

## **THE IMPORTANCE OF STRUCTURES IN THE FUTURE OF THE MILITARY SPACE REGIME**

The military space regime is a set of principles<sup>1</sup>, rules<sup>2</sup>, and structures<sup>3</sup> regulating military space activities. The importance of structures<sup>4</sup> has been downplayed in both the agreements of the military space regime and the space law literature. Professor Górbiel is one of the few who have sensed the importance of international structures and have undertaken the study of international organizations in relation to space activities<sup>5</sup>. Moreover he is one of the few authors who have served on an international space body, the Committee on the Peaceful Uses of Outer Space<sup>6</sup>.

Presently, the evolution of the space military regime has reached a critical point<sup>7</sup>. After regulating space Militarization, the regime has to regulate the space weaponization<sup>8</sup>. We maintain that, at this critical point, no evolution can take place without elaborating new organizational or verification structures, or without upgrading existing ones<sup>9</sup>.

In this article we will demonstrate the demand for complex legal structures in any evolutionary direction that the military space regime might take. We, thus, think that we contribute to the space law literature on a subject whose importance has been underlined by Professor Górbiel.

In order to demonstrate our point, we will examine the proposals made on regulating the space weaponization and related issues, and focus on the parts of the proposals concerning structures. We will distinguish between proposals on offensive nuclear forces<sup>10</sup> and on space weapons<sup>11</sup>.

In the case of offensive nuclear forces, a consensus, illustrated by the recent elimination of INFs, seems to exist between the U.S. and U.S.S.R. on the need to reduce their number. In the case of space weapons two directions seem possible and we will distinguish the proposals accordingly. The first direction is to maintain and reinforce the existing U.S. – U.S.S.R. strategic security system and the military space regime; the second, is to replace the existing offensive system by a defensive one relying on BMDs.

### **A. OFFENSIVE NUCLEAR FORCES**

#### **I. INF**

The importance of the Intermediate-Range Nuclear Forces (INF) Treaty<sup>12</sup> resides in two facts. The first is the complete elimination of all American and Soviet intermediate-range and shorter-range land-based nuclear weapons. The second is the elaboration of extensive and detailed procedures, including on-site inspections, for monitoring the elimination of these forces and the subsequent respect of the Treaty. The INF Treaty is the first arms control agreement to introduce such procedural rules and thus set the example and the pace for future arms control agreements<sup>13</sup>.

#### **II. SNF**

The idea of drastic reduction in strategic offensive weapons linked to a limitation of the SDI project at the stage of scientific research has been included in the Soviet proposal of January 15, 1986, on „Nuclear Disarmament by the Year 2000“<sup>14</sup>.

At the Reykjavik summit<sup>15</sup>, the U.S.S.R. proposed to reduce strategic offensive weapons by half in the following five years and accepted that fundamental laboratory research on BMDs could be permitted<sup>16</sup>. The U.S. proposed the elimination of all nuclear weapons during the same period<sup>17</sup>.

In subsequent negotiations, the two sides continued working towards eliminating 50% of strategic offensive arms. In the Washington summit's communiqué<sup>18</sup>, President Regan and Secretary general Gorbachev set the guidelines for future reductions in that area; an important part of the communiqué is dedicated to the verification procedures of an eventual agreement. The INF Treaty's influence is obvious and explicit; the negotiators of the two countries had to focus, as a priority, on:

„(e) Building upon the provisions of the Treaty on the Elimination of their Intermediate-Range and Shorter-Range Missiles, the measures by which the provisions of the Treaty on the Reduction and Limitation of Strategic Offensive Arms can be verified (...)”<sup>19</sup>.

### **III UNDERGROUND NUCLEAR TEST BAN**

Related to both offensive and defensive strategic systems is the proposed ban of underground nuclear testing. The ending of such testing would impose limits on the arms race and especially on nuclear source lasers researched in the SDI context<sup>20</sup>.

In 1983, the U.S.S.R. proclaimed a unilateral moratorium on underground nuclear testing and extended it until January 1987<sup>21</sup>. The U.S. did not follow the Soviet initiative and testing resumed in 1987<sup>22</sup>. However, in 1987, the two sides have undertaken negotiations aiming at the full elimination of such testing.

For an agreement eliminating nuclear testing, the two sides have, in principle, again agreed on advanced bilateral verification procedures, such as on-site verification. In addition to this approach, the countries of the Five Continents Initiative, who asked for the ending of nuclear testing, have repeatedly proposed to contribute to the verification of such an agreement by providing international teams for on-site inspections<sup>23</sup>.

## **B. SPACE WEAPONS**

### **I. REINFORCING THE SPACE MILITARY REGIME**

#### **I. 1 Flexible Agreements**

In 1979, Italy proposed an additional Protocol to the Space Treaty<sup>24</sup> in order to use space exclusively for peaceful purposes.

The project did not include any verification provisions, but article 3 contained a complaints procedure; in case of a breach of the Protocol, the Parties may refer the matter to the United Nations Security Council, which may initiate an investigation.

In 1983 and 1984, France proposed a series of specific agreements<sup>25</sup> in order to:

- 1) prohibit ASATs, particularly those capable of attaining satellites in the geostationary orbit;
- 2) prohibit for a (renewable) period of five years the testing and deployment of Earth, air and space based (directed energy) BMDs;
- 3) extend to all countries' satellites the „immunity” status from which American and Soviet satellites benefit<sup>26</sup>;
- 4) upgrade the 1975 Registration Convention by providing more detailed information concerning the characteristics and the mission of space objects in order to facilitate verification;
- 5) create an International Satellite Monitoring Agency<sup>27</sup>. In 1984, Italy proposed similar agreements<sup>28</sup> in order to:

- I fix security distances between space objects in a permanent or a transfer orbit;
- II impose the obligation that an international authority must be informed without delay of all elements of space object, and given a detailed declaration on the nature of the space object's mission;
- III elaborate measures in order to verify rapidly the orbital characteristic and the general function of space objects;
- IV elaborate detailed principles or categories in order to identify the mission of space objects and, if necessary, determine liability in relation to that object.

Another proposal aiming at reinforcing procedures of the military space regime was recently made by Australia and Canada<sup>29</sup>.

They proposed the enhancement of States' practice in the application of the 1975 Registration Convention of space objects; States should provide in advance more precise information on the functions and missions of objects to be launched in space, and particularly to determine whether they have a military or a civilian mission<sup>30</sup>.

## **I. 2 „Framework“ – type Agreements**

Article 4 of the 1981 Soviet „Draft Treaty on the Prohibition of Stationing of Weapons of Any Kind in Outer Space“<sup>31</sup> proposed that verification of the agreement would rely on „national technical monitoring facilities“. States Parties to the agreement would undertake not to place obstacles in the way of monitoring facilities of other States. Furthermore, the Parties would, when necessary, consult each other, make inquiries, and provide information in connection with such inquiries<sup>32</sup>.

In addition to the 1981 project's verification provisions, this new Soviet proposal<sup>33</sup> suggested the creation of a consultative committee in order to deal with problems that might arise during the Treaty's application<sup>34</sup>. Paragraph 1 of article 5 proposed consultations between the Parties and paragraph 2 provided for United Nations procedures but without further specifications<sup>35</sup>.

## **I. 3 Structural Agreements**

### **a. The „Star Peace“ project**

In this project<sup>36</sup> the U.S.S.R. put together some earlier ideas, namely the „immunity“ status of satellites, the ban on „space-strike weapons“, the destruction of existing ASAT's, the ending of underground nuclear testing, and strict compliance with the ABM Treaty. What was relatively new, that scientific research had to be oriented towards peaceful uses of space, international space co-operation had to be enhanced, and in order to verify compliance with these obligations, access had to be granted to laboratories engaged in space research<sup>37</sup>.

International co-operation would be achieved through three different stages, the first being that of ending the space „militarization“. In the second stage, financial, scientific and technical resources would be directed towards civilian uses of space. The process could be ended up by the creation of a „World Space Organization“<sup>38</sup> linked to the United Nations<sup>39</sup>.

After the „Star Peace“ proposal, The U.S.S.R. has declared its readiness „to open up its laboratories, on a reciprocal basis, for verification of such an agreement“. At this point the U.S.S.R. was adhering to an earlier American proposal of opening up laboratories<sup>40</sup> in order to verify the research undertaken in the context of the Strategic Defense Initiative<sup>41</sup>.

### **b. International Verification System**

The U.S.S.R. proposed the creation of an international system in order to verify the non-deployment of weapons of any kind in outer space<sup>42</sup>. The main idea is that an international body of inspectors would be created, which would verify, by on-site inspections, that no object to be launched into space carries any weapons.

## II. TRANSITION TO A DEFENSE SECURITY SYSTEM?<sup>43</sup>

### II. 1 BEYOND FUNDAMENTAL LABORATORY RESEARCH ON BMDs

The Soviets wanted initially to prohibit even scientific laboratory research on BMDs, since, as they argued, such research could lead to the development of SDI<sup>44</sup>. Later, they claimed that a prohibition of research on BMDs could be verified, since research in space weapons, even at its initial stage, is related to activities and indications that can be observed by NTMs<sup>45</sup>. This new claim, given the fact that NTMs cannot observe activities inside the laboratory, meant that the Soviets accepted the permissibility of laboratory research on BMDs<sup>46</sup>.

In Reykjavik, the U.S.S.R. proposed that the two parties should not withdraw from the ABM Treaty and respect it strictly for ten years<sup>47</sup> development, testing and deployment of a BMD would be prohibited, but fundamental laboratory research could be permitted<sup>48</sup>.

Thus, since this summit, the U.S.S.R. started to be less adamant in its opposition to BMD research. The Minister of Foreign Affairs' explanations, some time after the summit, marked a change and showed a rapprochement of the Soviet and the American position in the following ways:

- 1) development of a space weapon prototype could be accepted, as long as this weapon was not tested in space;
- 2) research would have to be restricted to the laboratory, in order not to permit the testing of a BMD system in space; the prohibition would apply to the testing of cosmic elements of a space-based BMD;
- 3) „laboratory research“, the creation of models, including prototypes of defensive systems, would be authorized for a ten-year period<sup>49</sup>.

### II. 2. POST-ABM TREATY SOVIET-AMERICAN STRATEGIC RELATIONSHIP

#### a. Controlled Transition

In April 1987, the U.S. proposed to agree not to withdraw from the ABM Treaty until 1994, and this without previously eliminating offensive strategic forces<sup>50</sup>. In May, they proposed to co-operate with the U.S.S.R. in order to obtain a controlled transition from an offensive security system to a defensive one<sup>51</sup>. In September, the Soviet side launched the idea of determining which tests are authorized under the ABM Treaty, and in December, the U.S. made a proposal on the basis of it<sup>52</sup>.

During the Washington summit the leaders of the two countries „(...) instructed their delegations in Geneva to work out an agreement that would commit the sides to observe the ABM Treaty as signed in 1972, while conducting their research, development, and testing as required, which are permitted by the ABM Treaty, and not to withdraw from the ABM Treaty for a specified period of time“.

„Intensive discussions of strategic stability shall begin not later than three years before the end of the specified period, after which, in the event the sides have not agreed otherwise, each side will be free to decide its course of action“.

„The sides shall discuss ways to ensure predictability in the development of the United States – Soviet strategic relationship under conditions of strategic stability, to reduce the risk of nuclear war“<sup>53</sup>.

The Americans considered that there should not be any misunderstanding on what the phrase „conducting their research, development and testing as required, which are permitted by the ABM Treaty“ means. They reasoned as follows: the Soviet knew from previous negotiations that the American government considered development and testing of BMD systems as permitted; the fact that they did not oppose this phrasing of the statement means that they agree that development and testing of BMDs are permitted during the non-withdrawal from the ABM Treaty period<sup>54</sup>.

## **b. „Predictability Package“**

Thus, for the United States the non-withdrawal period from the ABM Treaty was a period to prepare for transition from an offensive security system to a defensive one. They immediately offered a „predictability package“ providing for annual exchange of information on BMD research, information meetings, visits to the laboratories and mutual observation of BMD testing<sup>55</sup>.

In the context of the „predictability package“, the U.S. announced, in October 1988, numerical limits on their BMD Testing in space. The number of satellites used in these tests would be limited to 15. They would notify testing and, after the launch of the satellites, they would provide additional information. It was specified that this proposal did not mean the abandoning of the ABM Treaty's „large“ interpretation, neither a change of the American position, and that every arms control agreement, should provide for the possibility of testing BMD systems in space. Moreover, the limit of 15 satellites does not apply on testing already scheduled on intelligence satellites; it applies only on satellites carrying space weapons<sup>56</sup>.

### **II. 3 THE KRASNOYARSK RADAR**

Since 1984, the U.S. has accused the Soviet Union of building, in violation of Article VI of the ABM Treaty, a radar in Krasnoyarsk for the management of a nation-wide ABM defense.

Soviets responded that the radar was aimed at tracking space activities, and in any case, the U.S. was in violation not only of Article VI but also of Article IX of the Treaty<sup>57</sup>, since they were building two similar radars at Thule, in Greenland, and at Fylingdales Moor, in Great Britain<sup>58</sup>. They proposed in June 1988 to dismantle their radar if the U.S. renounced the „large“ interpretation of the ABM Treaty<sup>59</sup>.

The controversy reached its peak during the third five-year review of the Treaty. The U.S. declared that the radar continued to be a jeopardizing violation of the Treaty<sup>60</sup>, in the terms of Article XV, 2 of the ABM Treaty, this could give them a right of withdrawing from the Treaty, that the Soviet Union has undertaken the construction of a similar radar at Gomel, and that there would not be any agreement on strategic offensive weapons if the Krasnoyarsk radar was not dismantled<sup>61</sup>.

Again the Soviet Union evoked the existence of the two American radars in Greenland and Great Britain, and proposed:

- 1) to open up the Krasnoyarsk radar to the International scientific community;
- 2) to receive American inspectors inside the radar installations in order to verify its operations<sup>62</sup>;
- 3) that the U.S. open up their respective radars in Greenland and Great Britain to peaceful space research<sup>63</sup>.

Finally, in his 1988 United Nation speech<sup>64</sup>, Gorbachev spoke of dismantling and refitting some units of the radar and putting it under United Nations auspices; the radar would then be operated by the WSO for space research and for verification of compliance with future space arms control agreements<sup>65</sup>.

### **CONCLUSION**

In the description of negotiating positions and proposals one element appears constantly over the last decade: the need for institutional and verification structures which will ensure compliance with the future military space regime<sup>66</sup>. This need is independent of the direction that the military space regime will follow. Whether the present regime will be maintained and reinforced or will change by adopting some defensive security concepts, the need for structure is present and invariable.

In the case of verification structures one may observe that the idea of on-site inspection is presented in a majority of proposals and is more present in recent proposals than in earlier ones; on-site

inspection, which in the past has been either a reason or an excuse for not reaching arms control agreements, has presently become a means for elaborating them.

Finally, one may observe that, independently of the direction that the space military regime might take in the future, all interested parties have realized the need for co-operation. And this is obvious not only in the proposals of reducing offensive nuclear forces, of creating a World Space Organization, or, on the other hand, of controlling a transition towards a defense security system, but also in the recent attitude of the non aligned countries, who, since 1981, have demanded the prohibition of space weapons. In 1988, non aligned countries on international co-operation and development through the transfer of space technology<sup>67</sup>.

We may thus conclude that, given the existing proposals, structures will be as important as the rules of any future agreement regulating space or space-related activities, and that the spirit of co-operation will be present, as necessary, in any such agreement.

## REFERENCES

- <sup>1</sup> Principles are beliefs of fact, causation, and rectitude.
- <sup>2</sup> Rules are specific prescriptions or proscriptions to act.
- <sup>3</sup> Structures are rules that provide for implementing or verifying compliance with principles and rules, and/or for altering these principles, rules and structures.
- <sup>4</sup> In this context, structures means both institutions and procedures.
- <sup>5</sup> Górbiel A.: **International Organizations and Outer Space Activities**, Lodz, Prace Międzyuczelnianego Instytutu Nauk Politycznych, Uniwersytetu Łódzkiego, 1984, 117 p.
- <sup>6</sup> Hereinafter the COPUOS.
- <sup>7</sup> See the reports of the Conference on Disarmament ad hoc working group in 1987 (CD/786, 24/8/1987 and A/42/27, 1987) and in 1988 (CD/870, 12/9/1988 and A/43/1988). According to these reports, it is necessary to reinforce the regime and enhance its effectiveness (A/42/27, 1987, p. 184, para. 51; et A/43/27, 1988, p. 225, para. 48).
- <sup>8</sup> Consisting of antisatellite weapons (hereinafter ASATs) and projects of space-based ballistic missile defenses (hereinafter BMDs).
- <sup>9</sup> Compared to its specific rules, the structures of the military space regime are limited. This point is demonstrated and analyzed in Kuskuvelis I. I.: Verification and the Space Related Agreements, **Proceedings** of the 28th Colloquium on the Law of Outer Space, I.I.S.L., N. York, A.I.A.A., 1986, pp. 61 – 67.
- <sup>10</sup> Strategic nuclear forces and intermediate-range nuclear forces; hereinafter SNF and INF respectively.
- <sup>11</sup> ASATs and BMDs.
- <sup>12</sup> Signed in December 8, 1987; entered into force in May 30, 1988; see the text of the Treaty in CD/798.
- <sup>13</sup> For an analysis of the Treaty see Tavernier P. and Kuskuvelis I. I.: The Intermediate-Range Nuclear Forces Treaty and the Space Military Regime, in **Proceedings** of the 31st Colloquium on the Law of Outer Space, I.I.S.L., Washington D.C., A.I.A.A., 1989, pp. 74 – 83.
- <sup>14</sup> The New York Times, 16/1/1986, pp. 1, 7; Statement by Mikhail Gorbachev, General Secretary of the CPSU Central Committee, in *ibid.*, January 15, 1986, 5/2/1986, p. Y5.
- <sup>15</sup> 11 – 12/10/1986. On the summit, see Gorbachev M.: **Perestroika**, Paris, Flammarion, 1987, pp. 342 – 350; Guilhaudis J.F.: Armes nucléaires et spatiales. L'année Gorbachev, in **Arès**, S.D.E.D.S.I., Vol; IX, 1987/1, pp. 259 – 261.
- <sup>16</sup> *Time*, 20/10/1986, p.20.
- <sup>17</sup> **Supra** No 16, p. 345.
- <sup>18</sup> See the Communiqué in **Disarmament, A. Periodic Review by the United Nations**, Vol. XI, No. 1, Winter 1987/1988, pp. 163 – 167.
- <sup>19</sup> The communiqué, in eight sub-paragraphs, indicates the principal elements to be included in the verification procedures of an eventual future agreement. All these elements have been used for the first time in the INF Treaty.
- <sup>20</sup> See Gorbachev, **supra** No 16, p. 332; Guilhaudis, **supra** No 16, p. 246.
- <sup>21</sup> Gorbachev, **ibid.**, pp. 328 – 9, 334.
- <sup>22</sup> Voir Guilhaudis, **supra** No 16, pp. 246, 251 – 252, 254.
- <sup>23</sup> CD/676, 10/3/1985, annexe.

- <sup>24</sup> CD/9, 26/3/1979.
- <sup>25</sup> CD/375, 14/4/1983; CD/PV.263, 12/6/1984, pp. 16 – 20 et CD/540, pp. 170 – 171.
- <sup>26</sup> Resulting from the SALT agreements.
- <sup>27</sup> Hereinafter ISMA. The creation of an ISMA was first proposed by France in 1978, at the first special session of the United Nations General Assembly on Disarmament (1978); the agency would undertake verification of compliance with arms control and disarmament agreements; see A/AC.206/14, 1981.
- <sup>28</sup> CD/PV.274, 19/7/1984, pp. 5 – 8; CD/540, p. 171.
- <sup>29</sup> **CD/OS/WP.25**, 25/8/1988.
- <sup>30</sup> We made a similar proposal at the 28th Colloquium of the I.I.S.L.; see Kuskuevils I. I.: *Summary of Discussions, Proceedings* of the 28th Colloquium on the Law of Outer Space (1985), I.I.S.L., N. York, A.I.A.A., 1986, p. 254.
- <sup>31</sup> A/36/192, 20/8/1981.
- <sup>32</sup> On the project see: Danielson S.: *Examination of proposals relating to the prevention of an arms race in outer space*, in Jasentuliyana N.: **Maintaining outer space for peaceful uses**, Tokyo, The United Nation University, 1984, (pp. 276 – 289) p. 281. Also: Majorsky B.: „The USSR initiative in the struggle for peace in outer space”, in *ibid.*, pp. 290 – 297; Ogunbabwo O.: „Space in the context of disarmament at the United Nations”, in *ibid.*, pp. 298 – 301.
- <sup>33</sup> „Treaty on the Prohibition of the Use of Force in Outer Space and from Space Against the Earth” (A/38/194, 23/8/1983). On the project see Kopal V.: „Concerns expressed in the United Nations over the military uses of outer space”, in Jasentuliyana N. (ed.): **Maintaining outer space for peaceful purposes**, Tokyo, The United Nations University, 1984, (pp. 59 – 73) pp. 67 – 69. See also Danielson, Majorsky, Ogunbabwo, *ibid.*
- <sup>34</sup> Article 5.
- <sup>35</sup> On the limits of this verification procedure, see Danielson, *supra* No 33, p. 286.
- <sup>36</sup> U.S.S.R., Mission to the United Nations, Press-Release, No 96, June 13, 1986: Nikolai Ryzhkov’s message, p. 2; A/41/422, p. 28, 11/7/1986.
- <sup>37</sup> The idea of enhancing international cooperation was first introduced in 1985; see CD/639, 21/8/1985.
- <sup>38</sup> Hereinafter WSO.
- <sup>39</sup> In 1988, the Soviet Union reiterated its proposal for the creation of WSO (A/AC.105/L.171, in A/43/20, Annexe II, p. 27). Besides serving as a framework for international cooperation and coordinating national space activities, the WSO would control compliance with international agreements aiming at „preventing an arms race” in outer space.
- <sup>40</sup> CD/PV.349, 20/3/1986, p. 14.
- <sup>41</sup> Hereinafter SDI.
- <sup>42</sup> CD/817, CD/OS/WP.19, 17/3/1988. It is interesting to remind that in 1957 – 58, it was the U.S. that was proposing a similar system.
- <sup>43</sup> What makes us think of the possibility of transition to a defense security system or to a system including some elements of defense, is not so much the American proposals and negotiating position, but the Soviet position. As it will be shown, the latter is not so clearly „against-BMDs” and „pro-ABM Treaty” as it is usually asserted in the press and the literature.
- <sup>44</sup> Marschal Sokolov, Soviet Defense Minister, in *The New York Times*, 7/5/1985, p. A5.
- <sup>45</sup> *ibid.*, 2/6/1985, pp. 1, 16. This position was confirmed by Gorbachev in *Time*, 9/9/1985, p. 16., and by Marshal Akromeyev in *International Herald Tribune*, 14/10/85, p. 3.
- <sup>46</sup> Getler M.: „Moscow looks to history as talks near”, *International Herald Tribune*, 6/3/1985, p. 8.
- <sup>47</sup> Gorbachev, *supra* No 16, p. 346.
- <sup>48</sup> *Time*, 20/10/1986, p. 20; Guilhaudis, *supra* No 16, pp. 259 – 261. The U.S. proposed to prohibit deployment of a space-based BMD during seven and a half years. They were ready to accept the tenyear period proposed by the U.S.S.R.; but they were willing to proceed with research, development and testing of a BMD, and deployment after the ten-year period, if they chose to. See: *International Herald Tribune*, 13/10/1986, p. 1, 5.
- <sup>49</sup> *The New York Times*, 11/11/1986, p. 4.
- <sup>50</sup> The Pentagon was estimating to be able to deploy a BMD in space after 1994; see *The New York Times*, 13/4/1987, p.7.
- <sup>51</sup> UNIDIR: **Disarmament Problems Related to Outer Space**, N. York, United Nations, GV.E.87.0.7, 1987, p. 188.
- <sup>52</sup> *The Economist*, 12/12/1987; *Les Echos*, 29/10/1987, p. 12.
- <sup>53</sup> „Joint Statement” in **Disarmament. A Periodic Review by the United Nations**, Winter 1987/1988, Vol. XI, No 1, p. 165.
- <sup>54</sup> Cooper H. F.: *Defense and Space Talks – Two Steps Forward, One Step Back*, in **NATO Review**, No 1/February 1988, (pp. 15 – 19) pp. 15, 16 – 17. In October 1988, the U.S., realizing that the U.S.S.R. did not understand the Washington joint statement as they did, asked for a clarification on this point; see: *The New York Times*, 27/10/1988, p. 6.

- <sup>55</sup> **ibid.**, p. 17.
- <sup>56</sup> „U.S. Proposes limit on ‘Star Wars’ tests”, The New York Times, 27/10/1988, p. 6.
- <sup>57</sup> Prohibiting the transfer and deployment outside the national territory of ABM systems or elements of these systems.
- <sup>58</sup> Duffy G.: Administration redefines Soviet „violations”, **Bulletin of the Atomic Scientists**, February 1986, (pp. 13 – 17) p. 17.
- <sup>59</sup> International Herald Tribune, 1/9/1988, p. 6.
- <sup>60</sup> The Times, 1/9/1988, p. 5.
- <sup>61</sup> International Herald Tribune, 1/9/1988, pp. 1, 6.
- <sup>62</sup> International Herald Tribune, 17 – 18/9/1988. The U.S. rejected this proposal; see **ibid.**, and 22/9/1988, pp. 1, 2.
- <sup>63</sup> The New York Times, 28/9/1988, p. A3.
- <sup>64</sup> December 7, 1988.
- <sup>65</sup> A/43/PV. 72, 8/12/1988, p. 20.
- <sup>66</sup> We cannot argue that flexible agreements will be preferable to „framework” – type of agreements or vice-versa; this was not the aim of this study.
- <sup>67</sup> This was spelled out in a declaration of the group of 77 (Annexe V, A/43/20, p. 36) on item 6 of the COPUOS agenda („Legal implications of the principle according to which the exploration and use of outer space shall be carried out for the benefit and in the interest of all states taking into particular account the needs of developing countries.”) and in an Egyptian document on item 4 („ways and means in order to maintain outer space for peaceful purposes.”; A/AC.105/L.176, in A/43/20, Annexe IV, p. 35.).