

REPORT OF THE AD HOC COMMITTEE ON PREVENTION OF AN ARMS RACE IN OUTER SPACE

I. INTRODUCTION

1. At its 392nd plenary meeting on 24 February 1987, 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 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 1987 session."

In that connection, the President of the Conference made the following statement:

"I have conducted informal consultations with members from different groups, and in putting this Working Paper CD/WP.268 before the Conference for decision, I wish to state that, as is known to all members of the Conference and as reflected in the 1986 report of the Conference to the General Assembly of the United Nations (CD/732), consideration of proposals for measures aimed at the prevention of an arms race in outer space is covered by the mandate contained in Working Paper CD/WP.268."

II. ORGANIZATION OF WORK AND DOCUMENTS

2. At its 394th plenary meeting on 5 March 1987, the Conference on Disarmament appointed Ambassador Aldo Pugliese (Italy) as Chairman of the Ad Hoc Committee. Miss Aida Luisa Levin, Senior Political Affairs Officer, United Nations Department of Disarmament Affairs, continued to serve as the Committee's Secretary.

3. The Ad Hoc Committee held 18 meetings between 13 March and 24 August 1987.

4. 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, Denmark, Finland, Greece, New Zealand, Norway, Portugal, Spain, Turkey and Zimbabwe.

5. 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 1987 session:

- CD/741 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/758 Letter dated 16 June 1987 from the Permanent Representatives of Argentina, India, Mexico and Sweden addressed to the President of the Conference on Disarmament, transmitting the text of a joint statement made by the five Heads of State or Government of Argentina, Greece, India, Mexico, Sweden and the First President of Tanzania on 22 May 1987,
- CD/773 Summary Report of the Outer Space Workshop held in Montreal on 14-17 May 1987, submitted by Canada,
- CD/777 Main Provisions of a Treaty on the Prohibition of Anti-Satellite Weapons and on Ways to Ensure the Immunity of Space Objects, submitted by the German Democratic Republic and the Mongolian People's Republic.

In addition, the Committee had before it the following working papers:

- CD/OS/WP.17 Programme of work,
- CD/OS/WP.18 Proposal for a Structured Discussion of Item 3 of the Programme of Work: "Existing Proposals and future initiatives on the prevention of an arms race in outer space", submitted by the German Democratic Republic.

III. SUBSTANTIVE WORK DURING THE 1987 SESSION

6. Following an initial exchange of views and consultations held by the Chairman with Members of different groups, the Ad Hoc Committee, at its 2nd meeting on 7 April 1987, adopted the following programme of work for the 1987 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,

^{1/} The list of documents of the previous sessions may be found in the 1985 and 1986 reports of the Ad Hoc Committee, which are an integral part of the reports of the Conference on Disarmament (CD/642 and CD/732, respectively).

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 that connection, the Chairman made the following statement:

"... I wish to recall that in carrying out this programme of work consideration will be given to the declaration made by the President of the Conference on Disarmament for the month of February, on the occasion of the adoption of the mandate ... with the understanding that the programme of work covers the consideration of proposals for measures aimed at the prevention of an arms race in outer space."

7. The Ad Hoc Committee agreed that in discharging the tasks set forth in its mandate, it would give equal treatment to the subjects covered therein. Accordingly, the Committee further 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. At the last substantive meeting, some delegations took the opportunity to sum up their positions.

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

8. 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 overriding importance and urgency of preventing an arms race in outer space. They recalled that the exploration and use of outer space should be carried out in the interest 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, therefore, believed that the priority task of the Ad Hoc Committee should be the immediate prohibition of the testing, production and deployment of weapons systems and their components adaptable for use in, towards, or from space. To that end, in their opinion, attention should focus on the question of the measures that should be adopted. In that connection, they noted the significance of the statement made by the President of the Conference at the time of the re-establishment of the Committee. These delegations also pointed to the military uses of space that were already taking place as an extension of weapons systems on Earth. In that connection, it was noted that information gathered by reconnaissance and surveillance satellites had been used in support of military operations against developing countries. The view was expressed that to guard against such uses, satellite reconnaissance and

surveillance activities should be entrusted to an international agency. The view was also expressed that, in the interim, space powers should give assurances to non-aligned and neutral States against the discriminatory and inequitable use of satellites.

9. Delegations of a group of socialist countries continued to believe that outer space is the common heritage of mankind and that, consequently, its exploration and use should be preserved exclusively for peaceful purposes in order to promote the scientific, economic and social development of all countries. They stressed the overriding importance and urgency of preventing an arms race in outer space. They once again pointed, however, to the impending danger of the extension of the arms race to outer space which would, in their view, step up the arms race in other areas and make reductions in nuclear strategic arsenals impossible. In this respect, these delegations expressed serious concern at the continuing implementation of the SDI programme, which had, reportedly, entered a stage of planning to carry out specific tests and deploy some components of a BMD system, both on Earth and in outer space. These delegations were of the view that the stage of exploring the problem of preventing an arms race in outer space had been passed and that the Ad Hoc Committee should proceed to more practical and concrete work. In that connection, they welcomed the statement by the President of the Conference at the time of the Committee's re-establishment. They believed that the most important aspect of the problem of preventing an arms race in outer space in the present circumstances was preventing the introduction of weapons in space through the prohibition of space-strike weapons. Their understanding of the term was that it included: first, space-based ABM systems of any principle of action, second, space-based systems of any principle of action designed to strike from space targets in the atmosphere or on the surface of the Earth and, third, systems of any principle of action and however based to strike space objects. Accordingly, they pointed to the wide-ranging character of the concept of space-strike-weapons, which, as seen from the proposals for respective definitions advanced by delegations of socialist and non-aligned States (CD/OS/WP.13/Rev.1 and CD/OS/WP.14/Rev.1 and Add.1), covered all possible threats to destroy, damage or interfere with the normal functioning of objects in space. They considered that the prohibition of such weapons would be an effective and secure way to prevent all possibilities for the introduction of weapons in outer space. In this connection they recalled that one State had declared and observed a moratorium on the first launching of anti-satellite weapons into outer space. These delegations noted that, although satellites were being used in a variety of support missions and were playing an important role in the strategic relationship, there had been no weapons permanently deployed in outer space up to the present time. They also observed that ballistic missiles having their launching sites and targets situated on Earth, were not space strike weapons either. They underlined the importance of assuring that the non-deployment of weapons in space would be effectively verified and to that end supported the establishment of an international inspectorate, as discussed below in paragraph 45.

10. Some delegations, while attaching utmost importance to the objective of preventing an arms race in outer space, stated that for 30 years space had appeared as an appropriate environment for national security activities like the Earth and the atmosphere. They stressed that the issue of the role of the military uses of space in the maintenance of international peace and security had to be considered thoroughly. 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, and they rejected the concept of "space strike weapons" 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. They criticized attempts to define categories of "space strike weapons" which were at the same time too broad, because they placed in the same category systems with different functions and implications, and too narrow because they excluded weapons and other means which have the capability to disrupt the normal functioning of space objects. They further noted that outer space was not immune from utilization by existing weapons systems such as ballistic missiles. 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 have military implications.

11. One delegation considered that the two major space Powers, which were the only ones that at present possessed and were developing space weapons, should assume a special responsibility for halting the arms race in outer space. In its view, they should adopt practical measures by undertaking not to develop, test and deploy space weapons and, on that basis, an international agreement should be concluded through negotiations on the complete prohibition of space weapons. It believed that work in the Conference on Disarmament should centre on the study and solution of the issues that were most directly related to preventing the "weaponization" of outer space.

12. There was general recognition of the importance of the bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America. Some delegations, while stressing that there was clear need for the Conference on Disarmament to play a role with respect to problems relating to the prevention of an arms race in outer space, held 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. Other delegations, emphasized that ongoing bilateral negotiations in no way diminished the urgency of multilateral negotiations and reaffirmed that, as provided for in General Assembly resolution 41/53, 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.

13. Some delegations drew attention to a number of issues which, in their view, had been identified in the course of the work carried out in the previous years. Among them, the following were mentioned: that outer space is the common heritage of mankind and should be used exclusively for peaceful purposes, that an arms race in outer space should be prevented, that as yet no weapons have been deployed in space and that agreements that may be concluded

in this field should contain effective provisions for verification. Other delegations stressed the importance of issues such as the identification of the threats to which space objects are confronted, the relationship between the prevention of an arms race in outer space and other areas of disarmament and the problem of verification.

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

14. There was general recognition that, as provided for in the 1967 Outer Space Treaty, activities in the exploration and use of outer space should be carried out in accordance with international law, including the Charter of the United Nations.

15. Some delegations underlined the central role that the Charter of the United Nations plays in the legal régime applicable to outer space. In that connection, they stressed the special significance of the Charter provisions on the non-use of force -- Articles 2(4) and 51 -- which, taken together, prohibit any act of aggression in outer space. 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. For example, these delegations recalled that the legal provisions of these articles had not prevented the arms race on Earth, nor did they diminish the universally recognized need to negotiate disarmament agreements and even to ban specific types or whole classes of weapons, such as biological, nuclear, chemical, 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. 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.

16. Delegations examined various multilateral and bilateral instruments, inter alia, the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (1963), the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967), the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (1968), 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 (1971), the Convention on International Liability for Damage Caused by Space Objects (1972), the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of

Anti-Ballistic Missile Systems (1972), the Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Prevention of Nuclear War (1973), the Convention on Registration of Objects Launched into Outer Space (1975), the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (1977) and the Agreement Governing the Activities of States on the Moon and other Celestial Bodies (1979). In the examination of existing agreements, some delegations referred to documents CD/OS/WP.6 and 7.

17. It was noted that under the multilateral agreements in force: (1) it is prohibited to place in orbit around the Earth any objects carrying nuclear weapons or any other weapons of mass destruction and to install such weapons on celestial bodies or station them in outer space in any other manner, (2) the Moon and other celestial bodies are to be used exclusively for peaceful purposes and the establishment of military bases, installations and fortifications, the testing of any type of weapons and the conducting of military manoeuvres on celestial bodies are forbidden, (3) the testing of nuclear weapons or any other nuclear explosions in outer space is prohibited.

18. Various 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 ongoing 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 urgent 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.

19. One delegation stated that it proceeds from the necessity to preserve the ABM Treaty in its integrity as a document of unlimited duration, forming the necessary basis for agreement on substantial cuts in strategic offensive weapons. Such cuts would be impossible without preserving the Treaty in its integrity. It offered practical measures to strengthen the régime of the ABM Treaty, above all, an agreement between the parties concerned not to use the right to withdraw from the Treaty for at least ten years, while strictly complying with all its provisions. It also noted that the system of the ABM Treaty provisions does not allow to develop, test or deploy a large-scale ABM system with space-based elements. Article I(2) of the ABM Treaty explicitly prohibits the deployment of ABM systems protecting the entire territory of a State party to the Treaty. Article V(1) of the Treaty explicitly prohibits the development, testing or deployment of ABM systems

which are, inter alia, space-based or include space-based elements. Thus, in all respects the SDI programme constitutes a violation of the ABM Treaty. The same delegation emphasized that its State had been observing fully and precisely the ABM Treaty and that no work similar to the work on the SDI programme was being conducted by it. Nor is this State engaged in the development of an ABM system outside the framework of the 1972 Treaty. It carries on basic research in the exploration of outer space. This has been stated on numerous occasions by the political leadership of this State.

20. With regard to those weapons that are ABM systems or their components, one delegation noted that paragraph 1 of Article V of the ABM Treaty prohibits the development, testing, or deployment of space-based ABM systems or their components as defined in Article II of the Treaty. With regard to those weapons that are ABM systems or their components, this delegation stated that the ABM Treaty prohibited their deployment either in earth orbit or in outer space generally, unless there is agreement between the parties to permit such deployment.

21. Delegations of a group of socialist countries stated that stationing weapons in outer space would inevitably lead to growing mutual mistrust and whip up the arms race and make the world still more vulnerable. They resolutely rejected so-called "Star Wars" plans, proposing instead a series of initiatives aimed at establishing wide-ranging co-operation in the peaceful exploration and development of outer space in the interests of all humanity.

22. One delegation noted that from the above commentary, one might conclude that no other country had any programmes comparable to the SDI programme. Such a conclusion would be far from correct in this delegation's view. One other country has also been pursuing since the 1960s research into advanced technologies for strategic defence which were precisely the same types of technologies being researched in the SDI programme. This delegation also noted that its country's strategic defence research efforts would last for some years and that there were no preconceived notions about the options that the research will generate. It was therefore obvious just how preposterous the aforementioned criticisms directed solely against the SDI programme were.

23. Some delegations considered that the examination of existing agreements revealed the continuing need to resolve conflicting interpretations with a view to arriving at a common understanding of what is forbidden and what is permitted under the legal régime applicable to outer space. They noted that basic terms such as "peaceful purposes", "militarization", remain to be defined in a satisfactory and generally acceptable fashion. They stressed that there already exists a considerable body of international law applicable to outer space and that the arms control régime in that environment is much more comprehensive than that on Earth. These delegations also believed that broader participation in existing multilateral agreements and strict observance of both multilateral and bilateral agreements would strengthen the legal régime applicable to outer space. They noted that many elements of the existing outer space legal régime were relatively simple, the more complicated any arms control agreement for outer space is, the more difficult it would be to verify compliance with it. These delegations believed that there was need for in-depth consideration of the question of terminology to arrive at greater precision in the use of terms, and referred to document CD/OS/WP.15 as a good basis for work. In this regard, one delegation

commented that the variety of views which existed on the meaning of a number of terms had introduced a wide area of uncertainty and ambiguity into attempts to establish what were permitted or prohibited uses of space. One of these delegations circulated a two-volume dictionary of terms relating to space science and technology, which was generally welcomed.

24. Other delegations pointed out that complicated agreements to prevent an arms race in outer space could be verifiable at present and that 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 negotiation 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.

25. One delegation, in addition to sharing the views reflected in paragraph 23, considered that the existing legal régime for arms control in outer space was equitable, balanced and extensive and that it could be said that it had been far more successful in preventing an arms race than any comparable legal régime on Earth. Moreover, the existing régime did not contain gaps and holes, instead, it placed strict legal controls on virtually any possible type of weapon in outer space and has several significant accomplishments to its credit. It further believed that if all nations were to comply fully with all existing agreements there would be no doubt that outer space would be used only for peaceful purposes.

26. Many delegations were of the view that all States, in particular the space Powers, should become parties to the multilateral treaties in force that contain 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

27. Various delegations noted that in addition to the proposals made during previous sessions of the Ad Hoc Committee, as contained in CD/OS/WP.16 and Add.1, inter alia, the following proposals and views were submitted during the 1987 session:

1. Establishment of an international inspectorate.
2. Ways and means of strengthening the Registration Convention.
3. Prohibition of activities contributing directly or indirectly to an arms race in outer space by amending the 1967 Outer Space Treaty.
4. Declarations on non-deployment of weapons in outer space.
5. A possible approach for a treaty on ASAT weapons.
6. Elaboration of a Code of Conduct.

7. Possible mandates for an expert group.

8. Main provisions of a treaty on the prohibition of ASAT weapons and ways to ensure the immunity of space objects.

28. Some delegations reiterated that the overall objective of the Conference on Disarmament should be the complete prohibition of the development, testing, production and deployment of space weapons. Pending the realization of that comprehensive objective, they considered that efforts should be concurrently directed towards the adoption of partial measures, especially to deal with the most urgent problems such as a ban on anti-satellite weapons.

29. Delegations of a group of socialist countries considered that the Ad Hoc Committee had accumulated a wealth of ideas and proposals and that a good basis had been established for concrete and goal-oriented work. Noting the continuing validity of the proposals for the conclusion of a treaty on the prohibition of the stationing of weapons of any kind in outer space and of a treaty prohibiting the use of force in outer space or from space against the Earth, they expressed readiness to consider partial measures leading to the prevention of the deployment of space weapons. They suggested that the first step could be the elaboration of an international agreement to ensure the immunity of artificial satellites not carrying weapons of any kind. At the same time, in their view, consideration should be given to the possibility of a prohibition on the development of new types of ASAT systems and the elimination of existing ones. They also proposed to discuss the possibility of taking measures aimed at banning space-to-space, space-to-Earth and Earth-to-space weapon systems. Underlining that the non-deployment of weapons in outer space should be effectively verified, they elaborated on the proposals for the creation of a world space organization and for the establishment of an international inspectorate. In order to facilitate the work of the Ad Hoc Committee, a document (CD/777) containing provisions of a treaty on the prohibition of anti-satellite weapons and on ways to ensure the immunity of space objects was submitted to the Conference.

30. Other delegations were not in favour of proposals calling for an immediate ASAT ban, immunity for all satellites, a ban on so-called space weapons and other similar approaches. In their view, these approaches did not take adequately into account objective political, strategic, military and technical factors. Nor were such proposals helpful in fulfilling the Committee's mandate, and in particular in assisting delegations to widen and deepen their understanding of the complex issues relevant to the prevention of an arms race in outer space.

31. Other delegations pointed out that those delegations which rejected proposals on an ASAT ban or on other ways to ban outer space weapons, had advanced no other comparable proposals on their part aimed at achieving the common objective of preventing an arms race in outer space.

32. Various delegations considered that existing proposals for the definition of space weapons (CD/OS/WP.13/Rev.1 and CD/OS/WP.14/Rev.1 and Add.1) shared common elements and thus provided a good basis for further work towards the objective of prohibiting the emergence of space weapons. Other delegations,

were not in favour of this approach since, in their view, it did not give an accurate picture of all the threats confronting space objects and also overlooked other significant factors of the military and strategic situation relevant to outer space.

33. Various delegations discussed proposals concerning the prohibition of anti-satellite weapons and the protection of satellites. It was suggested that one possible structure for an instrument on the subject would be in the form of a general treaty with specific protocols applicable to different categories of satellites. Reference was made to the suggestion that, in order to assure the verifiability of treaty commitments, untested anti-satellite systems could be prohibited, i.e., those capable of attacking satellites in high orbit. Commenting on proposals for the protection of satellites, it was noted that it would first be necessary to establish as clearly as possible within the context of existing international law and established international practice which satellites perform functions that are in the common interest, what these common interests are and how these satellites contribute to them, following which it would be necessary to identify how these satellites could be protected. In this regard it was also recalled that a proposal had been made that active discussion be entered into on measures to protect from attack all satellites -- and their associated ground stations -- that contribute to strategic stability and to verification of arms control arrangements. Another view was that a treaty on the subject should: ban the use of force against any space object; prohibit the deliberate destruction, damage or interference with the normal functioning of space objects; proscribe the development, production or deployment of ASAT weapons; and provide for the destruction under international control of any existing ASAT weapons. Some delegations commented in detail on a wide range of means that were available to interfere with the functioning of satellites which, in their view, demonstrated that in the examination of proposals to prohibit ASAT systems it was clearly necessary to take into account that the concept involved much more than weapons systems specifically designed and intended to destroy satellites.

34. Commenting on proposals for the elaboration of an agreement on the immunity of space objects, some delegations noted that the majority of satellites perform military missions and held that to grant them immunity would be tantamount to legitimizing the military uses of space. In their opinion, any move to grant immunity to space objects should be accompanied by a strengthening of the 1975 Registration Convention to assure that the functions and purposes of protected space objects are clear. It was suggested that the Convention should include provisions to verify the accuracy of the information provided thereunder and that the verification of the nature of space objects could be carried out at the launching sites.

35. With reference to the proposals contained in paragraphs 28, 33 and 34, many delegations recalled that the Harare Declaration adopted at the Eighth Non-aligned Summit called on the Conference on Disarmament to commence negotiations urgently to conclude an agreement or agreements, as appropriate, to prevent the extension of an arms race in all its aspects into outer space and thus enhance the prospects of co-operation in the peaceful uses of outer space. In particular, they stressed the urgency of halting the development of anti-satellite weapons, the dismantling of the existing systems, the prohibition of the introduction of new weapon systems into outer space and of ensuring that the existing treaties safeguarding the peaceful uses of outer

space, as well as the 1972 Treaty on the limitation of Antiballistic Missile Systems are fully honoured, strengthened and extended as necessary in the light of recent technological advances. It further invited the United Nations Secretary-General and the Conference on Disarmament to explore the ways and means of bringing satellites for military purposes under international control, particularly when it puts at stake the security of the non-aligned countries. In this connection, it called upon all States, in particular those with major space capabilities, to adhere strictly to the existing legal restrictions and limitations on space weapons, including those contained in the Outer Space Treaty and the 1972 Soviet Union-United States Treaty on Antiballistic Missiles, and to refrain from taking any measures aimed at developing, testing or deploying weapons and weapon-systems in outer space.

36. Other delegations stressed that proposals, beside the basic criterion of usefulness should be judged in terms of their contribution to international peace and security and of their verifiability and they questioned the credibility and the balance of proposals contained in paragraph 35 linked to selective and partial approaches.

37. Some delegations, while noting that the Ad Hoc Committee was still at an exploratory stage of its work, considered that some ideas that had been put forward deserved study, such as the possibility of multilateralizing the provisions of existing bilateral agreements relating to the immunity of satellites, the role which the international monitoring of satellites might play, the possibility of placing constraints on some elements of anti-satellite activity, consistent with the security interests of all States, and a "rules-of-the-road" agreement for space. Some delegations also stressed the importance of, and made proposals for, confidence-building measures and the need for transparency in space activities. They also mentioned as worthy of consideration the elaboration of a code of conduct.

38. Other delegations held that the Ad Hoc Committee had passed the exploratory stage of its work and had exhausted the consideration of the first two points of its programme of work, it having been clearly established that the central question that the Committee should consider under agenda item 5 was the identification of concrete measures to prevent, in a general and comprehensive manner, an arms race in outer space.

39. Referring to proposals for banning the use of force in outer space, immunizing satellites from attack, immunizing satellite ground stations from attack and banning anti-satellite weapons, one delegation held that such proposals were either redundant or perhaps even prejudicial to the legal controls that were already in place. In its view, all uses of force except in self-defence were currently prohibited by law, all satellites and the ground stations associated with such satellites were already protected from attack except in cases of self-defence, the existing legal régime placed many restraints on the nature, deployment and uses of ASATs, and a comprehensive ASAT ban would raise many complex problems.

40. Various delegations recalled, however, that these legal restraints were not comprehensive enough to prevent the emergence of non-nuclear ASAT weapons in outer space and should, therefore, be supplemented by agreements which would preclude the introduction of such weapons in that environment.

41. A proposal was made that the Members of the Conference on Disarmament should accept to declare, through the Ad Hoc Committee's report, that none of them has deployed weapons in outer space on a permanent basis. While some delegations, including the delegations of socialist countries, supported this proposal, others questioned its usefulness because, in their view, such a declaration was not verifiable and might interfere with the bilateral negotiations.

42. A presentation was made to the Ad Hoc Committee on the results of an ongoing research programme, known as PAXSAT, concerning the feasibility of the application of remote-sensing techniques to the verification of multilateral arms limitation and disarmament agreements and covering both space-to-space and space-to-ground remote-sensing. Delegations, in general, expressed their appreciation for the valuable contribution this project made to work in the area of verification.

43. Some delegations considered that verification did not raise insurmountable obstacles to the conclusion of agreements to prevent an arms race in outer space since, in their view, it should be possible to assure verification of compliance through a combination of national technical means and international procedures. Attention was drawn to the proposals for the creation of a world space organization and the establishment of an international inspectorate. Reference was also made to the possibilities offered by the PAXSAT concept and the proposed international satellite monitoring agency for further exploring the feasibility of multilateral means of verifying a non-arms régime in outer space. A number of delegations were of the view that verification functions should be entrusted to an international body, so as to provide the international community with an independent capability to verify compliance. Some delegations held that issues relating to verification needed to be considered in greater depth. They believed that such 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 hand, the vastness of space and the possibilities of concealment on Earth posed special problems. One such special problem related to proposals for a verification system that did not take into account that an operational ASAT system and an operational ABM system already exist. Another such problem related to the number of direct and indirect ways to attack a satellite and the other elements of a satellite system. A further problem arose from divorcing classes of "space weapons" from the context in which they are developed and might be deployed. Other delegations maintained that monitoring all launches of objects to be stationed in space, through an international inspectorate, would greatly reduce the relevance of such factors, particularly in the absence of any weapons permanently deployed in that environment. They also recalled that the experience being acquired in verifying some far-reaching disarmament measures on Earth, including SALT and other agreements, would help deal also with concealment problems in space disarmament context. More specifically, these delegations pointed out that some proposals to ban ASAT weapons provided also for the elimination of all existing weapons of this class, both the air-launched systems based on F-15 fighters and, the land-based one which was still not operational, these ASAT systems would be destroyed under strict international control, as provided for by the concept of international inspectorate. They recalled that the definitions of ASAT weapons proposed by various delegations covered all possible ways of attacking satellites or the other elements of a satellite

system. These delegations believed that the complex problem of effective verification procedures, acceptable to all, should be seriously addressed in a co-operative manner. Finally, they pointed out that dealing with separate classes of weapons was already an established practice, universally recognized in other disarmament fields. Some delegations expressed the view that the question of the establishment of a world space organization was not within the competence of the Conference on Disarmament.

44. Delegations of the group of socialist countries suggested proceeding, without awaiting the conclusion of the relevant agreement on space, to the establishment of an international verification system -- an international inspectorate -- for the non-deployment on outer space of weapons of any kind. The principal purpose of this verification will be to make sure that objects launched into space are neither weapons, nor are equipped with weapons of any kind. The suggested verification system would envisage the permanent presence of inspection groups at all sites for launching space objects with a view to verifying all such objects irrespective of their means of launching. 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 the representatives of the inspectorate. Should an undeclared launch be suspected, the inspectorate would have the right to request the relevant information from the specially-designated observatories and also conduct, if necessary, an on-site inspection. Should the future agreement envisage a complete ban on space strike arms, inspections could be extended to storage facilities, industrial plants, laboratories, testing centres, etc. Launches of ballistic missiles unrelated to putting any space craft into the artificial Earth satellite orbit or on a flight path toward other celestial bodies should not be covered by verification.

45. Some delegations foresaw substantial technical, political and organizational difficulties associated with an international verification inspectorate. In this regard, they believed that one had also to keep in mind that virtually any space object, if controlled and manipulated properly, is capable of serving as a weapon. They stated that this basic fact plus many technical, definitional, organizational and political obstacles bar the way to a successful international verification inspectorate.

46. Other delegations believed, however, that the actual capacity of using such space objects as weapons could become militarily significant only after extensive field testing in such a mode, and that the possibilities offered by an international inspectorate, combined with existing methods of monitoring space objects, would effectively ensure verifiability of an agreement not to introduce weapons in outer space. In this regard, they pointed out that the technical, political and organizational difficulties referred to could be overcome in a co-operative manner, as had been done with respect to many other disarmament agreements.

47. Some delegations, expressing concern at restrictions being placed on the transfer of space technology, reiterated that it was necessary in the consideration of proposals to contemplate ways and means of strengthening international co-operation in the peaceful uses of outer space, so that all States would have access without discrimination to space technology to promote

their economic and social development according to their needs, interests and priorities. In this connection, these delegations underlined the need to further the objectives of Article I of the Outer Space Treaty.

48. Some delegations emphasized that all aspects of the arms race in outer space should be dealt with in order to achieve a comprehensive régime to prevent an arms race in outer space. Three possibilities were suggested to achieve a complete prohibition of all activities that could directly or indirectly contribute to an arms race in outer space: amending Article IV of the 1967 Outer Space Treaty, an additional protocol thereto, or the elaboration of a new comprehensive treaty.

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49. Some delegations supported the idea of establishing a group of experts to provide technical expertise and guidance in the consideration of issues relating to the prevention of an arms race in outer space. The view was expressed that such a group could assist the Ad Hoc Committee with respect to problems of definition. Another idea was that the group could be entrusted with the task of defining the nature of the information that should be provided pursuant to the 1975 Registration Convention in order to permit that a distinction be made between military and non-military space objects. Some delegations shared the view that the participation of experts made a valuable contribution to the work of the Committee and believed that it would be useful for experts to be included in delegations. In their opinion, however, at this stage of the work, the Committee was not yet in a position to establish a group of experts with a specific mandate. Some delegations suggested that, with a view to reaching a common approach to the objective of preventing an arms race in outer space, it would be desirable that the Committee draw up an open-ended list of questions and, at an appropriate stage, identify those that needed further elaboration by experts under a clearly-defined mandate.

50. Some delegations considered that the work of the Ad Hoc Committee should be oriented towards the elaboration of measures to prevent an arms race in outer space. They believed that there were sufficient areas of consensus in the ideas and suggestions that had been put forward which could serve as points of departure for multilateral negotiations. In their view, the proposal for a structured discussion of Item 3 of the programme of work (CD/OS/WP.18) provided a basis to enhance the effectiveness of the Committee's work. They emphasized that the 1988 mandate of the Ad Hoc Committee should adequately reflect that view. Other delegations considered that it was necessary to continue the examination and identification of issues relevant to the prevention of an arms race in outer space with a view to reaching a level of common understanding that would permit the Committee to arrive at a common definition of the scope and specific objectives of multilateral efforts for the prevention of an arms race in outer space.

IV. CONCLUSION

51. The work carried out in 1987 contributed to the accomplishment of the Ad Hoc Committee's task. In accordance with its programme of work, 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 held contributed to a better understanding of a number of problems

and to a clearer perception of the various positions. It was recognized that the legal régime applicable to outer space, as such, is not sufficient to guarantee the prevention of an arms race in outer space. There was 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. During the discussions, there was once again recognition of the common interest of mankind in the exploration and use of outer space for peaceful purposes. In this context, 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", was recognized. A preliminary consideration was given to a number of 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.

52. There was general recognition of the importance and urgency of preventing an arms race in outer space and readiness to contribute to that common objective. Consequently, 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 1988 session, taking into account all relevant factors, including the work of the Committee since 1985.

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