapon applications in near-Earth space, such devices should generally be prohibited on space platforms.

(iii) Description of weapon and stage of development

Devices of this kind are still in a laboratory development stage. No space weapon capability has been reached so far. The basic principle is that of accelerating a small mass of a few grammes in an electromagnetic field. The size of the linear accelerator is of the order of meters. In weapons mode the accelerator needs precise orientation towards the target.

(iv) Type of verification

Monitoring of in-orbit manoeuvres and inspection in orbit by NTM should bring some degree of confidence. The size of the accelerator sledge as well as of the power source should give some hints on their purpose. Reliable verification is, however, only possible through on-site inspection of the space platform before launch. Monitoring of experiments in space after launch is hardly feasible.

Limit on ground-based chemical rockets and mass accelerators

1. Limits on ground-based direct ascending missiles

(i) Kind of space weapons or components

Ground-launched, sea-launched or air-launched direct ascending missiles to destroy space objects by direct collision, explosion or projectile emission.

(ii) Required acts to prevent such weapons

Refrain from developing vehicles for high delta-v interception of space objects.

Refrain from testing devices in high delta-v intercept mode.

Distinguishing between normal rocket launches to reach high altitudes and high delta-v intercept missions is not an easy monitoring task. Therefore, the flight path of rocket missions should be kept outside a minimum distance (possibly 100 Km.) of objects in space.

(iii) Description of weapon and stage of development

Ground and air-launched devices of this kind are at the most advanced development stage in a weapon mode. Tests in ASAT, ABM and ATBM modes have already been carried out. They get their weapons capability by combining the launching and aiming devices. For altitudes up to about 1,000 Km. ground or air-launched carriers may be used. The entire procedure from missile launch to intercept would take about 10 minutes. For higher altitudes large ground-launched rockets carrying the homing device are necessary. Interception of an object in geostationary orbit would take about one hour.

Missiles with homing devices for high delta-v intercept have to be understood as the weapons part of a comprehensive early detection, aiming and pointing system of space-based and land-based components with extensive communication among the system's elements.

(iv) Type of verification

Effectively monitoring compliance with a prohibition on this kind of weapon is difficult. Installation and preparation of large ground-launched rockets for high altitude intercept can, to a certain degree, be monitored by NTM. If the launching sites are known, a close on-site inspection would further reduce uncertainty.

Weapon systems using small carriers and, in particular, the air-launched missiles are, however, hardly accessible to NTM. Even on-site inspections in the vicinity of launching aircraft can easily be circumvented by covert stockpiling. Only field tests of the system can be monitored by NTM and other means. A fully developed and field-tested weapon system poses nearly insurmountable verification problems. Therefore, the most effective way to verify compliance with an effective ban is to prohibit immediately any further testing of such weapon systems, since they are not operational yet.

This is a chance for an effective monitoring system for adequate verification minimizing the residual risk. The gap between verifiability and acceptability would widen with each further field test until a threshold is skipped where effective verification is no longer feasible.

2. Ground-based mass drivers (rail guns)

(i) Kind of space weapons or components

Ground-based electomagnetic mass drivers (rail guns) using small masses as projectiles.

(ii) Required acts to prevent such weapons

Refrain from using projectiles of ground-based mass drivers against space objects.

(iii) Description of weapon and stage of development

Devices of this kind are still in a laboratory stage of development. No space weapon capability has been reached so far. The size of the linear accelerator is of the order of meters. In weapons mode, the accelerator sledge needs precise pointing towards the target.

(iv) Type of verification

Close monitoring of the surface activities using NTM could bring some confidence. The required level of security for adequate verification can, however, only be achieved by on-site inspection.

Space mines and collision bodies

1. Space mines

(i) Kind of space weapons or components

Space mines are devices which manoeuvre close to a target spacecraft and explode on command, destroying the target with the debris from the explosion.

(ii) Required acts to prevent such weapons

Refrain from:

developing devices with exploding mechanisms aimed at destroying space objects;

launching such devices;

manoeuvring such devices close to space objects.

Explosives on board of space objects should only be used in a very limited mode. Any unnecessary creation of debris should be avoided. The dedicated development of exploding mechanisms for collision purposes by debris as a result of the explosion should be strictly prohibited. Launching such devices into outer space should be avoided. Manoeuvring of such devices close to a space object and any test of the device should be strictly prohibited. A keep-out zone around the space object of a radius of several kilometres might be sufficient, say, for conventional explosives in order to prevent reliable testing.

(iii) Description of weapon and stage of development

Space mines would constitute a typical ASAT weapon. They are manoeuvrable objects deployed in space covertly or openly only for the purpose of destroying distinct space objects on command. For an attack, the space mine would change its orbit to approach the target satellite with support from ground-based and space-based tracking systems and on-board homing sensors. The technology necessary to develop this weapon system is currently available. Launching procedures and manoeuvres close to a target space object would be easily detectable by tracking systems and space sensors but could hardly be distinguished from normal orbital rendezvous procedures.

(iv) Type of verification

Effectively monitoring compliance with a prohibition agreement is a difficult task. The most promising procedure would be the observance of keep-out zones around space objects of other States incorporated in a general framework of rules of the road in outer space.

Such behaviour can be monitored by NTM.

Tests of the manoeuvring part of a space mine mission can, however, hardly be distinguished from rendezvous procedures.

A measure that would ease the verification process would be the early prohibition of space mine tests. This would prevent development and deployment of effective space mines. Prior notification of planned launches and orbital changes in conjunction with on-site inspections before launch would considerably lower the remaining risk of the verification process.

2. Manoeuvrable collision bodies

(i) Kind of space weapons or components

Collision bodies are space objects placed in orbit which are capable of changing their position and approaching other space objects at high speed. Relative velocities in excess of one meter per second would, for some space objects, be sufficient to cause irreversible damage.

(ii) Required acts to prevent such weapons

Prohibition of devices on board of space objects for homing in at high speed.

Refrain from homing-in tests at high velicity.

Strictly observe keep-out zones around space objects of other States.

Since collisions at any speed are not necessary for exploration purposes and non-weapon applications, such manoeuvres should generally be prohibited. To that end, it would be necessary neither to develop nor test devices for homing-in procedures at high speed. Approaches of space objects at high speed should be kept outside a minimum distance (possibly 100 Km.).

(iii) Description of weapon and stage of development

A manoeuvrable collision body incorporates some features of a space mine and some of a space-based or ground-based collision device. A weapon of this kind would possess a high degree of manoeuvrability and a precise homing device. Strict observance of a keep-out zone around possible target spacecraft would effectively prevent weapon mode applications. Many existing spacecraft possess, to a certain degree, the capability to be used in a weapon mode of this kind. As a weapon system, however, they are not very efficient.

(iv) Type of verification

Verification that could effectively monitor compliance with an agreement prohibiting development and deployment is difficult. Tests of such a system would only partly be amenable to NTM. Inspection of the spacecraft before launch would not considerably enhance the level of confidence. Monitoring of the observance of keep-out zones is, however, effectively feasible through NTM.

3. Forming clouds of small collision bodies

(i) Kind of space weapons or components

Clouds formed by a large number of small collision bodies (metal pellets).

(ii) Required acts to prevent such weapons

Refrain from intentional injection of pellets into outer space.

Reduce explosions in outer space to the lowest level possible in order not to create debris.

Any intentional ejection of small bodies from spacecraft in outer space should strictly be prohibited. Aiming devices for projectile emission from spacecraft should neither be developed nor deployed. The production of debris by explosion or normal operation of spacecraft should be kept to an absolute minimum.

(iii) Description of weapon and stage of development

A weapons application of this kind would consist of a spacecraft capable of emitting a large number of small metal pellets which would be directed towards a target space object in the form of a narrow beam or by spreading over a large area and would cause damage by collision. This could even be extended to endangering a whole region of orbits, such as the geostationary orbit zone. Even in relatively small quantities such collision bodies would pose potential danger to any space mission that crosses the cloud of pellets.

(iv) Type of verification

Effective verification of compliance with an agreement prohibiting application of clouds of small collision bodies would only be possible by on-site inspection of the spacecraft before launch. Deployment in space of such pellets can hardly be monitored because of their small radar and optical cross sections.

CONFERENCE ON DISARMAMENT

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LETTER DATED 13 JULY 1989 FROM THE PERMANENT REPRESENTATIVE OF THE THE GERMAN DEMOCRATIC REPUBLIC ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A WORKING PAPER ENTITLED "SURVEY OF INTERNATIONAL LAW RELEVANT TO IMMUNITY AND PROTECTION OF OBJECTS IN SPACE AND TO OTHER BASIC PRINCIPLES OF OUTER SPACE ACTIVITIES"

On behalf of the German Democratic Republic, Bulgaria and Hungary, I have the honour to submit to you herewith the enclosed text of a working paper, entitled "Survey of international law relevant to immunity and protection of objects in space and to other basic principles of outer space activities", on item 5 of the agenda of the Conference on Disarmament.

I should be grateful if you would arrange for the distribution of this working paper as an official document of the Conference on Disarmament and of the Ad hoc Committee on Prevention of an Arms Race in Outer Space.

(Signed) Peter Dietze
Ambassador

GERMAN DEMOCRATIC REPUBLIC, BULGARIA AND HUNGARY

Working Paper

Survey of international law relevant to immunity and protection of objects in space and to other basic principles of outer space activities

I

The legal protection of space objects is a matter of interest for all States participating in the exploration and use of outer space. It would be an important confidence-building measure and contribute to the strengthening of stability and international security.

The presented survey of international law relevant to immunity and protection of space objects indicates that the existing legal régime for outer space is adding to the protection of space objects. It is of essential importance that all States strictly comply with these agreements and apply all its specific provisions.

The survey also shows that the existing legal régime does not guarantee an all-embracing protection of objects in outer space. The most serious threat to these objects would result from the deployment of weapons in space. Additional measures are needed. They could include, inter alia,

- confidence-building measures, including obligations regarding the enlarged exchange of information and appropriate mechanisms for consultation, inspection and control;

- multilaterally binding obligations on granting immunity to objects in outer space, including "rules of the road" and/or a "code of conduct";

- prohibition of the "weaponization" of outer space and of certain space activities, as the deliberate destruction, the interference with the normal functioning of space objects and the change of their trajectories; the testing of all space weapons; the utilization of space objects for weapons purposes.

Further codification and development of existing rules of international law relating to the protection of space objects would be an essential step towards preventing an arms race in outer space.

Finally, it should be mentioned that a precise definition of the term "space object" reached by multilateral agreement could be very helpful in regard to any issue which might arise relating to the topic in question.

II

The following conclusions can be drawn from the review of international law regarding immunity and protection of objects in outer space (see Annex):

(1) The threat or use of force against an object in outer space is prohibited by generally accepted norms of international law, which are explicitly outlined in special outer space agreements.

(Article 2 United Nations Charter; Declaration on Principles; Article 3 Outer Space Treaty; Article 2 Moon Treaty)

(2) States have to carry on activities in the exploration and use of outer space in the interest of maintaining international peace and security. Emplacement and testing of any kind of weapons of mass destruction is prohibited. The moon and other celestial bodies should not be used for other than exclusively peaceful purposes.

(Article 1 Partial Test-Ban Treaty;
Articles 3, 4 Outer Space Treaty; Article 3 Moon Treaty)

(3) Special objects in outer space suitable to improve international confidence and political stability through verification in the military field are especially protected only on the bilateral level by agreements between the United States and the Soviet Union.

(Article 12 ABM Treaty; Article 5 SALT I; Article 15 SALT II)

(4) Existing multilateral treaties include some essential provisions aimed at guaranteeing the rights of a State with respect to objects it has launched into outer space, in particular norms regulating:

- the relation between registration of a space object by the launching State, on the one hand, and rights of national ownership and jurisdiction, on the other.

  (Article 9 Outer Space Treaty; Article 2 Convention on Registration);

- duties relating to the return of a space object or component parts to the State on whose registry they are enlisted, including special rules on rescue and return of astronauts in the case of accident or any technical disturbance.

  (Articles 5, 8 Outer Space Treaty; Articles 1-6 Rescue Agreement; Articles 10, 12 Moon Treaty);

- conditions regarding international responsibility and liability of a State for damage caused to other space objects.

  (Articles 6, 7 Outer Space Treaty; Articles 3-6 Convention on Liability; Article 14 Moon Treaty);

(5) The protection of objects in outer space is supported by rules of conduct upon which States have agreed in order to prevent any conflict or misunderstanding in connection with space activities, as for instance:

- the duty to carry out such activities in the interest of all countries without discrimination;
- the duty to furnish to a special register of the Secretary-General of the United Nations information regarding objects launched into outer space to the extent practicable;
- the duty not to interfere with the activities of other States on celestial bodies.

(Articles 1, 9-12 Outer Space Treaty; Articles 3-5 Convention on Registration; Articles 5, 8, 9, 13, 15 Moon Treaty)

The United States and the Soviet Union have established detailed notification mechanisms aimed at reducing the risk of nuclear war.

(Articles 3, 4 Agreement to reduce the Nuclear Risk;
Articles 2, 3 Agreement on Nuclear Risk Reduction Centres;
Articles 1, 3 Agreement on Notification of Launches)

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I. Basic norms

(a) United Nations Charter

Article 2

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

(b) Declaration on Principles

... Every State has the duty to refrain in its international relations from the threat or use of force ... in any ... manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues ...

All States shall comply in good faith with their obligations under the generally recognized principles and rules of international law with respect to the maintenance of international peace and security, ...

States parties to an international dispute, as well as other States, shall refrain from any action which may aggravate the situation so as to endanger the maintenance of international peace and security, and shall act in accordance with the purposes and principles of the United Nations. ...

(c) Partial Test-Ban Treaty

Article 1

1. Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere; beyond its limits, including outer space; or under water, including territorial waters or high seas; or

(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted.

...

(d) Outer Space Treaty

Article 1

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind.

Outer space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.

There shall be freedom of scientific investigation, in outer space, including the moon and other celestial bodies, and States shall facilitate and encourage international co-operation in such investigation.

Article 3

States Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the moon and other celestial bodies, in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding.

Article 4

States Parties to the Treaty undertake not to place in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner.

The moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on celestial bodies shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration of the moon and other celestial bodies shall also not be prohibited.

(e) Moon Treaty

Article 1

1. The provisions of this Agreement relating to the moon shall also apply to other celestial bodies within the solar system, other than the earth, except in so far as specific legal norms enter into force with respect to any of these celestial bodies.

2. For the purposes of this Agreement reference to the moon shall include orbits around or other trajectories to or around it. ...

Article 2

All activities on the moon, including its exploration and use, shall be carried out in accordance with international law, in particular the Charter of the United Nations, and taking into account the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, in the interest of maintaining international peace and security and promoting international co-operation and mutual understanding, and with due regard to the corresponding interests of all other States Parties.

Article 3

1. The moon shall be used by all States Parties exclusively for peaceful purposes.

2. Any threat or use of force or any other hostile act or threat of hostile act on the moon is prohibited. It is likewise prohibited to use the moon in order to commit any such act or to engage in any such threat in relation to the earth, the moon, spacecraft, the personnel of spacecraft or man-made space objects. ...

II. Norms concerning national jurisdiction over, and ownership of relating to objects after their launch into outer space

General rules

(a) Outer Space Treaty

Article 8

A State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body. Ownership of objects launched into outer space, including objects landed or constructed on a celestial body, and of their component parts, is not affected by their presence in outer space or on a celestial body or by their return to the earth. Such objects or component parts found beyond the limits of the State Party to the Treaty on whose registry they are carried shall be returned to that State Party, which shall, upon request, furnish identifying data prior to their return.

(b) Convention on Registration

Article 2

1. When a space object is launched into earth orbit or beyond, the launching State shall register the space object by means of an entry in an appropriate registry which it shall maintain. Each launching State shall inform the Secretary-General of the United Nations of the establishment of such a registry.

2. Where there are two or more launching States in respect of any such space object, they shall jointly determine which one of them shall register the object in accordance with paragraph 1 of this article, bearing in mind the

provisions of article VIII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and without prejudice to appropriate agreements concluded or to be concluded among the launching States on jurisdiction and control over the space object and over any personnel thereof.

3. The contents of each registry and the conditions under which it is mantained shall be determined by the State of registry concerned.

(c) Rescue Agreement

Article 6

For the purposes of this Agreement, the term "launching authority" shall refer to the State responsible for launching, or, where an international intergovernmental organization is responsible for launching, that organization, provided that that organization declares its acceptance of the rights and obligations provided for in this Agreement and a majority of the States members of that organization are Contracting Parties to this Agreement and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

(d) Moon Treaty

Article 12

1. States Parties shall retain jurisdiction and control over their personnel, vehicles, equipment, facilities, stations and installations on the moon. The ownership of space vehicles, equipment, facilities, stations and installations shall not be affected by their presence on the moon.

Special rules regarding astronauts

(a) Outer Space Treaty

Article 5

States Parties to the Treaty shall regard astronauts as envoys of mankind in outer space and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of another State Party or on the high seas. When astronauts make such a landing, they shall be safely and promptly returned to the State of registry of their space vehicle.

In carrying on activities in outer space and on celestial bodies, the astronauts of one State Party shall render all possible assistance to the astronauts of other States Parties.

States Parties to the Treaty shall immediately inform the other States Parties to the Treaty or the Secretary-General of the United Nations of any phenomena they discover in outer space, including the moon and other celestial bodies, which could constitute a danger to the life or health of astronauts.

(b) Moon Treaty

Article 10

1. States Parties shall adopt all practicable measures to safeguard the life and health of persons on the moon. For this purpose they shall regard any person on the moon as an astronaut within the meaning of article V of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies and as part of the personnel of a spacecraft within the meaning of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.

2. States Parties shall offer shelter in their stations, installations, vehicles and other facilities to persons in distress on the moon.

Article 12

...

3. In the event of an emergency involving a threat to human life, States Parties may use the equipment, vehicles, installations, facilities or supplies of other States Parties on the moon. Prompt notification of such use shall be made to the Secretary-General of the United Nations or the State Party concerned. ...

International responsibility and liability

(a) Outer Space Treaty

Article 6

States parties to the Treaty shall bear international responsibility for national activities in outer space, including the moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer space, including the moon and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty. When activities are carried on in outer space, including the moon and other celestial bodies, by an international organization, responsibility for compliance with this Treaty shall be borne both by the international organization and by the States Parties to the Treaty participating in such organization.

Article 7

Each State Party to the Treaty that launches or procures the launching of an object into outer space, including the moon and other celestial bodies, and each State Party from whose territory or facility an object is launched, is internationally liable for damage to another State Party to the Treaty or to its natural or juridical persons by such object or its component parts on the earth, in air or in outer space, including the moon and other celestial bodies.

(b) Convention on Liability

Article 3

In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, the latter shall be liable only if the damage is due to its fault or the fault of persons for whom it is responsible.

Article 4

1. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, and of damage thereby being caused to a third State or to its natural or juridical persons, the first two States shall be jointly and severally liable to the third State, to the extent indicated by the following:

(a) If the damage has been caused to the third State on the surface of the earth or to aircraft in flight, their liability to the third State shall be absolute;

(b) If the damage has been caused to a space object of the third State or to persons or property on board that space object elsewhere than on the surface of the earth, their liability to the third State shall be based on the fault of either of the first two States or on the fault of persons for whom either is responsible.

2. In all cases of joint and several liability referred to in paragraph 1 of this article, the burden of compensation for the damage shall be apportioned between the first two States in accordance with the extent to which they were at fault; if the extent of the fault of each of these States cannot be established, the burden of compensation shall be apportioned equally between them. Such apportionment shall be without prejudice to the right of the third State to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

Article 5

1. Whenever two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused.

2. A launching State which has paid compensation for damage shall have the right to present a claim for indemnification to other participants in the joint launching. The participants in a joint launching may conclude agreements regarding the apportioning among themselves of the financial obligation in respect of which they are jointly and severally liable. Such agreements shall be without prejudice to the right of a State sustaining damage to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

3. A State from whose territory or facility a space object is launched shall be regarded as a participant in a joint launching.

Article 6

1. Subject to the provisions of paragraph 2 of this article, exoneration from absolute liability shall be granted to the extent that a launching State establishes that the damage has resulted either wholly or partially from gross negligence or from an act or omission done with intent to cause damage on the part of a claimant State or of natural or juridical persons it represents.

2. No exoneration whatever shall be granted in cases where the damage has resulted from activities conducted by a launching State which are not in conformity with international law including, in particular, the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

(c) Moon Treaty

Article 14

1. States Parties to this Agreement shall bear international responsibility for national activities on the moon, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in this Agreement. States Parties shall ensure that non-governmental entities under their jurisdiction shall engage in activities on the moon only under the authority and continuing supervision of the appropriate State Party. ...

Additional guarantees to national technical means of verification

(a) ABM Treaty/SALT I/SALT II

Articles 12/5/15

1. For the purpose of providing assurance of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

2. Each party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.

3. Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Treaty. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

(b) ITU Convention

Article 38

Installations for National Defence Services

1. Members retain their entire freedom with regard to military radio installations of their army, naval and air forces.

2. Nevertheless, these installations must, so far as possible, observe statutory provisions relative to giving assistance in case of distress and to the measure to be taken to prevent harmful interference, and the provisions of the Administrative Regulations concerning the types of emission and the frequencies to be used, according to the nature of the services performed by such installations.

...

(The full freedom to use military radio communication means is guaranteed to the members.

So far as possible they have to respect the rules regarding help in case of disaster, measures to prevent disturbances and relating to special frequencies which have to be used.)

III. Other main principles of activities in outer space

(a) Outer Space Treaty

Article 9

In the exploration and use of outer space, including the moon and other celestial bodies, States Parties to the Treaty shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space, including the moon and other celestial bodies, with due regard to the corresponding interests of all other States Parties to the Treaty. States Parties to the Treaty shall pursue studies of outer space, including the moon and other celestial bodies, and conduct exploration of them so as to avoid their harmful contamination and also adverse changes in the environment of the earth resulting from the introduction of extraterrestrial matter and, where necessary, shall adopt appropriate measures for this purpose. If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and use of outer space, including the moon and other celestial bodies, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State Party to the Treaty which has reason to believe that an activity or experiment planned by another State Party in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities in the peaceful exploration and use of outer space, including the moon and other celestial bodies, may request consultation concerning the activity or experiment.

Article 10

In order to promote international co-operation in the exploration and use of outer space, including the moon and other celestial bodies, in conformity with the purposes of this Treaty, the States Parties to the Treaty shall consider on a basis of equality any requests by other States Parties to the Treaty to be afforded an opportunity to observe the flight of space objects launched by those States.

The nature of such an opportunity for observation and the conditions under which it could be afforded shall be determined by agreement between the States concerned.

Article 11

In order to promote international co-operation in the peaceful exploration and use of outer space, States Parties to the Treaty conducting activities in outer space, including the moon and other celestial bodies, agree to inform the Secretary-General of the United Nations as well as the public and the international scientific community, to the greatest extent feasible and practicable, of the nature, conduct, locations and results of such activities. On receiving the said information, the Secretary-General of the United Nations should be prepared to disseminate it immediately and effectively.

Article 12

All stations, installations, equipment and space vehicles on the moon and other celestial bodies shall be open to representatives of other States Parties to the Treaty on a basis of reciprocity. Such representatives shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited.

(b) Agreement to reduce the nuclear risk

Article 3

The Parties undertake to notify each other immediately in the event of detection by missile warning systems of unidentified objects, or in the event of signs of interference with these systems or with related communications facilities, if such occurrences could create a risk of outbreak of nuclear war between the two countries.

Article 4

Each Party undertakes to notify the other Party in advance of any planned missile launches if such launches will extend beyond its national territory in the direction of the other Party.

(c) Convention on Registration

Article 3

1. The Secretary-General of the United Nations shall maintain a Register in which the information furnished in accordance with article IV shall be recorded.

2. There shall be full and open access to the information in this Register.

Article 4

1. Each State of registry shall furnish to the Secretary-General of the United Nations, as soon as practicable, the following information concerning each space object carried on its registry:

(a) Name of launching State or States;

(b) An appropriate designator of the space object or its registration number;

(c) Date and territory or location of launch;

(d) Basic orbital parameters, including:

(i) Nodal period,

(ii) Inclination,

(iii) Apogee,

(iv) Perigee;

(e) General function of the space object.

2. Each State of registry may, from time to time, provide the Secretary-General of the United Nations with additional information concerning a space object carried on its registry.

3. Each State of registry shall notify the Secretary-General of the United Nations, to the greatest extent feasible and as soon as practicable, of space objects concerning which it has previously transmitted information, and which have been but no longer are in earth orbit.

Article 5

Whenever a space object launched into earth orbit or beyond is marked with the designator or registration number referred to in article IV, paragraph 1 (b), or both, the State of registry shall notify the Secretary-General of this fact when submitting the information regarding the space object in accordance with article IV. In such case, the Secretary-General of the United Nations shall record this notification in the Register.

(d) Moon Treaty

Article 5

1. States Parties shall inform the Secretary-General of the United Nations as well as the public and the international scientific community, to the greatest extent feasible and practicable, of their activities concerned with the exploration and use of the moon. Information on the time, purposes, locations, orbital parameters and duration shall be given in respect of each mission to the moon as soon as possible after launching, while information on the results of each mission, including scientific results, shall be furnished upon completion of the mission. In the case of a mission lasting more than 60 days, information on conduct of the mission, including any scientific results, shall be given periodically, at 30-day intervals. For missions lasting more than six months, only significant additions to such information need be reported thereafter.

2. If a State Party becomes aware that another State Party plans to operate simultaneously in the same area of or in the same orbit around or trajectory to or around the moon, it shall promptly inform the other State of the timing of and plans for its own operations.

Article 8

1. States Parties may pursue their activities in the exploration and use of the moon anywhere on or below its surface, subject to the provisions of this Agreement.

2. For these purposes States Parties may, in particular:

(a) Land their space objects on the moon and launch them from the moon;

(b) Place their personnel, space vehicles, equipment, facilities, stations and installations anywhere on or below the surface of the moon.

Personnel, space vehicles, equipment, facilities, stations and installations may move or be moved freely over or below the surface of the moon.

3. Activities of States Parties in accordance with paragraphs 1 and 2 of this article shall not interfere with the activities of other States Parties on the moon. Where such interference may occur, the States Parties concerned shall undertake consultations in accordance with article 15, paragraphs 2 and 3, of this Agreement.

Article 9

1. States Parties may establish manned and unmanned stations on the moon. A State Party establishing a station shall use only that area which is required for the needs of the station and shall immediately inform the Secretary-General of the United Nations of the location and purposes of that station. Subsequently, at annual intervals that State shall likewise inform the Secretary-General whether the station continues in use and whether its purposes have changed.

2. Stations shall be installed in such a manner that they do not impede the free access to all areas of the moon of personnel, vehicles and equipment of other States Parties conducting activities on the moon in accordance with the provisions of this Agreement or of article I of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Article 13

A State Party which learns of the crash landing, forced landing or other unintended landing on the moon of a space object, or its component parts, that were not launched by it, shall promptly inform the launching State Party and the Secretary-General of the United Nations.

Article 15

1. Each State Party may assure itself that the activities of other States Parties in the exploration and use of the moon are compatible with the provisions of this Agreement. To this end, all space vehicles, equipment, facilities, stations and installations on the moon shall be open to other States Parties. Such States Parties shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited. In pursuance of this article, any State Party may act on its own behalf or with the full or partial assistance of any other State Party or through appropriate International procedures within the framework of the United Nations and in accordance with the Charter.

2. A State Party which has reason to believe that another State Party is not fulfilling the obligations incumbent upon it pursuant to this Agreement or that another State Party is interfering with the rights which the former State has under this Agreement may request consultations with that State Party. A State Party receiving such a request shall enter into such consultations without delay. Any other State Party which requests to do so shall be entitled to take part in the consultations. Each State Party participating in such consultations shall seek a mutually acceptable resolution of any controversy and shall bear in mind the rights and interests of all States Parties. The Secretary-General of the United Nations shall be informed of the results of the consultations and shall transmit the information received to all States Parties concerned.

3. If the consultations do not lead to a mutually acceptable settlement which has due regard for the rights and interests of all States Parties, the Parties concerned shall take all measures to settle the dispute by other peaceful means of their choice appropriate to the circumstances and the nature of the dispute. If difficulties arise in connection with the opening of consultations or if consultations do not lead to a mutually acceptable settlement, any State Party may seek the assistance of the Secretary-General, without seeking the consent of any other State Party concerned, in order to resolve the controversy. A State Party which does not maintain diplomatic relations with another State Party concerned shall participate in such consultations, at its choice, either itself or through another State Party or the Secretary-General as intermediary.

(e) Agreement on Nuclear Risk Reduction Centres

Article 2

The Parties shall use the Nuclear Risk Reduction Centres to transmit notifications identified in Protocol I which constitutes an integral part of this Agreement.

Protocol I

Article 1

The Parties shall transmit the following types of notifications through the Nuclear Risk Reduction Centres:

(a) Notifications of ballistic missile launches under article 4 of the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War between the United States of America and the Union of Soviet Socialist Republics of 30 September 1971;

(b) Notifications of ballistic missile launches under paragraph 1 of article VI of the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on the Prevention of Incidents on and over the High Seas of 25 May 1972.

Article 3

Each Party also may, at its own discretion as a display of goodwill and with a view to building confidence, transmit through the Nuclear Risk Reduction Centres communications other than those provided for under article 1 of this Protocol.

Article 3

The Parties shall establish a special facsimile communications link between their national Nuclear Risk Reduction Centres in accordance with Protocol II which constitutes an integral part of this Agreement.

(f) Agreement on Notifications of Launches

Article 1

Each Party shall provide the other Party notification, through the Nuclear Risk Reduction Centres of the United States of America and the Union of Soviet Socialist Republics, no less than 24 hours in advance, of the planned date, launch area, and area of impact for any launch of a strategic ballistic missile: an intercontinental ballistic missile (hereinafter "ICBM") or a submarine-launched ballistic missile (hereinafter "SLBM").

Article 3

...

3. For all launches of ICBMs or SLBMs, the notification shall indicate the geographic co-ordinates of the planned impact area or areas of the re-entry vehicles. Such an area shall be specified either by indicating the geographic co-ordinates of the boundary points of the area, or by indicating the geographic co-ordinates of the centre of a circle with a radius specified in kilometres or nautical miles. The size of the impact area shall be determined by the notifying Party at its discretion.

Notes

1/ No. 67, United Kingdom Treaty Series, Cmd. 7015.

2/ English text in: Arangio-Ruiz, G., The United Nations Declaration on Friendly Relations and the System of the Sources of International Law, Germantown (1979).

3/ English text in: Status of Multilateral Arms Regulation and Disarmament Agreements, United Nations, New York, 1988.

4/ 610 United Nations Treaty Series 206.

5/ 672 United Nations Treaty Series 119.

6/ 807 United Nations Treaty Series 57.

7/ No. 16, United Kingdom Treaty Series, Cmd. 5551.

8/ Treaties and Other International Acts, Series 7503 (Washington: US Department of State, 1973).

9/ Id. Series 7504.

10/ No. 70, United Kingdom Treaty Series, Cmd. 7271.

11/ CD/28, 29.

12/ United Nations document A/RES/34, 68, 14 December 1979.

13/ BGBl. II No. 11 (1985), pp. 426-530.

14/ CD/815.

15/ CD/847.

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CONFERENCE ON DISARMAMENT

CD/937
CD/OS/WP.35
21 July 1989

ENGLISH
Original: FRENCH

LETTER DATED 20 JULY 1989 FROM THE REPRESENTATIVE OF FRANCE ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A WORKING PAPER ENTITLED "PREVENTION OF AN ARMS RACE IN OUTER SPACE: PROPOSALS CONCERNING MONITORING AND VERIFICATION AND SATELLITE IMMUNITY"

I have the honour to transmit to you herewith in connection with item 5 of the agenda of the Conference on Disarmament a working paper entitled "Prevention of an arms race in outer space: proposals concerning monitoring and verification and satellite immunity".

I should be grateful if you would arrange for its circulation in all the languages of the Conference as an official document of the Conference on Disarmament and the Ad hoc Committee on Prevention of an Arms Race in Outer Space.

(Signed) Pierre Morel
Ambassador
Representative of France
to the Conference on Disarmament

GE.89-62565/0771B

FRANCE

Working Paper

Prevention of an arms race in outer space: proposals concerning monitoring and verification and satellite immunity

By this document, France, in addition to providing a reminder of a number of points that have emerged from the work of the Ad hoc Committee on Prevention of an Arms Race in Outer Space, wishes to amplify its proposals on the use of outer space for monitoring and verification and on satellite immunity and to propose in this latter respect the creation of an international trajectography centre.

I. THE CONDITIONS FOR PREVENTION OF AN ARMS RACE IN OUTER SPACE

The very special nature of space questions explains in large measure the slowness of progress in this field and makes it one with which it is very hard to deal:

Unlike in other fields of disarmament, the devices concerned, which only a few States possess, operate in a geographical area that is common to all and unappropriated;

Once launched, these unmanned vehicles travel constantly at very high speeds under very limited control from the ground: being generally only slightly manoeuvrable, even those of the most peaceful intent have a potential destructive capacity in the event of collision;

Finally and above all, most of the technologies in question are still evolving. A state of continuing uncertainty as to their future development prevents us from weighing all the strategic implications and thus limits the possibility of negotiating on such systems. It is, after all, very difficult to distinguish in advance in terms of security what is important from what is secondary and what is dangerous from what is effective.

In the face of the complexity of this problem, we must avoid over-simplification and look the facts clearly in the face. Four points at least must be borne in mind when studying the question of the prevention of the arms race in outer space:

(1) First of all, military systems today account for the great majority of space activities and many of those systems - for example, observation

or early-warning satellites - have a manifestly stabilizing function. It would therefore be both illusory and inopportune to envisage complete demilitarization of outer space;

(2) Next, whatever its merits, the present legal régime for outer space is not adequate by itself to prevent an arms race there. This régime, comprising a series of partial agreements of which the most important are often bilateral and giving rise on occasion to intractable differences of interpretation, seems particularly deficient in that there is no provision concerning, for example, anti-satellite systems that are ground-based or that do not involve the use of nuclear weapons or weapons of mass destruction;

(3) Thirdly, operational anti-satellite systems already exist and numerous space objects not designed for the purpose have a potential ASAT capacity by mere collision. Consequently, an absolute ban on anti-satellite systems would seem unverifiable in practice; furthermore, it would be too broad if it was to include stabilizing systems because they might provoke collisions, and if, on the other hand, it was more restrictive, it would allow certain dangers to persist and could no longer be termed an absolute ban;

(4) Finally, the ASAT and ABM problems are closely linked: no multilateral regulation exercise aimed at prohibiting the permanent placing of weapons in space could advance independently of the United States-Soviet bilateral negotiations or, a fortiori, more rapidly than those negotiations.

These few considerations thus suffice to rule out measures which, while attractive in appearance, would in reality be delusive or unsuitable for multilateral treatment for the moment.

It is clear moreover that, in the current state of discussions within the Conference on Disarmament, there is no consensus as to what coercive measures would be appropriate to prevent an arms race in outer space.

But does this mean that we should give up? Certainly not. The multilateral bodies, and first and foremost the Conference on Disarmament, have a special role to play, alongside the bilateral efforts, in promoting further thought on these subjects and resolving the deadlock that we now see. They should first of all work to improve the technical knowledge of the issues and constraints of disarmament in space. Without that deeper knowledge, no agreement will be possible on the means to be applied.

The Conference on Disarmament can also identify pragmatically the fields in which a consensus seems possible here and now. From this standpoint, France notes a welcome change of attitude in two important fields: there is increasing recognition of the usefulness of space for verification and growth in many countries' interest in the subject of the legal immunity of satellites. It is these two subjects that the present working paper is intended to develop.

II. THE PROSPECTS OFFERED BY SPACE OBSERVATION

Space is not just an area for disarmament; it is also a potential tool of disarmament, thanks to the possibility of satellite verification of agreements. Whereas the very concept of verification was long a stumbling block for disarmament efforts, the context has now changed profoundly and the means of verification that are currently envisaged or already in use are substantially more sophisticated and diverse. Moreover, there is now universal recognition of the need to provide an appropriate verification régime for each future agreement.

Similarly, the recent past has been marked by the growing recognition of the stabilizing role of observation satellites and the appearance of high-resolution satellites other than those of the United States and the Soviet Union.

These developments mean that it is now possible to envisage a greater contribution by space to the verification of disarmament agreements and confirm a posteriori the validity of the course France has been proposing since 1978.

After introducing at SSOD-I a proposal for an international satellite monitoring agency (ISMA), which was thoroughly studied by a United Nations group of experts from 1979 to 1981, France proposed at SSOD-III in June 1988 the implementation of the first phase envisaged for ISMA, in the form of an agency for the processing of satellite images (APSI).

This agency would:

Collect, process and disseminate data obtained by means of existing satellites;

Study satellite configurations for civilian purposes (natural disasters, development) or military purposes (verification and crises);

Train photo interpreters.

With regard to the first phase of ISMA, APSI introduces a civilian dimension aimed at allowing, on the one hand, for the lesser precision of data due to the civilian nature of the supplying satellites and, on the other, for the needs of developing countries.

For France, it is important to distinguish very clearly between monitoring and verification. The latter can only be undertaken within the context of a specific agreement, in order to ensure that the agreement is being complied with, and can only be carried out by the countries parties to the agreement.

The result as regards the use of satellites is a natural distinction between the general collection of data, which can be effected by multi-purpose observation satellites, and verification proper, the requirements of which can justify the development of new equipment specific to a particular treaty, to be employed solely by the parties to that treaty and, perhaps, linked to ground facilities.

It would therefore be conceivable, in the long term, to build, for the benefit of the entire international community or of the parties to a particular treaty, either general observation satellites or satellites specializing in the verification of a particular provision. That is one of the things envisaged for the third phase of ISMA.

But it seems to us preferable at the present stage to set as the objective for the initial phase the pooling of the existing data. APSI - a low-cost mechanism - would make possible both the essential training of national experts in the interpretation of space images and, above all, the assessment of what could actually be achieved with satellites in the fields of verification and monitoring. Only from this preliminary phase could the requirements for new systems and the possibilities of specific applications in the future be defined.

It must however be clear that such an agency would be a confidence-building device and would not be intended to be the embryo of a verification system with universal competence attached to the United Nations. The principle of the specificity of verification in fact argues against the entire international community's being responsible for the verification of every disarmament agreement whatever its nature and whoever the parties and seeking to employ one single instrument for that purpose.

III. THE LEGAL IMMUNITY OF SATELLITES: THE PRINCIPLE AND ITS APPLICATION

Our common goal is to guarantee the security of satellites and of space activities that deserve to be protected.

The means to be employed may, naturally, be national, through the active or passive protection of the satellites themselves:

"Active" protection by means of on-board defensive systems would, however, merely make the problem more complex, for such systems would be hard to distinguish from offensive systems;

"Passive" protection through shielding or hardening would, in reality, be costly and penalize the satellites in terms of weight.

But the desired protection can also be ensured multilaterally by providing legal protection through the medium of immunity.

We should continue our efforts to arrive at a consensus on measures acceptable to everyone. But the present difficulties show clearly that it is the legal approach, through satellite immunity, that best corresponds to the capacity for action of the Conference on Disarmament. Moreover, France observes with interest that this topic is being brought up more and more often in the statements made at this Conference.

The idea of immunity is at the heart of the proposals that France has put forward in recent years. This approach is based on a principle, non-interference, and on rules aimed at facilitating compliance with that principle, i.e. a "space code of conduct". For their application, France is today proposing the creation of an appropriate instrument in the form of a trajectography centre.

1. The principle of non-interference

For identifying satellites deserving protection there would seem to be only one effective criterion: whether or not they have the capacity to interfere actively with another satellite.

Deriving naturally from this is a principle: non-interference with non-aggressive space activities, i.e. with devices that do not themselves have a capacity for active interference.

This principle may seem to be already present implicitly in space law and therefore to be pointless or superfluous.

However, it is precisely because it already constitutes in a way a customary practice that it seems to France a likely object of consensus.

Above all, however, this principle is expressly mentioned only in United States-Soviet bilateral agreements and covers more specific situations and concepts than the general principle of the non-use of force laid down in the Charter of the United Nations.

It therefore deserves more explicit recognition by the international community as a whole. Such a more formal statement of the principle might not be sufficient on its own to ensure absolute protection, but it would at least provide an opportunity for a specific commitment by States to a common rule.

In addition, the efforts at definition that will be required for the adoption of this principle will help to clarify the issues in our discussions.

Generally speaking, by instituting an obligation of result and not of means, the approach we are proposing will avoid a number of technical difficulties and provides a way of covering effectively dangers that have been left out of account in most proposals, especially dangers emanating from ground-based devices.

The adoption of a principle of the kind in question would not, however, suffice without the elaboration at the same time of rules facilitating compliance with that principle.

2. A space code of conduct

In various statements in this chamber, France has described the two components of this concept.

First, implementation of the principle of non-interference requires better knowledge of the characteristics of space objects, and hence a strengthening of the 1975 Registration Convention.

One of the tasks for our Committee might therefore be to look into the question what are the typical features of a space object, those that enable it to be identified and a minimum of knowledge to be acquired concerning its principal functions.

Similarly, better knowledge is required of the trajectories of each object. For the moment, trajectories are known only thanks to the use of space tracking devices, most of which are owned by the United States or the Soviet Union.

Consequently, in order to increase confidence and knowledge of all space activities, consideration might be given to the declaration, at the time of the registration of each object, of characteristics such as the orbital elements, the manoeuvrability and the energy sources available or of functional data relating to the on-board equipment.

What would be an adequate degree of precision remains to be determined and the list I have just given is not exhaustive. The legal framework to be adopted for the new régime has also yet to be determined: is what is needed a revision of the 1975 Convention or the adoption of a new text or a resolution of the United Nations General Assembly? It is still too early to decide. On the other hand, we should, as a first step, define the possible content of the new régime so that it contributes as well as possible towards security for space activities.

Secondly, however reliable the future registration régime may be, it will have to be accompanied by rules of behaviour for space vehicles in order to reduce the risk of incidents and above all to avoid their misinterpretation.

The reason is that ignorance of the space environment and the diversity of possible kinds of interference with equipment in orbit might, at a time of tension, cause cessation of the operation of a device to be interpreted as being the result of hostile action justifying retaliation. It is essential, therefore, to be able to distinguish at any time between a breakdown or an involuntary collision and a deliberate attack.

The rules of conduct that might be envisaged would concern manoeuvres and the prevention of incidents. They would aim at minimizing the risk of accidental collisions, preventing the close-range co-orbital pursuit that is an essential feature of space-mine systems and generally ensuring better knowledge of space traffic.

These rules of conduct might provide, in particular for:

The regular updating, in the event of deliberate manoeuvres or drifting, of the orbital elements declared at the time of registration;

The keeping of a minimum distance between any two satellites placed in the same orbit;

Monitoring of close-range passing.

The aim is to be better aware at all times of the immediate environment of every space object and hence of the risks to which it is exposed.

These two components, the registration system and the rules of behaviour, would constitute a sort of embryo "rules of the road". In addition to the value of enhancing security in the absence of any agreement to limit the systems deployed, this pragmatic approach, in the form of confidence-building measures, ought to prove an acceptable working basis for all States:

It does not prejudge their willingness to subscribe to prohibition or limitation agreements later on and does not in any way impede the bilateral negotiations;

It does not seek to achieve, by different means, an effect equivalent to that of an interdictory régime;

It would none the less, by expanding technical knowledge and increasing confidence, facilitate the elaboration of more binding measures if States came to want them.

This strengthened registration system and code of conduct must, however, be based on an appropriate instrument that would facilitate their day-to-day implementation.

3. A management tool: a trajectography centre

Keeping to the kind of system of trust proposed would be more difficult for States that do not have their own high-performance tracking devices. Constant awareness of the environment of a given satellite requires substantial computing capacity and, above all, knowledge of the orbits of all other satellites.

That implies a régime of total transparency, which would seem incompatible with the constraints inherent in the preservation of technological and military secrets. In particular, the efficiency of the régime would depend in part on the constant updating of orbits and thus on the systematic notification of manoeuvres; to give, say, the precise position of an observation satellite is, however, to disclose thereby the precise object of its monitoring function.

How, then, to reconcile the constraints of confidentiality with the gathering of all the requisite information concerning satellites' trajectories? After an initial consideration of this question, France is of the view that the grouping of that information in a computer system operating on the "black box" principle could constitute an appropriate solution.

The kind of centre we have in mind would receive and store, without publishing it, the orbital data declared at the time of registration and updated in the event of any subsequent change of trajectory.

By calculating permanently in place of all States all the trajectories of the objects on record, the trajectography centre could fulfil a double role without needing to publish the confidential data entrusted to it:

It would spontaneously warn the parties concerned where objects were too close in the same orbit or expected to pass too close;

It would serve, through consultation machinery, to provide proof of good faith in the event of allegations of deliberate collision (failure to declare a manoeuvre in advance would, for example, be a telltale sign).

Such a trajectography centre, which could be run discreetly and at low cost, could, like APSI, be attached to the United Nations international Secretariat. It would be open to all interested States possessing or using satellites.

It would not, however, under any circumstances be any kind of regulatory body laying down rules applicable to space, but merely the instrument of a confidence-building régime to which States would subscribe on a voluntary basis.

Moreover, it would, like APSI, be dependent on the data provided by each of those States concerning its own satellites or the satellites it had detected. Provision could be made for consultation machinery to deal with any disputes as to the identities or positions of particular objects.

This kind of relatively modest mechanism would be an invaluable tool for resolving difficulties associated with the notification of space manoeuvres that is an essential condition for the effective prevention of incidents.

CONFERENCE ON DISARMAMENT

CD/939
CD/OS/WP.37
28 July 1989

ENGLISH
Original: SPANISH

PERU

Proposal for Amendment of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies

I. REASONS

1. 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 is an international instrument which to a great extent met the challenges raised by the development of space technology during the decade of the 1960s. Today, however, it does not seem completely satisfactory for dealing with the growing dangers resulting from the possibility of a shift of the arms race to outer space.

2. Apart from the fact that the 1967 Treaty lacks a juridically defined and politically unquestionable sphere of application, the States Parties, which postulate the recognition of outer space as the common heritage of mankind, are now faced with a de facto situation resulting from the development of new weapon systems which, although said to be based on the desire to assemble an impenetrable defence, could also serve as a basis for aspirations to hegemony or to supremacy in all environments.

3. Some thought they saw a sufficient guarantee against any use of force in the limitations established by article III of the 1967 Treaty, since that article subjects the outer-space activities of the States Parties to international law and the Charter of the United Nations. This, however, circumvents the fact that what is being sought is not to confirm a new type of deterrent applicable to outer space and based on proven and deployed weapon systems but rather to hinder or prevent precisely such a scenario from happening.

4. As we know, article IV of the 1967 Treaty makes a distinction between the status applied to outer space and that relating to the moon and other celestial bodies. In the first case, covered by the first paragraph of article IV, the States Parties undertake not to place in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, and not to station such weapons in outer space in any other manner. In the second case, covered by the second paragraph of article IV, the undertaking of the States Parties is of much greater scope, in that it specifies that the moon and other celestial bodies shall be used exclusively for peaceful purposes.

5. To refer only to the first paragraph of article IV, the main problem that arises is that because of the express prohibition of the placing in orbit of a particular kind of weapons, it might be inferred, contrario sensu, that the placing of other kinds of weapons is permitted. What is more, if it is assumed that placing in orbit implies at least one complete circling of the earth, the possibility is left open for the development, production and use in outer space of weapons systems which fail to meet that minimum requirement.

6. This is why it was deemed appropriate to submit the amendment proposal indicated below, without any other intention than to contribute to the improvement of the 1967 Treaty and thereby ensure the future use of outer space for exclusively peaceful purposes.

II. PROPOSAL FOR AMENDMENT

7. Without prejudice to the necessary confidence-building measures that may precede or coincide with the adoption of relevant amendments, article IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies might be amended as follows:

"Article IV

The States Parties to the Treaty undertake not to place in orbit around the earth any objects carrying any kinds of weapons, install such weapons on celestial bodies, or station such weapons in outer space in any other manner."

The second paragraph of article IV would remain as it now appears in the 1967 Treaty.

8. Inasmuch as the proposed amendment refers only to weapons placed in orbit, it is also desirable to contemplate the negotiation of an Additional Protocol for the purpose of prohibiting the development, production, storage and deployment of antisatellite weapon-systems which are not stationed in outer space. Also, the same Protocol will have to contain supplementary provisions relating to the limitation of antiballistic-missile systems, whatever their nature.

9. A second Additional Protocol will have to deal with the verification system necessary for guaranteeing faithful compliance with the obligations assumed by the States Parties, which may be a mixed system based principally on a multinational or international approach and on a national approach in accordance with the means of verification available to each State Party.

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CONFERENCE ON DISARMAMENT

CD/941
CD/OS/WP.38
1 August 1989

Original: ENGLISH

LETTER DATED 1 AUGUST 1989 ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT BY THE PERMANENT REPRESENTATIVE OF THE POLISH PEOPLE'S REPUBLIC TRANSMITTING A WORKING PAPER ENTITLED "CONFIDENCE-BUILDING MEASURES RELATED TO ITEM 5"

I have the honour to transmit to you herewith in connection with item 5 of the agenda of the Conference on Disarmament a working paper entitled "Confidence-building measures related to item 5".

I should be grateful if you would arrange for its circulation in all the languages of the Conference as an official document of the Conference on Disarmament and Ad hoc Committee on Prevention of an Arms Race in Outer Space.

(Signed): Dr. Bogumil SUJKA
Ambassador
Representative of Poland
to the Conference on Disarmament

POLAND

Working paper

"Confidence-building measures related to item 5"

1. The principal aim of the Conference on Disarmament is to elaborate new agreements establishing international legal obligations upon States. This basic approach need not, however, prevent the Conference from undertaking other measures, particularly in situations where a stage of negotiations or other considerations could make them advisable and the only ones feasible. Different situations may require different approaches and responses. One of these responses could be confidence-building measures.

The CD Rules of Procedure provide that negotiations can be carried on draft treaties and other draft texts. They provide also that reports of the Conference can contain inter alia conclusions, decisions and other relevant documents. Thus, there is nothing that can prevent the Conference from agreeing on some documents not intended to be yet treaties, but reflecting political commitment and providing political guidance which, if followed, would prompt further co-operation in matters under consideration and facilitate further discussions.

2. Taking into account present difficulties in reaching new agreements for the prevention of an arms race in outer space the Conference could adopt measures aimed at strengthening existing international legal régimes applicable to outer space and at increasing transparency of outer space activities, particularly having military or military-related functions.

Proposed measures would express political will to facilitate further work and contribute to building confidence.

It is assumed that at this stage of discussion on item 5 States should have a certain room of sovereign discretion in the implementation of the proposed measures. Their intended flexibility is stressed by expressions like "State consider", "on a voluntary basis", "in the spirit of reciprocity". The intention is, first of all, to create appropriate procedures which if used would demonstrate co-operative behaviour and contribute to better mutual understanding and confidence.

3. These measures would not have the character of legal obligations but they would be adopted by the Conference as a part of its report on the work on item 5.

A corresponding part of the report could be as follows:

Conference on Disarmament:

Taking into account general concern in preventing an arms race in outer space,

Determined to contribute to further work of the Conference on item 5 of its agenda by strengthening existing international law related to outer space and building confidence with respect to activities carried out in outer space, particularly in situations where States lack clear and timely information about the nature of such activities,

1. Reaffirms the importance of international treaties and agreements related to activities of States in outer space;

2. Calls on all States to act in conformity with those international instruments and on those States, which have not yet done so, to consider the possibility of acceding to those instruments;

3. Suggests - in order to assure uniformity in application of those international standards - that all States parties to multilateral treaties and agreements related to activities of States in outer space - consider the possibility of accepting the jurisdiction of the International Court of Justice in all disputes concerning interpretation and application of those multilateral instruments;

4. Suggests further that States consider - as a result of their political decisions and upon a voluntary basis - exchange of information on their outer space activities, particularly having military or military-related functions. This exchange of information may include prior notification of launching of space objects and supply of other information which they may consider useful for building confidence and reduction of misunderstanding.

They will supply this information to other members of the Conference on Disarmament through usual diplomatic channels or through the Secretary-General of the Conference on Disarmament. This information will be open to all States.

Any exchange of information carried out as a result of this document will not affect the obligations or practice of States following from the Convention on Registration of Objects Launched into Outer Space (1975) or from any other agreements or arrangement providing information on or notification of outer space activities;

5. Recognizes that States can contribute further to strengthening confidence by inviting other States voluntarily, on bilateral or other basis,

and in the spirit of reciprocity and goodwill to send observers to launching of space objects or to preparation of or participation in other outer space activities, particularly having military or military-related functions.

The inviting States will determine in each case the number of observers, the procedure and conditions of their participation. It will provide appropriate facilities and hospitality.

The invitation will be transmitted through usual diplomatic channels or through the Secretary-General of the Conference;

6. Urges all States particularly those with outer space capabilities to consider and, where possible, undertake other measures by which mutual understanding and confidence can be increased;

7. The Conference recognizes that the experience gained by the implementation of suggested measures as well as of other measures which States might undertake at their own discretion could lead to further consideration of other means of building confidence and reduction of misunderstanding in the activities of States in outer space.

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CONFERENCE ON DISARMAMENT

CD/945
CD/OS/WP.40
1 August 1989

ENGLISH
Original: FRENCH

LETTER DATED 1 AUGUST 1989 FROM THE REPRESENTATIVE OF FRANCE TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A WORKING PAPER ENTITLED "SPACE IN THE SERVICE OF VERIFICATION: PROPOSAL CONCERNING A SATELLITE IMAGE PROCESSING AGENCY"

I have the honour to attach a working paper entitled "Space in the service of verification: proposal concerning a satellite image processing agency", which falls under item 5 on the agenda of the Conference on Disarmament.

I would be grateful if you would arrange for its distribution in all the languages of the Conference, as an official document of the Conference on Disarmament and of its Ad hoc Committee on the Prevention of an Arms Race in Outer Space.

(Signed): Pierre MOREL
Ambassador
Representative of France to the Conference on Disarmament

GE.89-62831/1248a

FRANCE

WORKING PAPER

SPACE IN THE SERVICE OF VERIFICATION

PROPOSAL CONCERNING A SATELLITE IMAGE PROCESSING AGENCY

Progress in recent years has confirmed the need for verification arrangements specific to each disarmament or arms control agreement. However, the specific nature of this contractual verification may go hand in hand with a pooling of some of the data gathered.

While a State cannot expect to verify directly compliance with agreements to which it is not a signatory, all the members of the international community may legitimately hope to be supplied with information, since they all have an interest in compliance with disarmament agreements. Furthermore, it is desirable that they should be able to assess the situation leading up to and following on the adoption of such agreements.

Similarly, they must be in a position to evaluate military and non-military threats to their security, whether in terms of crisis management or in terms of prevention and handling of disasters and major risks.

This legitimate need for information may be met by various methods, but few of them would appear to be as exhaustive, as accessible and as appropriate as the use of satellite data.

For a long time a space-based remote sensing capability remained a monopoly of the United States and the Soviet Union. However, movement has recently begun in two directions:

Many other countries have acquired such a capability, of a civilian nature, and the commercial distribution of the data collected has expanded (Landsat, Spot-image, Soyuzkarta);

Simultaneously, specifications have improved and some civilian satellites now offer resolution down to 10 metres.

This situation potentially offers the international community a substantial set of data which are regularly updated and provide a wealth of security-related information.

In 1978, at the first United Nations special session devoted to disarmament, France, anticipating these developments and the importance which might be acquired by satellite observation in facilitating verification of disarmament agreements and crisis management, suggested the establishment of an international satellite monitoring agency (ISMA).

This proposal, which met with a wide welcome, had been studied in depth by a group of experts appointed for the purpose. In its preliminary conclusions, the group

"recognized the valuable contribution which monitoring by satellites could make to the verification of certain parts or types of arms control and disarmament agreements. This contribution from satellites to the verification process must not in general be seen as excluding other means of verification. The Group also appreciated the positive role that satellite monitoring could play in preventing or settling crises in various parts of the world and thus contributing to confidence-building among nations. The Group considered the gradual approach to the establishment of an international satellite monitoring agency technically feasible and saw in it a way to limit and control the financial commitments required from the international community. With respect to the legal nature of the agency, it appeared that action would have to be taken to ensure its independence, which would constitute an essential guarantee for the objectivity of its analyses".

A detailed study of the technical, legal and financial implications of the establishment of an ISMA was subsequently undertaken, and the report presented to the United Nations General Assembly (1981). The group of experts expressed support for three-phase implementation:

The first phase would see the establishment of an image processing and interpretation centre which would have at its disposal satellite data retransmitted by States possessing remote-sensing satellites;

In the second phase, the agency would be provided with its own ground segment to receive information from the satellites directly;

In the third phase, the agency would acquire its own satellite facilities.

This step-by-step approach, together with an evaluation of the agency's personnel requirements, was intended to allow for its phased establishment. However, despite the favourable reactions expressed, constraints of a political, technical and financial nature have so far prevented the initiation of this process.

The disappearance of the American-Soviet duopoly on remote sensing, and the consequent emergence of more abundant commercial data, prompted France to

propose at the third United Nations special session devoted to disarmament, in June 1988, the speedy establishment of a satellite image processing agency (SIPA). 1/

The principal function of the agency would be to gather and then partially or completely process data emanating from existing civilian satellites, and to disseminate the results of these operations among its members. Independently of the sources available to them at the national level, the members would in this way benefit from a regularly updated data base usable in three areas of major importance:

Disarmament: Either to obtain in this way data to facilitate the verification of disarmament agreements, or to establish certain facts in advance of the conclusion of such agreements (exchange of data, force estimates);

Crisis control and, where appropriate, compliance with disengagement agreements in local conflicts;

Prevention and handling of disasters and major natural risks, and possibly assistance in the devising of certain development programmes encompassing several countries and/or administered by the United Nations.

SIPA would receive digital or analogue data and/or photographic data (chromatic, colour or spectral photographs) and cartographic data.

Initially, SIPA should be able to use space data with a resolution of between 5 and 10 metres, and, where available, very-high-resolution (aircraft-supplied) data. This would cover only optical data (visible or near-infrared spectrum):

Originating from existing weather satellites;

Originating from existing or planned satellites for the study of terrestrial resources - United States (Landsat and future projects), USSR (Meteor), France (SPOT), India (IRS 1), etc.;

Recorded previously by satellites (historical data and Skylab-type data), or by the Federal Republic of Germany's metric camera installed in the American space shuttle.

The documents received by SIPA should subsequently be developed as satellite technology progresses, and as the resolution of image-taking improves.

1/ Cf. statement by Mr. Roland DUMAS before the General Assembly on 2 June 1988, as well as document A/S-15/34.

A. SIPA would have functions in the fields of processing, analysis, management and dissemination of data, organized as follows.

(a) The data processing subsystem (DPS) would, where appropriate, convert raw input data (in digital or photographic form) into data meeting the user's needs, and for that purpose would perform the following operations:

Conversion of photographic and cartographic data into usable digital data;

Conversion of satellite data into usable form, specifically after correction of various radiometric and geometric errors introduced during the acquisition phase.

The processing subsystem should also check the validity of all the scene identification parameters and, where necessary, determine such parameters (in particular, processing of remote maintenance data for the preparation of calibration tables).

(b) The data management subsystem (DMS) would be responsible for:

Reproduction of data;

Data storage, archiving and cataloguing;

Security of data, where necessary.

Data quality control would be an important function of the DMS, and the size of its facilities would depend in large part on SIPA's data dissemination policy (and specifically on whether the agency would disseminate raw data to all its members).

(c) The data analysis subsystem (DAS) would be responsible for converting non-analysed data into information capable of being used by SIPA and by the users. It would combine manual (visual) techniques of photointerpretation and computer-assisted interpretation, which would make it possible to perform a range of functions such as:

Contrast accentuation;

Noise elimination;

Linear filtering;

Utilization of false colours;

Production of composite images;

Analysis of scenes using auxiliary (cartographic or other) data.

(d) Data dissemination subsystem (DDS). Data for dissemination would be produced in the form of permanent images (films, tracings) or in the form of magnetic tapes. Dissemination would be restricted or unrestricted, as the case may be.

B. Beyond this principal function, which constitutes an extension of the first phase of ISMA, SIPA would also perform two other tasks.

Firstly, the very accomplishment of the function of collection and interpretation of satellite data makes SIPA an ideal framework for the vital training of experts in photointerpretation. Data transmitted by satellites, even after initial processing, always require interpretation in order to extract the desired information. This skill is still rather rare, while remote sensing imagery will play a growing role in the developing countries and its application to disarmament points to a promising future.

Secondly SIPA could serve as a research unit or centre, either to identify groups of satellites which could contribute to the implementation of multilateral civilian or military programmes, or even to design various possible linkages between ground sensors and satellite-borne detectors in the verification of disarmament agreements. The growing diversity of treaty provisions to be verified and the equipment involved will call for the development of new systems. Indeed, this process may on occasion play a role in the conclusion of new agreements. Generally speaking, the experience accumulated within SIPA would be irreplaceable in identifying new requirements as regards satellite equipment for use in disarmament verification, and in particular in determining whether specific satellites should be developed for each type of agreement, or whether multipurpose systems may be contemplated.

It is expected that the applications of remote sensing from space will develop in various areas, but the multilateral use made of them is still at an embryonic stage. In particular, many countries are still denied the benefits of the existing facilities because their experts lack adequate training.

The proposed agency, with a simple structure and modest costs, should make it possible to overcome this handicap and offer a real testing ground for the development of new technologies.

CONFERENCE ON DISARMAMENT

CD/953
23 August 1989

Original: ENGLISH

(EXTRACT)

LETTER DATED 21 AUGUST 1989 ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT BY THE PERMANENT REPRESENTATIVES OF INDIA, MEXICO, SWEDEN AND THE CHARGE D'AFFAIRES A.I. OF ARGENTINA TRANSMITTING THE TEXT OF THE JOINT STATEMENT MADE ON THE OCCASION OF THE FIFTH ANNIVERSARY OF THE INITIATIVE FOR PEACE AND DISARMAMENT ON 22 MAY 1989

As we are sure you are aware, the Heads of State or Government of India, Mexico and Sweden, the then President and Prime Minister of Argentina and Greece respectively, and the First President of Tanzania issued a Joint Statement on 22 May 1989, the fifth anniversary of the Initiative for Peace and Disarmament.

We would appreciate that the text of this Joint Statement be reproduced and distributed as a document of the Conference on Disarmament.

(Signed) Gabriel Parini
Chargé d'Affaires a.i.
Special Mission of Argentina
for Disarmament Affairs

(Signed) Kamalesh Sharma
Ambassador
Permanent Representative of
India to the United Nations
Office at Geneva

(Signed) Alfonso García Robles
Ambassador
Permanent Representative
of Mexico to the
Conference on Disarmament

(Signed) Carl-Magnus Hyltenius
Ambassador
Permanent Representative
of Sweden to the
Conference on Disarmament

(...)

We, as members of the Six-Nation Initiative, also stress that much more remains to be done before one can be confident that the disarmament process is irreversibly under way. We take satisfaction that one of our initial objectives has been achieved with the creation of a more conducive climate of international relations.

(...)

- Outer space must be prevented from being turned into an arena for the arms race and military confrontation.

(...)

CONFERENCE ON DISARMAMENT

CD/954
24 August 1989

Original: ENGLISH

REPORT OF THE AD HOC COMMITTEE ON PREVENTION OF AN ARMS RACE IN OUTER SPACE

I. INTRODUCTION

1. At its 493rd plenary meeting on 9 March 1989, the Conference on Disarmament adopted the following decision:

> "In the exercise of its responsibilities as the multilateral disarmament negotiating forum in accordance with paragraph 120 of the 9inal Document of the First special session of the General Assembly devoted to disarmament, the Conference on Disarmament decides to re-establish an Ad Hoc Committee under Item 5 of its agenda entitled 'Prevention of an arms race in outer space'.
>
> The Conference requests the Ad Hoc Committee, in discharging that responsibility, to continue to examine, and to identify, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space.
>
> The Ad Hoc Committee in carrying out this work, will take into account all existing agreements, existing proposals and future initiatives as well as developments which have taken place since the establishment of the Ad Hoc Committee, in 1985, and report on the progress of its work to the Conference on Disarmament before the end of its 1989 session."

2. In that connection a number of delegations made statements regarding the scope of the mandate.

II. ORGANIZATION OF WORK AND DOCUMENTS

3. At its 493th plenary meeting on 9 March 1989, the Conference on Disarmament appointed Ambassador Luvsandorjiin Bayart (Mongolia) as Chairman of the Ad Hoc Committee. Mr. Vladimir Bogomolov, Political Affairs Officer, United Nations Department for Disarmament Affairs, served as the Committee's Secretary.

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4. The Ad Hoc Committee held 17 meetings between 14 March and 24 August 1989.

5. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee: Austria, Chile, Denmark, Finland, Greece, Ireland, New Zealand, Norway, Portugal, Senegal, Spain, Switzerland, Turkey and Zimbabwe.

6. In addition to the documents of the previous sessions 1/, the Ad Hoc Committee had before it the following documents relating to the agenda item submitted to the Conference on Disarmament during the 1989 session:

CD/891	Letter dated 17 February 1989 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Canada to the Conference on Disarmament transmitting a compendium comprising plenary statements and working papers relating to the 1988 session of the Conference on Disarmament;
CD/898	Mandate for an Ad Hoc Committee under item 5 of the agenda of the Conference on Disarmament entitled "Prevention of an Arms Race in Outer Space";
CD/905 CD/OS/WP.28	Letter dated 21 March 1989 from the Permanent Representative of the Mongolian People's Republic addressed to the Secretary-General of the Conference on Disarmament transmitting a working paper entitled "Review of proposals and initiatives of the States Members of the Conference on Disarmament under agenda item 5, 'Prevention of an Arms Race in Outer Space'";
CD/908 CD/OS/WP.29	Letter dated 31 March 1989 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Venezuela transmitting a list of existing proposals on the prevention of an arms race in outer space;
CD/OS/WP/30	Proposals and Comments by Member States of the Conference on Disarmament concerning the participation of technical and other experts in the work of the Ad Hoc Committee on Prevention of an Arms Race in Outer Space, submitted by the German Democratic Republic;
CD/OS/WP.31	Programme of Work;

1/ The list of documents of the previous sessions may be found in the 1985, 1986, 1987 and 1988 reports of the Ad Hoc Committee, and in the special report to the third special session of the General Assembly devoted to disarmament (CD/642, CD/732. CD/787, CD/870 and CD/834, respectively).

CD/915
CD/OS/WP.32 Legal problems raised by the militarization of outer space submitted by Chile;

CD/927
CD/OS/WP.33 ASAT components and ways of verifying their prohibition, submitted by the German Democratic Republic;

CD/933
CD/OS/WP.34 Letter dated 13 July 1989 from the Permanent Representative of the German Democratic Republic addressed to the Secretary-General of the Conference on Disarmament transmitting a working paper entitled "Survey of International Law relevant to immunity and protection of objects in space and to other basic principles of outer space activities";

CD/937
CD/OS/WP.35 Letter dated 20 July 1989, addressed to the Secretary-General of the Conference on Disarmament by the Representative of France transmitting a working paper entitled "Prevention of an arms race in outer space: proposals concerning monitoring and verification and satellite immunity";

CD/OS/WP.36 Proposals by Sweden relating to prevention of an arms race in outer space;

CD/939
CD/OS/WP.37 Proposal for Amendment of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, submitted by Peru;

CD/941
CD/OS/WP.38 Letter dated 1 August 1989 addressed to the Secretary-General of the Conference on Disarmament by the Permanent Representative of the Polish People's Republic transmitting a working paper entitled "Confidence-building Measures related to Item 5";

CD/OS/WP.39 Creation of an International Space Monitoring Agency, submitted by the USSR;

CD/945
CD/OS/WP.40 Letter dated 1 August 1989 addressed to the Secretary-General of the Conference on Disarmament by the representative of France transmitting a working paper entitled "Outer Space and Verification: Proposal for a Satellite Image Processing Agency (SIPA)".

III. SUBSTANTIVE WORK DURING THE 1989 SESSION

7. Following an initial and extensive exchange of views and consultations on the programme and organization of work held by the Chairman with various delegations, the Ad Hoc Committee, at its 4th meeting on 6 April 1989, adopted the following programme of work for the 1989 session:

"1. Examination and identification of issues relevant to the prevention of an arms race in outer space;

2. Existing agreements relevant to the prevention of an arms race in outer space;

3. Existing proposals and future initiatives on the prevention of an arms race in outer space.

In carrying out its work, the Ad Hoc Committee will take into account developments which have taken place since the establishment of the Committee in 1985."

8. With regard to the organization of work, the Ad Hoc Committee agreed that it would give equal treatment to the subjects covered by its mandate and specified in its programme of work. Accordingly, the Committee agreed to allocate the same number of meetings to each of those subjects, namely, issues relevant to the prevention of an arms race in outer space, existing agreements and existing proposals and future initiatives.

9. The work of the Ad Hoc Committee was governed by the mandate which aims at the prevention of an arms race in outer space.

A. Examination and identification of issues relevant to the prevention of an arms race in outer space

10. During the debates in the Committee, member States had an opportunity to exchange views and express positions on different subjects relevant to the prevention of an arms race in outer space. Many delegations defined the subjects discussed, inter alia, as follows: determination of the scope and objectives of multilateral work under the agenda item; the status of outer space as the common heritage of mankind which should be used exclusively for peaceful purposes; the absence at present of weapons in space; the relationship between the prevention of an arms race in outer space and arms limitation and disarmament measures in other areas; the role of the bilateral negotiations and their interaction with the multilateral activities in this field; the identification of the functions performed by space objects, and of the threats confronting them; vulnerability and immunity of satellites; their role and use for purposes of reliable verification; a concept of a comprehensive international verification system; questions relating to compliance and the need for information on how outer space is being used and on national space programmes of military significance; the need for identification and elaboration of mutually agreed legal terms; examination of sufficiency and adequacy of the existing legal régime; various approaches to reach a common understanding of what the existing legal norms do with regard to outer space activities; and functioning of the existing legal instruments.

11. There was general recognition of the importance of the bilateral negotiations between the Union of Soviet Socialist Republics and the United

States of America and it was stressed that bilateral and multilateral efforts were complementary. One delegation observed that the bilateral negotiations have little relation to the more general question of the prevention of an arms race in outer space because they are limited to issues connected with the interpretation of and compliance with the 1972 Treaty between the United States of America and the Union of the Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems. Many delegations emphasized that those negotiations did not diminish the urgency of multilateral negotiations and reaffirmed that, as provided for in General Assembly resolution 43/70, the Conference on Disarmament, as the single multilateral disarmament negotiating forum, had the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects. They also stressed that the scope of the work of the Conference on Disarmament was global and larger than the scope of the bilateral negotiations. Some other delegations, while recognizing the need for the Conference to play a role with respect to problems relating to the prevention of an arms race in outer space, stressed that nothing should be done that would hinder the success of the bilateral negotiations. Furthermore, they believed that multilateral disarmament measures in this area could not be considered independently of developments at the bilateral level. It was also stated that despite the special responsibility and obligation of the two principle space Powers, the regulation of outer space and the prevention of an arms race in that environment could not be left entirely to bilateral negotiations between the two major Powers and at the propitious time, the Conference on Disarmament would have to play its role in this field.

12. Many delegations, reiterating that outer space is the common heritage of mankind and should be reserved exclusively for peaceful uses to promote the scientific, economic and social development of all nations, stressed the over-riding importance and urgency of preventing an arms race in outer space. They pointed out that the exploration and use of outer space should be carried out in the interests of maintaining international peace and security and promoting international co-operation and mutual understanding. They stated that military competition between the two major powers was being extended into outer space, leading to the development, testing and possible deployment of weapons systems and their components adaptable for use in or from space. In their view, the introduction of weapons into space would result in an

irreversible competition in the field of space weaponry which would have dangerous consequences for international peace and security, give the arms race a qualitatively new dimension, undermine existing agreements and jeopardize the disarmament process as a whole. It would also, in their opinion, create obstacles to the peaceful uses of outer space to promote scientific, economic and social development. They suggested that legal norms as a general rule should not be allowed to lag far behind the relevant technological developments and that, since this general rule is more valid with respect to space law, this necessitated strengthening the outer space legal régime. They, therefore, were of the view that as a result of the work carried out in previous years, attention should be devoted to proposals for measures to prevent an arms race in outer space. They believed that the various ideas and suggestions that had been advanced provided sufficient points of convergence to move forward in that area. Accordingly, many delegations held that the Ad Hoc Committee should proceed with a more structured and goal-oriented examination of the subject.

13. The Group of Socialist States considered that the commitment to the pursuit of peace made it necessary to end an arms race on the Earth and to prevent it from spilling over into outer space. They recalled that resolution 43/70 of the United Nations General Assembly had reiterated once again that "the Conference has the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects" and had requested the Conference to re-establish an Ad Hoc Committee "with an adequate mandate" with a view to undertaking such negotiations. With the content of the "adequate mandate" referred to by the General Assembly being subject to different interpretations, in the view of this group, intensive and fruitful work was possible and needed even under the present mandate, since the Committee had accummulated a lot of proposals and initiatives that should be further pursued. Such issues as a moratorium and a ban on ASAT weapons and guarantees of the immunity of space objects, the establishment of an international space inspectorate and other verification mechanisms, were well identified and ripe for practical solutions given political will on the part of all member States. They also favoured the establishment of a group of experts to consider various aspects of the prevention of an arms race in outer space. The consideration of these and other issues would not, in their view, preclude the search for comprehensive solutions of the type envisaged in documents

CD/476 and CD/274. They expressed their conviction that the Conference could and should make a significant contribution towards the achievement of this objective.

14. Stressing that arms control and disarmament are not ends in themselves but means to a more important goal, that of enhanced security, some delegations noted that a large majority of space activities consists of military activities and noted that many such activities clearly had stabilizing roles and were vital components of deterrence and strategic stability. They noted that military systems deployed in space accomplished a variety of support missions and that they played a vital role in the strategic relationship of the two major Powers. They considered that, while the Ad Hoc Committee had had very substantial discussions, fundamental divergences persisted and the work was still in an exploratory phase. In their view, the prevention of an arms race in outer space was linked to and should take into account progress in other fields of arms limitation and disarmament, in particular the reduction of nuclear weapons. These delegations continued to underline the importance of issues relating to verification of and compliance with existing and future agreements and held that those issues required a more thorough examination. They also stressed the need for detailed information on national space programmes that had military implications. One delegation pointed out that the aim of the Committee should be to consider different approaches to the subject and to make sure that each participant understood the concerns and the interests of other States. That delegation did not believe that the Committee was in a position to begin negotiations as there were still too many unanswered questions. When negotiations come, they might not be in this forum since some issues, such as ballistic missile defence, were better dealt with bilaterally. It noted that some other delegations maintained that the conclusion of agreements to prevent an arms race in outer space was a matter of great urgency. The delegation believed that improved security must be purusued whether on earth or in space but it did not believe that the threat of an arms race in outer space was imminent. It also noted that the predicted proliferation of anti-satellite weapons had not happened.

15. Some delegations reckoned that discussions on definitions so far had been unsatisfactory and had shown that without consensus about the basic assumptions and without agreement upon the technical, juridical and doctrinal meaning of a definition, any attempt to achieve clarity in conformity with intended treaty obligations would remain academic. The view was expressed

that the Committee should discuss the existing military activities in space and look at the value and utility of such activity. Among other pertinent subjects for discussion, interference with the functions of space objects and the implications of the potential for such interference, re-usable launchers and their implications; the expansion of industry and commerce into outer space and its relationship with any future arms control initiatives were mentioned.

16. One delegation also stated that before the Ad Hoc Committee could properly entertain proposals for future initiatives on the prevention of an arms race in outer space it should first examine in detail which issues before it were relevant to its work and if the agreements already in existence contribute to preventing an outer space arms race. The same delegation noted that its country remained committed to multilateral approaches to arms limitations and disarmament where appropriate and it had made a serious attempt to identify measures that might be feasible and desirable as the basis for negotiating further multilateral arms control agreements that apply to outer space, but it had identified no appropriate measures that would enhance international security and were both feasible and verifiable. This delegation also noted that a fundmental framework must first be established on a bilateral level. It rejected the concept of "space strike weapons" and phrases "dedicated" and "non-dedicated anti-satellite systems" for being part of a selective approach which did not give an accurate picture of the threats against space objects and of the military and strategic situation relevant to outer space.

17. One delegation held that outer space, as the common heritage of mankind, should be used only for peaceful purposes and in the interests of human welfare. It considered that to prevent an arms race in outer space has become a new priority item in the field of disarmament. That delegation had always held that the effective way to prevent an arms race in outer space was to ban all types of space weapons. In the view of this delegation, the major space Powers, which bore a special responsibility for the prevention of an arms race in outer space and were the sole countries to possess and continue to develop space weapons, should commit themselves not to test, develop, produce and deploy space weapons and to destroy all their existing space weapons. It held that on this basis, an international agreement or agreements on the complete prohibtion of space weapons could be concluded through negotiations. It also stressed that it was imperative to start substantive negotiations on the

prevention of an arms race in outer space as soon as possible. That delegation believed that, though the work of the Ad Hoc Committee had scored some achievements, it had failed to make substantive progress. It was of the view that at the present stage, work in the Conference on Disarmament should centre on the solution of the problems that were directly related to preventing the "weaponization" of outer space.

18. Some delegations maintained that they had been and continued to be supporters of using outer space for peaceful purposes and implementing far-reaching and comprehensive initiatives aimed at the prevention of an arms race in outer space, which would include such important measures as prohibition of ASAT systems and space-to-Earth arms, and creation of a system of control over the non-placement of arms in outer space. One delegation reiterated its conviction that a world secure for all could not be built on the basis of extending the arms race to new spheres, in particular to outer space. Weaponization of space would lead to a dangerous rivalry in the field of space arms, which would have irreversible consequences for international peace and security and for maintaining strategic stability. It would impart a qualitatively new nature to the arms race, would undermine existing agreements and endanger the disarmament process as a whole. Of greatest importance for preventing such an outcome was strict compliance with the ABM Treaty.

B. Existing agreements relevant to the prevention of an arms race in outer space

19. The Ad Hoc Committee recognized that activities in the exploration and use of outer space should be carried out in accordance with international law. The importance of the principles and provisions of international law relevant to the prevention of an arms race in outer space was stressed.

20. Some delegations underlined the central role that the Charter of the United Nations played in the legal régime applicable to outer space. In that connection they stressed the special significance of paragraph 4 of Article 2 and Article 51. They noted that Article 2(4) prohibits the threat or use of force against the territorial integrity or political independence of any State. Complementing Article 2(4), Article 51 permits States to exercise their inherent right of individual or collective self-defence. These delegations thus concluded that when read together, these two Charter provisions strictly prohibit the use of force in all instances except self-defence. Accordingly, they believed that these provisions afforded a substantial degree of protection to space objects. Other delegations

reaffirmed the importance of the United Nations Charter, but, at the same time, reiterated that its provisions concerning the non-use of force could not, in and of themselves, be sufficient to preclude an arms race in outer space - just as they had not done so on Earth - since they did not address the question of the development, testing, production and deployment of weapons in space. These delegations recalled that the legal provisions of these articles had not diminished the universally-recognized need to negotiate disarmament agreements and even to ban specific types or whole classes of weapons, such as biological, nuclear, chemical and radiological weapons. In their view, Article 51 of the Charter could not be interpreted as justifying the use of space weapons for any purposes or the possession of any type of arms based on the use of space weapons. They also stressed that Article 51 could not be invoked to legitimize the use or threat of use of force in or from outer space. In this context, they noted that the objective agreed upon by consensus, both at multilateral and bilateral levels, was not to regulate an arms race in outer space but to prevent it, and that any attempt to justify the introduction of weapons in that environment contradicted that objective. This was, they maintained, all the more true because they believed it had been officially stated that there was mutual recognition in the bilateral negotiations between the United States and the Union of Soviet Socialist Republics that there is no absolute weapon - offensive or defensive. Accordingly, these delegations believed that in the context of the work of the Ad Hoc Committee the value of statements on the existing degree of protection to space objects should be assessed against their relevance to the achievement of the common objective to prevent an arms race in outer space. It was noted, on the other hand, that the reference to the prohibition of the use or threat of use of force as reflected in the preamble of the United Nations Charter was explicit and applied without restriction to all activities in outer space.

21. Another delegation stated that Article 2(4) of the Charter constitutes the point of departure for the international efforts aimed at preventing an arms race in outer space, because any act conducive to turn outer space into the scenario of an arms race constitutes a contravention of that provision, in the sense that the action of developing, producing and stationing weapons in space configurates a threat to the territorial integrity and the independence of all the other States Members of the United Nations. That delegation also stated that the right to legitimate self-defence enshrined in Article 51 of the Charter does not authorize any State to extend its military power into

space nor to use that environment as an arena to station its instruments of destruction, endangering the security and integrity of other States. It was also stressed by that delegation that in the opinion of the majority of countries, the Outer Space Treaty has a serious juridical vacuum, inasmuch as it does not cover other weapons, different to nuclear weapons and weapons of mass destruction, which are being developed for their incorporation in strategic defence systems. The same delegation further stressed that as a result of this vacuum, the Outer Space Treaty has not been sufficient to stop certain countries from initiating activities which may lead to the launching of an arms race in outer space. That delegation concluded that the Treaty does not contain provisions capable of putting a check to the effort currently being deployed to create elements of a strategic defence which will work from space, or will accomplish their missions in space.

22. Some delegations pointed out that as a result of the work accomplished in the past years, the Committee had at its disposal a sound analysis of the existing international law of outer space and a number of constructive proposals. Three delegations belonging to the group of socialist States submitted a document entitled "Survey of international law relevant to immunity and protection of objects in space and to other basic principles of outer space activities" (CD/933-CD/OS/WP.34). The document was aimed to show that, though the existing legal régime for outer space was adding to the protection of space objects, it did not guarantee all-embracing protection and it was crucially important that all States strictly comply with these agreements. Further codification and development of existing rules of international law relating to the protection of space objects would contribute an essential step towards preventing an arms race in outer space. These additional measures could encompass steps providing for building confidence and for prohibiting the weaponization of outer space.

23. One delegation pointed out that the legal régime in outer space continued to be the object of considerable interest and concern as many nations had not ratified or acceded to existing international agreements pertaining to outer space, thus raising questions regarding the extent and coverage of that legal régime. Despite widespread recognition that the current régime placed some legal restraints on most types of weapons in outer space, there remained concern that the task of precluding the introduction of destabilizing military options into space had not been completed. The purpose of work in the legal field should be to analyse the arms control and disarmament implications of

conflicting positions with a view to promoting a commonly-shared understanding of what existing treaty law and customary principles of law say in terms of prohibition of certain activities in outer space. This exercise would also have to focus on the question to what extent, as far as space is concerned, there is a need to go beyond existing treaty law and broader norms regarding the use of force in general.

24. A number of delegations, while acknowledging the value of the restraints imposed by the existing legal régime, which placed some barriers to the arms race in outer space through limitations on certain weapons and military activities in that environment, reiterated that in some areas there were loopholes. They noted that the 1967 Outer Space Treaty, because of its limited scope, left open the possibility of the introduction of weapons in space, other than nuclear weapons or other weapons of mass destruction, in particular anti-satellite weapons and space-based anti-ballistic missile systems. Furthermore, in their opinion, current developments in space science and technology, coupled with on-going military space programmes, underscored the inadequacy of existing legal instruments to prevent an arms race in outer space. They, therefore, held that there was an urgent need to supplement and amplify the existing legal régime and that, consequently, it was imperative to strengthen, improve and broaden the legal régime applicable to outer space with a view to the effective prevention of an arms race in outer space in all its aspects. Some other delegations stressed that as long as the analysis of the existing legal prescriptions remained restricted to the continuously repeating and deploring of deficiencies and lacunae without attempting to agree upon the real need for and adequate approach to the improvement and completion of a comprehensive legal régime, the work of the Committee would remain selective, deliberately incomplete and without substantial reward.

25. Some other delegations stressed that there was already a body of international law governing activities in outer space which provided a considerable measure of prohibition and protection. They believed it was important to have a full understanding of the scope of the existing legal régime, of the inter-relationship of its provisions and of aspects related to adherence, compliance and enforcement. Some of those delegations believed that the examination of that régime in the Ad Hoc Committee confirmed that there continued to be a need to arrive at a common understanding of what were permitted and prohibited uses of outer space.

26. In addition to sharing some of the views reflected in the first two sentences of the above paragraph, one delegation reiterated that the existing legal régime for arms control in outer space was equitable, balanced and extensive. It placed some legal restraints on virtually every type of weapon in outer space. It had been far more successful in preventing an arms race than any comparable legal régime on Earth. That delegation viewed this régime as wide-ranging and logical, not full of gaps and holes, but containing mutually reinforcing legal constraints, not ineffective but practical and workable. In its opinion, any problems associated with the existing legal régime would be inherent in any legal régime for arms control in outer space, no matter how much it was developed, elaborated or amended. A legal régime by itself was not sufficient to prevent an arms race in outer space because compliance with, enforcement of and participation in that régime were needed. Apart from that, this delegation believed that many of the proposals noted or listed in CD/905 and CD/908 were founded on an inadequate appreciation or a flawed understanding of the existing legal régime. It considered that such proposals were either redundant or perhaps even prejudicial to the legal controls that were already in place. One delegation also noted that, contrary to the apprehensions noted about "current developments in space science and technology, coupled with ongoing military space programmes," great advances in data processing, sensors, microelectronics, materials, propulsion, and directed energy have opened a window to a potentially safer era, with a growing likelihood of effective, non-nuclear defences against ballistic missiles. This delegation stated that if these advances can be fully developed, the nuclear or chemically-armed ballistic missile, by far the most dangerous instrument of war to use the medium of space, would no longer be an "absolute weapon".

27. Some delegations expressed serious concern that one space Power went ahead with its strategic defence programme by having conducted a number of experiments which would lead to growing mistrust and might intensify the arms race. Some delegations noted that from the above commentary it could be concluded that no other country had any programme comparable to the strategic defence programme.

28. One delegation further stated that such a conclusion would be far from correct, as one other major space Power has also been pursuing since the 1960s its own research and experimental work into advanced technologies for strategic defence, which are precisely the same types of technologies being

researched and experimented with in the strategic defence programmes of this delegation's country. This same delegation further noted that in November 1987, a statement was made by high level officials of the other major space Power that practically their country was doing all that this delegation's country was doing in this field. These officials also stated that their country would not build or deploy such a strategic defence programme. This same delegation believes, however, that it is capabilities rather than declared intentions that count. This same delegation also noted that one other major space Power is also doing far more than his own country on strategic defences.

29. Many delegations however expressed concern about all such development efforts.

30. In this connection one delegation pointed out that the country it represents has no SDI-type programme comprising space-based ABM components, that it has no intent to deploy "strategic defence" in space and calls upon the other major space Powers to act in the same way.

31. Some delegations pointed out that agreements to prevent an arms race in outer space could be verifiable at present and that the rapid development of technology was helpful in devising increasingly reliable technical means of verification. These delegations also believed that the process of consideration of and negotiations on specific proposals to prevent an arms race in outer space would reveal which terms might need to be clarified or even strictly defined, in order to eliminate any unacceptable degree of uncertainty or ambiguity that might exist in the interpretation of their meaning.

32. A view was expressed by some delegations that the Committee should come to a common understanding of individual legal instruments relevant to outer space and the extent of the coverage both of single instruments and in the inter-relationship. According to this view, this would require reaching agreement on the meaning of basic terms, such as peaceful uses, militarization and stabilizing and this could, in turn, assist the Committee in determining what constituted permitted or prohibited uses of space, following which the Committee could, for example, examine the scope for identifying relevant thresholds of intolerance in, for example, satellite functions. In the opinion of those delegations the Committee should be able to identify and reach agreement on a range of measures to ensure better compliance with the existing legal régime and compile a list of confidence-building measures

relevant to outer space. Apart from broadening participation in existing legal instruments, in their view the Committee could look into the possibility of identifying measures for greater transparency of military-related uses of space, which would make a valuable contribution to the collective search for creating better conditions for political stability.

33. Various delegations believed that the present legal régime governing outer space was no longer adequate to guarantee the prevention of an arms race occurring in outer space. It was noted that General Assembly resolution 43/70 recognized the urgency of preventing an arms race in outer space and requested the Conference on Disarmament to undertake negotiations for the conclusion of binding agreement or agreements, as appropriate. While recognizing the significant role played by that régime and the need to consolidate and strengthen it and its effectiveness, several delegations called for the total prohibition of the development, production, stationing, stock-piling and use of space weapons and the destruction or transformation of existing weapons.

34. One delegation maintained that the existing international treaties on outer space were characterized by the specific situation at the time of their adoption and were therefore limited from an historic perspective. These international legal instruments, despite their significance, could not longer meet contemporary needs and they were no longer adequate for the prevention of an arms race in outer space. They had no clear-cut provisions on the banning of the arms race in outer space, did not prohibit all space weapons, and contained no provisions on the demilitarization of outer space.

35. One delegation responded that because of the primary set of restraints in existing international legal instruments, those weapons that pose the greatest threat are covered by the legal régime. This delegation further noted that there is no indication that any activities currently underway in space are detracting from stability, but rather that current activities are contributing to stability by enhancing capabilities for deterrence and verification. This delegation stated that the most threatening situations for international peace remain on earth.

36. Many delegations were of the view that all States, in particular the space Powers, should become parties to the multilateral treaties in force that contained provisions relevant to the prevention of an arms race in outer space, in particular the 1963 Partial Test Ban Treaty and the 1967 Outer Space Treaty.

C. Existing proposals and future initiatives on the prevention of an arms race in outer space

37. Some delegations, stressing the urgency of forestalling the introduction of weapons in space, discussed comprehensive proposals for the prevention of an arms race in outer space, such as those calling for a treaty prohibiting the use of force in outer space or from space against Earth, a treaty prohibiting the stationing of weapons of any kind in outer space and amendments to the 1967 Outer Space Treaty. In this context, some of these delegations considered that the various definitions of space weapons that had been put forward provided a good basis for working towards a comprehensive prohibition of weapons that were not yet outlawed under the existing legal régime. They also suggested that with the assistance of experts it should be possible to formulate a definition that would not only describe space weapons but also list their components.

38. A proposal was submitted (CD/OS/WP.37) to amend Article IV of the Outer Space Treaty so as to make its prohibition applicable to any kind of weapons and to contemplate the negotiation of an Additional Protocol for the purpose of prohibiting the development, production, storage and deployment of anti-satellite-weapons systems which are not stationed in outer space. According to that proposal those amendments to the Treaty would be complemented by a second additional protocol to deal with the verification system to ensure faithful compliance with the obligations assumed by the States Parties which may be a mixed system based principally on a multinational or international approach and on a national approach in accordance with the means of verification available to each State Party.

39. One delegation expressed the view that the general objective should aim at establishing one legal régime for outer space as well as the Moon and other celestial bodies. It maintained that this could only be realized through a clear-cut provision declaring that outer space shall be used exclusively for peaceful purposes.

40. One delegation recalled that the previous year it had submitted a proposal contained in document CD/851 seeking to amend Article IV of the Outer Space Treaty. That delegation stressed that that proposal has, as its point of departure, the recognition, largely shared by a vast sector the Conference and reflected in previous reports of the Ad Hoc Committee that the Outer Space Treaty has an important juridical vacuum and is inadequate to prevent an arms race in outer space because it does not prohibit the stationing in space of

weapons other than nuclear and mass destruction weapons. It maintained that those other weapons not covered by the Outer Space Treaty are denominated in this proposal and currently they give rise to the deepest concern because they are the subject of research and development, with a view to being incorporated into strategic defence systems.

41. Some other delegations were not in favour of such approaches on the grounds that they did not give an accurate picture of all the threats confronting space objects and overlooked other significant factors of the military and strategic situation relevant to outer space. These delegations also held that proposals should be examined bearing in mind questions relating to compliance, verifiability, practicability and utility. One delegation held that it would be undesirable if proposed initiatives restricted the development of peaceful industry in space and that proposals therefore should be examined from this perspective as well.

42. One delegation suggested that States parties to multilateral treaties related to activities in outer space could make declarations recognizing the compulsory jurisdiction of the International Court of Justice in all legal disputes concerning these agreements. In the view of that delegation such a declaration could be accompanied by a strong appeal to States not parties to these treaties to adhere to them as soon as possible.

43. Many delegations, noting that existing legal restraints whether bilateral or multilateral did not preclude the emergence of non-nuclear ASAT weapons, stressed the importance of a ban and limitations on anti-satellite weapons. Various delegations further elaborated previously advanced proposals. Thus, one delegation made an expert presentation and submitted a document (CD/927-CD/OS/WP.33) on basic provisions of a treaty on ASAT components and ways of verifying their prohibition, which contained comments on the problems of definitions and categorization of conventional ASAT weapons and indicated possibilities for effective verification of future agreements. The document also contained the following recommendations: advance notice of launch activities; on-site inspection of objects to be launched; prohibition of experiments, including collisions or explosions of space objects; no high velocity fly-by tests; observance of keep-out zones/minimum approach distances; advanced notice on manoeuvering activities of space objects; essentially improved registration and catalogue of space objects, including small debris and international exchange of data of space objects. Another delegation submitted another document entitled "Review of proposals and

initiatives of the States members of the Conference on Disarmament under agenda item 5", prepared on the basis of the official documents and records of the United Nations General Assembly and the Conference on Disarmament, as well as on statements made by the member States (CD/905-CD/OS/WP.28). The delegation hoped that the review would promote in-depth analysis of their complex political, military, scientific, technical and international legal problems, taking into account the necessity of examining avenues which could lead to future multilateral negotiations in the Conference on Disarmament aimed at the prevention of an arms race in outer space. Another delegation reiterated that it has all along stood for the banning of all space weapons, which naturally includes ASAT weapons. In the view of this delegation, in order to facilitate consideration and negotiation of the issue of the prevention of an arms race in outer space, the banning of ASAT weapons, as a first step, has a certain practical significance.

44. One delegation highlighted some of the legal issues surrounding the establishment of keep-out zones in outer space. With reference to Articles I, II and IX of the Outer Space Treaty, it pointed out that there was today agreement that the two principles of freedom and non-appropriation in relation to outer space existed independently of the Treaty, having already acquired the status of customary rules of international law. This delegation was joined by some others in further noting that the relevant provisions of the Treaty reinforced the principle that exclusive rights did not exist in outer space even though the practical capabilities of some users might be greater than others. All of these delegations believed that although the situation would be different in the case of a multilateral agreement regarding keep-out zones the fact was that the unilateral declaration of keep-out zones, having specific spacial dimensions would be equivalent to an attempt to exercise sovereignty and would be in breach of existing international law.

45. One delegation introduced a working paper (CD/OS/WP.36) containing proposals for urgent measures to prevent an arms race in outer space. It pointed out that both major space powers had devoted considerable resources to research on ballistic missile defences (BMD) and the issue of BMD was of relevance also to the Conference on Disarmament, since all States would be affected by the destabilizing implications. Furthermore, this delegation stated that since the major space Powers had tested dedicated ASAT systems, other States, too, could consider strengthening their military capacities by acquiring ASAT capabilities and that the spread of advanced missile technology

could promote such a development. It thought that the risk of an arms race in outer space could be partly attributed to the fact that the existing body of international law was not sufficient to prevent such a development. In the view of this delegation, various bilateral agreements between the two major powers indicated the vital stabilizing function attributed by them to securing, inter alia, the protection of early warning satellites. It suggested that the existing de facto moratorium by the two major space Powers on testing of dedicated ASAT systems should, as an immediate measure, be formalized and that production, as well as deployment of dedicated ASATs, be prohibited without delay and that such existing systems be dismantled. Furthermore, the delegation proposed that an agreement should be negotiated to ban the testing in an ASAT mode of various types of non-dedicated systems. The delegation stated that the question of verification of compliance with the proposed measures was of crucial importance and should be systematically studied by experts in the field, with on-site inspection, satellite tracking and data collection being examples of methods of verification. It believed that the establishment of an international system for monitoring satellites should be the focal point of studies by experts. The delegation had earlier proposed the setting up of an expert group under the auspices of the Conference on Disarmament. It considered that the proposals concerning confidence-building measures, including rules of the road, which had been made in the Conference, and more recently, by experts in the Committee, should be given systematic consideration. It maintained that because of the risks of vertical and horizontal proliferation of dedicated and non-dedicated ASAT capabilities, as well as the dangers posed by possible non-intentional harmful interferences with satellites, the Committee should, as of its next session, assume a new sense of direction to promote the task before it. The proposals made by the delegation were supported by many delegations.

46. Another delegation noted that its objective in bilateral negotiations was to manage a stable transition to increased reliance on effective defences that threaten no one. It further stated that, together with a 50 percent reduction in strategic weapons, a robust defence against ballistic missiles would enhance strategic stability by rendering a first strike ineffective. This delegation also noted that in the ASAT area another significant space Power has had the operational capability to attack satellites in near-Earth orbit with a ground-based orbital interceptor. This delegation noted that his country did not possess a comparable operational capability.

47. In this connection another delegation stated that its country did have a land-based ASAT system, the testing of which was not complete and which, therefore, could not be called operational. In 1983 this country declared a unilateral moratorium on putting into space anti-satellite weapons of any type, which it continues to observe. It had proposed several times to the other major space Power that they should negotiate a mutual ban on the development, testing and deployment of ASAT systems and eliminate such systems that these Powers possessed. However, this proposal was not accepted.

48. Some delegations considered that there were inherent difficulties in proposals for a ban or limitations on ASAT weapons and referred, in particular, to the diversity and characteristics of the potential threats to space objects, the existence of weapon systems that had an ASAT capability, the limitations of various notions for purposes of defining and prohibiting ASATs, problems of verifiability and the close link between questions relating to ASATs and matters under consideration in the bilateral negotiations. Beyond that, one delegation also elaborated on the various legal restraints that the existing legal régime already imposed on the nature, deployment and use of ASATs.

49. Various delegations were of the view that consideration should be given to the questions of the protection of satellites and a number of proposals and ideas were examined. Some delegations considered that attempts to establish a protection régime based on a categorization of satellites would give rise to many difficulties and advocated the granting of immunity to all space objects without exception, with the understanding that space weapons would be subject to an unconditional ban. Other delegations were of the view that certain distinctions should be made for the purpose of immunizing satellites and various possibilities were mentioned in terms of their functions, purposes and orbit. In this connection, some delegations held that a protection régime called for improvements in the system of registration of space objects to permit the identification of the nature and missions of protected space objects. Some delegations stressed in particular that immunity should not be extended to satellites that perform military missions.

50. One delegation, in introducing a working paper (CD/OS/WP.35), made a presentation at the expert level on the use of outer space for monitoring and verification and on satellite immunity. It first considered that the general conditions for the prevention of an arms race in outer space ruled out measures, such as a comprehensive ASAT ban, which would be delusive or

unsuitable for multilateral treatment. It then recalled its proposal for an agency for the processing and interpretation of space images, as a first phase of the international satellite monitoring agency (ISMA) proposed at SSOD-I, underlining that such an agency for the processing and interpretation of space images was not intended to be an embryo of a verification system of universal competence. It finally described the principle of non-interference with non-aggressive space activities as the basis for securing the legal immunity of satellites. The implementation of such a principle would, in the view of that delegation, require a strengthening of the 1975 Registration Convention as well as the elaboration of a space code of conduct. In order to manage the information on the characteristics of space objects, a computerized trajectography centre could be established to reconcile the constraints of confidentiality with the gathering of all the necessary information on satellites' trajectories. This centre would be the instrument of a confidence-building régime.

51. Another delegation pointed out that placing at the disposal of the international community the results of national satellite monitoring would be a major confidence-building and transparency measure in relations among States, a measure of international verification. In the view of that delegation the possible use of space monitoring would provide the international community with necessary information in the field of verification of the majority of multilateral agreements on confidence-building measures, limitation of armaments and disarmament, which were already in force or being elaborated, as well as for verification of compliance with the agreements on the settlement of regional conflicts and ending local wars. This delegation noted that at the first stage, in the course of the implementation of the tasks before space monitoring means, States possessing such means could provide the international community with the information within a 5-metre resolution limit or less. It was also declared that this State could agree to lift totally the limitations on the level of resolution of the information provided for the international community. This delegation further suggested to set up a group of experts, as proposed by another delegation (CD/OS/WP.30) and assign it the task of preparing a report on the perspectives of satellite monitoring to be submitted to the Conference on Disarmament.

52. Various other possible measures relating to the security of satellites were mentioned, such as multilateralizing the immunity provided for in certain

bilateral agreements to satellites that served as national technical means of verification, a "rules-of-the-road" agreement, the reaffirmation and further elaboration of the principle of non-interference with peaceful space activities and the elaboration of a code of conduct in outer space to prevent the risks and fears that could arise from certain manoeuvres of space objects.

53. One delegation noted that international legal instruments already existed to ensure the immunity of satellites. This delegation stated that these instruments prohibited the use of force and the threat of the use of force against satellites except in cases of self-defence. This delegation noted, however, that these instruments were not intended to compromise the inherent right of sovereign States to take adequate measures to protect themselves in the event of the threat or use of force.

54. In the view of a number of delegations, it was imperative to create a coherent set of confidence-building measures in relation to activities in outer space and this could be achieved by initiating a process of data exchange (along the lines of CD/OS/WP.25). Stressing the non-compulsary character of possible measures, one delegation subjected to detailed analysis several articles of the Outer Space Treaty and Registration Convention, which contained "points of contact" or "starting points" capable of serving as a framework for this set of measures.

55. One delegation expressed its conviction that its concept of a "rules-of-the-road" agreement would be a useful contribution to the creation of a solid future space order as well as the prevention of an arms race in outer space. In its view, the main components of that agreement would be: restrictions on very low altitude overflight by manned or unmanned spacecraft; new stringent requirements for advanced notice of launch activities; specific rules for agreed and possibly defended keep-out zones; grant or restriction of the right of inspection; limitation on high-velocity fly-bys or trailing of foreign satellites; established means by which to obtain timely information and consultations concerning ambiguous or threatening activities. More detailed views on those components were contributed by an independant expert from that country.

56. Many delegations focussed on the importance of transparency in the activities of States and of accurate information on how outer space was being used. The view was expressed by some delegations that there was a need for expert examination of the parameters on which information should be provided and it was suggested that a group of experts be set up for that purpose. Some

delegations believed that strengthening of the Registration Convention would be a valuable confidence-building measure, and they discussed various ways and means of improving the system of notification established thereunder with a view to assuring the availability of timely and adequate information on the nature and purposes of space activities.

57. In this connection, one delegation suggested the concept of separate protocol negotiated in the Committee on exchange of information on and notification of outer space activities. The same delegation proposed some verification measures which could include verification of notified launches on the basis of mutual invitation or ad hoc mutual inspection without the need of any international structures. This delegation considered that the Conference might adopt measures not having the character of legal documents but expressing a political commitment and contributing to building confidence, aimed at strengthening the international legal régime applicable to outer space and at increasing the transparency of outer space activities, particularly having military or military-related functions. The delegation suggested that these measures could be approved by the Conference as a part of its report on the work on item 5 (CD/941-CD/OS/WP.38).

58. Some delegations considered that questions concerning the Registration Convention fell within the competence of the Committee on the Peaceful Uses of Outer Space. In addition, one delegation noted that the Registration Convention had been negotiated to establish an international register of space objects to give practical effect to the Convention on International Liability for Damage caused by Space Objects and held that the introduction of changes in the former entailed a high probability of introducing confusion into the latter. Some delegations pointed out that the Registration Convention, as mentioned in its preamble, has to be seen in the context of developing international law governing the exploration and use of outer space and therefore had direct relevance to the work of the Ad Hoc Committee.

59. Referring to its proposal concerning declarations that weapons have not been deployed in outer space on a permanent basis, one delegation explained that the initiative was aimed at generating a climate of confidence in the field of the prevention of an arms race in outer space. Some delegations welcomed the proposal and recalled that the usefulness of unilateral declarations as confidence-building measures had been acknowledged in various fields of arms limitation and disarmament. Supporting this proposal, one delegation belonging to the Group of Socialist States recalled that it had stated that it would not be the first to place weapons in outer space.

60. Another delegation, commenting on the problems that in its view this proposal raised, noted that there were many kinds of weapon systems that could be used against space objects and that not all of them need necessarily be placed in space. It pointed out that those were the kinds of issues that were under discussion in the bilateral negotiations.

61. Some delegations recognized the importance of verification in the context of measures to prevent an arms race in outer space and considered that it should be possible to assure verification of compliance with agreements through a combination of national technical means and international procedures. Other delegations noted that the Outer Space Treaty contained some verification provisions. A number of delegations were of the view that verification functions should be entrusted to an international body to provide the international community with an independent capability to verify compliance. Reference was made to the proposed international satellite monitoring agency and to international co-operation for the use of Earth monitoring satellites for the verification of arms limitation and disarmament agreements.

62. One delegation, sharing the view that the key to efficiency in the field of disarmament, including that of outer space, was reliable verification, called for a comprehensive international verification system. In its view, among appropriate means and methods, a very important though not necessarily exclusive role should be attributed to reconnaissance satellites under the control of an international verification organization. That delegation underlined that the most urgent task in preventing an arms race in outer space was to create safe conditions for monitoring from space by means of a comprehensive treaty regulating States' activities in outer space and prohibiting all means and methods being utilized on the surface, in the atmosphere or in outer space, which might be suitable to interfere with the normal functioning of satellites or to destroy them physically, whether they had been dedicated for monitoring civilian or military purposes or not. Results and data obtained by such a monitoring system should be freely available for all States Parties.

63. Delegations of the Group of Socialist States underlined that the non-deployment of weapons in space should be effectively verified. One of them pointed to the proposal to establish an international inspectorate with the aim to verify that no weapons were placed on objects launched into outer space. Some delegations stressed that the role and use of satellites for

purposes of verification should be explicitly recognized by international law. They considered it necessary to elaborate common standards, requirements and procedures for an international satellite data exchange for the purposes of verification, which could be done effectively at an expert level under the auspices of the Ad Hoc Committee. These delegations expressed their conviction that there are already the necessary preconditions for activating a multilateral negotiating process in the direction of the prevention of an arms race in outer space. These delegations believe that in the "outer space" area of disarmament a step-by-step advancement towards comprehensive agreements through implementing a range of specific and mutually acceptable measures promoting greater confidence and openness would open up promising prospects. Not being disarmament measures as such, they bring closer the possibility of implementing radical measures in the area of real disarmament and limitation of military activities. They eliminate mutual suspicion and mistrust and create a favourable atmosphere for a joint quest of compromise solutions on a non-confrontational basis. In this regard, these delegations expressed the view that a number of concepts of confidence-building measures introduced in the Ad Hoc Committee of the Conference on Disarmament on the prevention of an arms race in outer space are worthy of thorough examination, in particular, the proposal to elaborate a multilateral code of conduct of States in outer space ("rules-of-the-road") and the proposals on the use of space-based remote-sensing techniques for monitoring compliance of international agreements.

64. One delegation noted in a technical presentation that although inspection of satellites while they were on earth could contribute to verification, there were certain constraints on the conduct and effectiveness of such inspections and that observation of spacecraft while they were in space will become increasingly relevant to, and a fundamental aspect of, verification.

65. Several delegations noted that the problem of preventing arms in outer space could be considered on the basis of the proposal on the international space inspectorate. Some of them though that the related problem of detecting arms already put into space could be tackled on the basis of other proposals and the PAXSAT concept seemed to be worthy of attention. Some delegations believed that the establishment of an international space monitoring agency (ISMA) might in future become a crucial component of an international verification régime.

66. Further developing its proposal put forward at SSOD.III in 1988 one delegation expounded in a working paper (CD/OS/WP.39) its views on the creation of an international agency for space monitoring (ISMA). This delegation specified the eventual tasks, functions, possible structure and basic principles of ISMA, as well as requirements to future space monitoring systems of such an international body which would provide the international community with information on compliance with multilateral disarmament agreements and reduction of international tension, as well as carry out monitoring of the military situation in the areas of conflict. Along with military and political aspects, ISMA's activities could also have an economic effect in terms of supplying the interested States with satellite data for the benefit of their economic development. Having presented details of the step-by-step approach to the creation of ISMA, this delegation consented to the idea that an agency for the processing and interpretation of space images would be created at the first stage of such a process.

67. One delegation introduced a working paper (CD/945-CD/OS/WP.40) giving details of the proposal for an agency for the processing and interpretation of space images which it had presented to the third special session of the General Assembly devoted to disarmament in 1988. According to that proposal, such an agency would appear as the first phase of an International Satellite Monitoring Agency as proposed in 1978; it would serve to collect, process, interpret and distribute remote sensing data received from existing satellites, for the benefit of the international community, including the verification of disarmament agreements; it would also train photographic interpretation experts and conduct studies and research.

68. Some delegations maintained that issues relating to verification and compliance needed to be considered in greater depth. They noted that many elements of the existing legal régime applicable to outer space were relatively simple and stated that the more complicated and unwieldy any arms control agreement for outer space was, the more difficult it would be to verify compliance with it. They believed that verification and compliance issues were particularly sensitive and complex in this area because, on the one hand vital national security interests were at stake and, on the other, the vastness of space and the possibilities of concealment on Earth posed special problems.

69. Some delegations stated that verification of agreements not yet in existence, whose terms could not be anticipated, between parties still

unknown, were not generic tasks that could be given immediately to international entities. One of them further noted that the ABM Treaty, the Outer Space Treaty and the Registration Convention, constituted significant elements of this Treaty régime. This delegation believed, moreover, that ill-conceived arms control proposals actually might be dangerous and, if implemented, destabilizing because they could circumvent the development or compromise the effectiveness of strategic defence capabilities that threaten no one. This delegation further stated that although strategic deterrence is accomplished today primarily through reliance on the threat of offensive nuclear weapons, it believes that it would be preferable to rely instead on a balance of offensive retaliatory forces and defensive weapons which threaten no one. This delegation stated that it was convinced that defences that are militarily effective, survivable and cost effective at the margin, would create a safer future in which nuclear missiles become less and less capable of threatening destructive attack. Accordingly, this delegation noted that it would continue to explore the possibility that greater reliance on effective defences against ballistic missiles could, in the future, provide a safer, more stable basis for deterrence of war than the sole reliance on the threat of nuclear retaliation. This delegation also stated that to provide a fully effective layered defence, some elements of a ballistic missile defence system might need to be based in space. This delegation stated that the programme of research, development and testing related to this layered defence system was in full compliance with the 1972 ABM Treaty.

70. One delegation underlined that satellite monitoring, verification and communications for various purposes had nothing in common with development and testing of space arms' components for their eventual deployment in space. This delegation indicated that weaponization of outer space would inevitably lead to destabilization of the strategic situation, undermining of international security and atmosphere of confidence and co-operation, disruption of the prospects of further arms limitation and disarmament measures.

71. One delegation submitted a working paper on proposals and comments by Member States of the Conference concerning the participation of technical and other experts in the work of the Ad Hoc Committee (CD/OS/WP.30). The delegation suggested that experts, being members of the delegations, should participate in the Committee's work during a fixed period agreed upon by delegations in formal meetings of the Committee. It also held that it should

be possible to conduct informal open-ended expert discussions where experts could impart their knowledge and experience. It suggested that the following issues might require particular expert consideration: the increase of exchanges of data and information, going beyond the Registration Convention, which are needed to promote confidence-building in the area of space activities of States; "rules of the road" and a code of conduct for outer space; technical means and methods, including the use of satellite technology, for verification applicable to agreements on the prevention of an arms race in outer space; definitions and terminology under consideration in the Committee. A number of delegations continued to support the establishment of a group of governmental experts to provide technical expertise and guidance in the consideration of issues before the Ad Hoc Committee. In the view of these delegations the participation of several experts from different countries during the Summer Session of the Ad Hoc Committee was well received and some progress was achieved concerning the involvement of experts in the work of the Committee.

72. Some delegations welcomed the presence of several scientific and technical experts and noted with satisfaction the contribution they made in increasing the Committee's technical knowledge. In this context many delegations continued to support the establishment of a group of governmental experts to provide technical expertise and guidance in the consideration of issues before the Ad Hoc Committee.

73. Taking note of the contribution of scientific and technical experts, one delegation declared that as the Committee, at the current stage, was still exploring basic issues, philosophies and approaches, such expert contributions would, of necessity, be ad hoc and the need to increase the Committee's technical knowledge did not require the creation of an expert sub-group.

74. Some delegations noted with satisfaction that at the 1989 session the Ad Hoc Committee gave detailed consideration to concrete proposals for measures aimed at the prevention of an arms race in outer space. In their opinion, the examination of specific proposals had served to identify areas of possible convergence of views and thus provided a good basis for practical work on measures to prevent an arms race in outer space. Recognizing the complexity of the subjects under consideration and the need for further analysis, they held that relevant issues, including those concerning the legal régime applicable to outer space, could be addressed in the context of the consideration of specific proposals. These delegations stressed that after

four years of exchanging views on general and abstract issues, they considered that the phase of academic discussions had been amply exhausted and that it was necessary to concentrate every effort on the identification and development of measures aimed at fulfilling the central object of item 5 of the agenda, which is the prevention of an arms race in outer space. Those delegations were of the view that the Ad Hoc Committee should adopt an action-oriented approach to its mandate. They believed that the work of the Committee should continue in that direction.

75. Some other delegations were of the view that it was necessary to continue the examination of issues relevant to the prevention of an arms race in outer space that had not been sufficiently explored. They believed that much more detailed examination had to be done before it would be possible to undertake further activities. They considered that given the divergence of views on substantive and political issues, the broad scope of individual topics and the highly technical nature of the subject, the Committee had carried out work which contributed to a better understanding of the subject, but that much remained to be accomplished within the terms of the current mandate and programme of work. They also noted that much of the discussions held on proposals clearly showed the persistence of radically different approaches to the issues and that consensus did not exist on them. Consequently, the Committee needed to continue to study all the subjects covered by the mandate in order to establish a common body of knowledge and understanding, and common definitions of the scope and specific objectives of multilateral efforts for the prevention of an arms race in outer space.

76. Many delegations, while recognizing the importance of substantive consideration of relevant issues, emphasized that such consideration should be an integral part of the multilateral process of elaborating concrete measures aimed at the prevention of an arms race in outer space and that it could be done in the context of considering specific proposals. They reaffirmed that the objectives of multilateral efforts in this field are clearly set out in the Final Document of the first special session of the General Assembly devoted to disarmament. They also recalled the relevant resolutions adopted by the General Assembly. In this context, these delegations stressed the indispensable role of the Conference on Disarmament as the single multilateral negotiating body on disarmament and the inscription of item 5 on its agenda. Delegations of Socialist States shared the views expressed in this paragraph.

IV. CONCLUSIONS

77. There continued to be general recognition in the Ad Hoc Committee of the importance and urgency of preventing an arms race in outer space and readiness to contribute to that common objective. The work carried out by the Committee since its establishment and during 1989 contributed to the accomplishment of its task. The Committee advanced and developed further the examination and identification of various issues relevant to the prevention of an arms race in outer space. The discussions and the presentations by delegations contributed to a better understanding of a number of problems and to a clearer perception of the various positions. It was recognized once more that the legal régime applicable to outer space by itself does not guarantee the prevention of an arms race in outer space. There was again recognition of the significant role that the legal régime applicable to outer space plays in the prevention of an arms race in that environment and of the need to consolidate and reinforce that régime and enhance its effectiveness and of the importance of strict compliance with existing agreements, both bilateral and multilateral. In the course of the deliberations, the common interest of mankind in the exploration and use of outer space for peaceful purposes was acknowledged. In this context, there was also recognition of the importance of paragraph 80 of the Final Document of the first special session devoted to disarmament, which states that "in order to prevent an arms race in outer space, further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies". The Ad Hoc Committee gave a preliminary consideration to a number of new proposals and initiatives aimed at preventing an arms race in outer space and ensuring that its exploration and use will be carried out exclusively for peaceful purposes in the common interest and for the benefit of all mankind.

78. It was agreed that no effort should be spared to assure that substantive work on this agenda item will continue at the next session of the Conference. It was recommended that the Conference on Disarmament re-establish the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space with an adequate mandate at the beginning of the 1990 session, taking into account all relevant factors, including the work of the Committee since 1985.