

## CHAPTER 13

### AN EFFECTIVE WAY TO PRESERVE THE SECURITY AND PREVENT AN ARMS RACE IN OUTER SPACE TO NEGOTIATE AND CONCLUDE AN INTERNATIONAL LEGAL INSTRUMENT AT AN EARLY DATE

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It is a great honour for me to participate in this conference. Many speakers have shared their incisive views on different aspects of maintaining the security and preventing an arms race in outer space; I am going to share with you some of my thoughts on the road ahead about preventing an arms race in outer space.

The development of science and technology in the peaceful uses of outer space have brought unprecedented benefits to our economy, culture and many other areas of human life. History tells us that the development of science and technology could spearhead weapons development and thus bring havoc to human beings. Regrettably, there are signs that such a scenario is turning into reality in outer space.

To guard against this emerging danger of the weaponization of and an arms race in outer space, logically, we have but three roads to choose from.

The first road is to not place any restrictions, and let outer space remain open to all. The second is to impose limited restrictions by relying on international pressure and national political willingness. The third is to impose strict legal measures to nip the danger in the bud.

The first road will lead us nowhere. If there are no restrictions on the weaponization of and an arms race in outer space, in the near future various kinds of space weapons would fill outer space and the fruitful achievements on the peaceful uses of outer space would be in jeopardy. Outer space would eventually follow the land, sea and sky to become the fourth

battlefield. To prevent this, we have to spare more efforts to deal with such issues as “non-proliferation of weapons in outer space” and “weapons reduction in outer space”.

The second road would provide a limited effect at best. The international community could, through various political efforts, formulate sufficient international pressure to oppose the weaponization of and an arms race in outer space. However, good political will alone is inadequate to hold back the pace of the weaponization of outer space. If there are no legally binding instruments to restrict the development and deployment of outer space weapons, countries are more likely to protect their outer space properties by military means rather than depend on the good will of other countries.

The third road is the most promising. Over the years, the international community has concluded a number of legal instruments regulating the protection of space vehicles, international liability for damage caused by space objects, confidence-building measures, prohibition of the placement of nuclear weapons or other weapons of mass destruction (WMD) into orbit around the Earth or on celestial bodies, prohibition of the militarization of the Moon and prohibition of the development, testing and deployment of missile defence systems and their components in outer space. All of these instruments have played a positive role in promoting the peaceful exploitation and uses of outer space.

However, the scope of these instruments is very limited. For example, the Outer Space Treaty only prohibits the deployment of nuclear weapons and other WMD in outer space, leaving other types of advanced conventional or “new concept” destructive weapons unchecked. The Anti-Ballistic Missile Treaty has been abrogated and thus impaired the international laws on the restriction of development and deployment of space weapons. Many are of limited adherence, such as the 1979 Moon Agreement. In addition, these instruments do not deal with such issues such as the threat or use of force from the Earth (whether from land, sea or air) against space objects.

Therefore, mending current international legal systems on outer space and stipulating a comprehensive international legal instrument on the prevention of the weaponization of and an arms race in outer space should be high on our agenda.

We have a good intellectual foundation for this effort:

- Australia, Canada, China, Egypt, France, Germany, Italy, the Russian Federation, Sri Lanka, Sweden and Venezuela, to name just a few countries, have forwarded many constructive suggestions and proposals to the United Nations and the Conference on Disarmament (CD).
- In June 2002, China and the Russian Federation along with several other states submitted to the CD the working paper Possible Elements for a Future International Agreement on the Prevention of the Development of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects (CD/1679), which set out a preliminary conceptual framework for a future space legal instrument; through the continued joint efforts of these states the framework is becoming more substantial and precise.
- The Henry L. Stimson Center in the United States proposed the *Model Code of Conduct for the Prevention of Incidents and Dangerous Military Practices in Outer Space*; and several countries proposed efforts for the security and protection outer space assets, confidence building and enhancing measures, space debris management, and developing rules of road in outer space—all of which deserve serious consideration by all sides.

We also have a competent negotiating body. As the sole United Nations-authorized negotiation mechanism for arms control and disarmament treaties, the CD is well suited to negotiate and conclude a legal instrument on the prevention of an arms race in outer space. We should take full advantage of current conditions by quickly establishing an ad hoc committee and starting to negotiate relevant international legal instruments. This is the most promising road ahead in order to prevent the weaponization of and an arms race in outer space. We hope that all states, for the long-term security interests of all human beings, will support the programme of work of the CD.

In addition, we should take full advantage of the United Nations Committee on the Peaceful Uses of Outer Space to establish principles and regulations, promote international cooperation and explore and study scientific and legal issues concerning the peaceful uses of outer space.

The peaceful uses of outer space and prevention of an arms race in outer space are mutually complementary. If we make full use of existing

mechanisms and put in place an international legal system preventing the weaponization and an arms race in outer space, then peace and security in outer space truly will be preserved.