THE OUTER SPACE TREATY AT THIRTY-FIVE

Opening Remarks

by

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On behalf of the UN Department of Disarmament Affairs, it is my pleasure and honour to welcome all of you to the seminar "The Outer Space Treaty at Thirty Five". This seminar is jointly sponsored by DDA and the Kurtz Institute of Peacemaking. I would like to welcome and express my sincere appreciation to our panellists: Professor Frans von der Dunk, Dr. Ram Jakhu Ramu, Ambassador Raimundo Gonzalez, Ambassador Hu Xiaodi as well as Dr. Colleen Driscoll, the moderator of this discussion. They have kindly agreed to share their views with us today.

I would also like to express my special thanks and gratitude to Sir Arthur Clarke for his video message from Sri Lanka.

The exploration of outer space has revolutionized life on our planet for many years. Space technology has led to advances in many fields; our daily activities depend in many ways on products provided by that industry. These benefits provide a powerful justification for the peaceful exploration of outer space. Outer space is widely regarded as the common heritage of humankind and is of concern to the entire international community.
The current international legal regime on outer space rests on five treaties. Among them are the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including Other Celestial Bodies (the Outer Space Treaty of 1967), the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (Moon Treaty of 1979), the 1972 Convention on International Liability for Damage Caused by Space Objects and the 1975 Convention on Registration of Objects Launched into Outer Space. Each of these treaties underlines the notion that the domain of outer space, the activities carried out therein and whatever benefit might accrue therefrom should be devoted to enhancing the well-being of all countries and humankind, and each includes elements elaborating the idea of promoting international cooperation in outer space activities.

The Outer Space Treaty of 1967, whose 35th anniversary we are commemorating this year, establishes the principles governing peaceful activities of States in outer space. The Treaty bans the orbiting and stationing of nuclear weapons or any other kinds of weapons of mass destruction. It further provides that the Moon and other celestial bodies shall be used exclusively for peaceful purposes and prohibits the establishment of military bases, installations and fortifications, the testing of any kind of weapon and the conduct of military manoeuvres on celestial bodies. These principles were further elaborated by the Moon Treaty of 1979. Both Treaties are not yet universally accepted. While the Outer Space Treaty has 96 parties, only 9 States have ratified the Moon Treaty. Further accessions to both Treaties are essential to ensure the validity of the regime and I urge those States that have not yet done so to adhere to both Treaties as soon as possible.

The treaties have been successful so far in ensuring that weapon systems with strike capabilities remain de facto, if not de jure, banned from space. While the regime by itself does not guarantee the prevention of an arms race in outer space, it plays, however, a significant role in achieving that end. Yet, it is obvious that we must proceed beyond this.

The issue of preventing an arms race in outer space has been on the agenda of the United Nations, and the single multilateral disarmament negotiating body, the Geneva-based Conference on Disarmament, for many years. Numerous proposals were made in the past to consolidate and reinforce the existing legal regime in order to enhance its effectiveness. The United Nations Institute for Disarmament Research has published a series of studies on the issues of Outer Space. In 1993, the Secretary-General, assisted by a group of governmental experts, presented a study on the application of confidence-building measures in outer space. Among its conclusions, the study stressed that "the legal norms have to be developed further, whenever appropriate, to address new developments in space technology and increasing universal interest in its application. In this context, the need to formulate a framework for the enhancement of cooperation and confidence-building among States was expressed in the Group."

Recent developments have increased concerns about the dangers of weaponization of
space and have led to various proposals to prevent such weaponization. Specifically, proposals have been made that would address the lacuna in the existing legal regime, in particular by expanding it to address such issues, as for example: the deployment in outer space of other weapons of any kind (i.e. laser, directed energy weapons, kinetic energy weapons); and the ban on testing, deployment and use of anti-satellite weapon whether earth-based or space-based, and on non-use of force or threat of force against outer space objects. Furthermore, the concept of outer space as a sanctuary from war is receiving considerable attention.

Recent leaps in science and space technologies have put the development of space weapons within the realm of possibilities for certain countries. Only the determination and unified will of the international community to strictly enforce the underlying principle of the Outer Space Treaty that space is to be used "for the benefit and in the interests of all countries," permitting only peaceful space activities and limiting military space activities to non-aggressive forms, could prevent such a development.

Space weapons bear a high price tag, both politically and financially. Deployment of weapons in space by one country will spur others to follow. The resulting arms race would lead to incalculable consequences for development and human security and could very well deprive humanity of all the benefits of the peaceful use and exploration of space. Already, global military expenditures are estimated at over $850 billion. Adding space weapons to the list of arms acquisitions will take away further resources that otherwise could be used for economic and social development.

In concluding, I would like to stress that efforts to achieve a ban on the weaponization of outer space must continue so as to protect the space assets of all nations in the interests of international peace and security. In his message to the International Conference on the Prevention of the Militarization of Space held in Moscow, in April 2001, the Secretary-General stressed:

"We must all work to ensure that the possibilities offered by technology, both in outer space and here on Earth, are used to foster tolerance, trust and shared values. They must not be allowed to become instruments of discord or division. We must guard against the misuse of outer space, and, in particular, against the creation of an arms race in outer space."