

FUNDAMENTAL WAYS TO ENSURE OUTER SPACE SECURITY: NEGOTIATING AND CONCLUDING A LEGALLY BINDING INTERNATIONAL INSTRUMENT

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Over the past half century, humankind has made great achievements in the exploration and use of outer space, which has helped to advance the evolution of civilization. Today, just like the land, ocean and sky, outer space has become an indispensable part of everyday life, and our reliance on outer space is increasing. Foreseeably, the twenty-first century will witness a growing number of states participating in and benefiting from the exploration and use of outer space.

Lasting peace in outer space is closely linked to the security, development and prosperity of every state. Security in outer space impacts global security in all other realms. Given this, what effective measures can we take to safeguard peace and security in outer space? It is an important and urgent question for the international community.

As we all know, with the growing exploration and use of outer space, the international community has been haunted by the increasing possibility of weaponization and an arms race in outer space. More and more governments, non-governmental organizations and research institutes are very much concerned with this.

Facing this threat, what should we do? For one, we may just neglect it and stand by without taking any action. Or, we can amend the existing international legal instruments and try to solve the problem. A third option is to establish confidence-building measures and a code of conduct to increase transparency and guide our activities in outer space. Another option would be to negotiate and conclude a new legally-binding international instrument, so as to completely avoid the danger of weaponization and arms racing in outer space.

It goes without saying that no one can bear the consequences of the first choice. Weapons and weapon systems of all kinds would be placed in outer space, which would trigger a new round of arms races. Peace and harmony in outer space would be sabotaged, and what we have achieved through the peaceful use and exploration of outer space would be seriously threatened. The results would be the same for peace and stability on Earth. It is a pity that some governments insist there is no danger of weaponization or arms racing in outer space, hence no need to negotiate a new legal instrument on outer space. However, history has shown that prevention is more effective and less costly than a remedy. We have already witnessed so many difficulties and hardships on the path to nuclear disarmament and non-proliferation; we should not allow humankind to be dragged into another quagmire due to our inaction.

On amending existing legal instruments. This year marks the fortieth anniversary of the entry into force of the Outer Space Treaty. This treaty and other related agreements have undoubtedly played a key role in promoting the peaceful use of outer space. However, they all have limitations. Some are targeted only at weapons of mass destruction, and others are limited in application to certain celestial bodies or areas. Amendments can hardly close the loopholes. Moreover, opening them to revision might arouse a series of political, legal and technical problems. So, amending the existing legal instruments is not feasible.

On transparency and confidence-building measures. Transparency and confidence-building measures could facilitate trust, lessen misunderstandings and prevent conflicts. To a certain extent, they have already played active roles in arms control and disarmament. However, we should see that these measures have their inherent limitations, especially in that they are not legally binding. Such measures rely on the voluntary implementation of governments. Good will is far from enough to keep outer space free from weapons; what we need is a legally binding international instrument.

So, the best choice is to conclude a new legally binding instrument through negotiation to fundamentally prevent weaponization and arms racing in outer space. And we now have a favourable foundation on which to start our work.

First of all, there is extensive political support for negotiating and concluding a new outer space legal instrument. For the past two decades, the General

Assembly has adopted resolutions by an overwhelming majority of votes on the prevention of weaponization of outer space, calling for the negotiation and conclusion of an international legal instrument on preventing such. Last year, 178 countries voted in favour of such a resolution. To negotiate and conclude such an instrument at an early date reflects the will of all peoples.

Secondly, the Conference on Disarmament (CD) has rich experience that could be applied to such an instrument. From 1985 to 1994, the CD had established ad hoc committees for ten consecutive years. In-depth discussions had been carried out on definitions, guidelines and other relevant issues.

In 2002, China, together with Belarus, Indonesia, Russia, Syria, Vietnam and Zimbabwe, submitted working document CD/1679 entitled "Possible Elements for a Future International Legal Agreement on the Prevention of the Deployment of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects". This document made concrete proposals for elements of a future treaty, which could serve as a blueprint for our work in the CD. China and Russia also jointly submitted thematic documents on issues of definition, verification, and transparency- and confidence-building measures. The above documents have gained wide support and favourable comments from many countries and organizations.

All these indicate that through years of effort of the international community, it is time for the CD to start work. What we need now is the political will and resolution of all governments. Time is not on our side. It is time for the international community to take action for the peace and security of outer space, and the interests of humankind.