

UN LIBRARY

OCT 9 1989

UN/ISA COLLECTION

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 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."

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.

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 <u>Ad Hoc</u> 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 <u>Ad Hoc</u> 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 Legal problems raised by the militarization of outer space
CD/OS/WP.32 submitted by Chile;
- CD/927 ASAT components and ways of verifying their prohibition,
CD/OS/WP.33 submitted by the German Democratic Republic;
- CD/933 Letter dated 13 July 1989 from the Permanent Representative
CD/OS/WP.34 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 Letter dated 20 July 1989, addressed to the Secretary-General
CD/OS/WP.35 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 Proposal for Amendment of the Treaty on Principles Governing
CD/OS/WP.37 the Activities of States in the Exploration and Use of Outer
 Space, including the Moon and Other Celestial Bodies,
 submitted by Peru;
- CD/941 Letter dated 1 August 1989 addressed to the
CD/OS/WP.38 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 Letter dated 1 August 1989 addressed to the
CD/OS/WP.40 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 accumulated 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 pursued 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 fundamental 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 prohibition 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 configures 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 manoeuvring 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 independent 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 thought 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.