

- on-site inspection in space;
- concepts such as PAXSAT 'A';
- national technical means ;
- others.

Q. Organization

The next question is what kind of structure should be adopted to best meet the exigencies of such a treaty. In this regard, the Soviet Proposal for the creation of an International Space Inspectorate might serve as a starting point. Another possibility would be to create a verification agency composed of the five permanent members of the Security Council plus other significant international powers such as Japan, Germany, Canada and India.

III. Merits and Demerits of the Treaty Format

Advantages of drafting a new Space-Based Weapons Ban Treaty include:

- being able to draw upon recent treaties in other areas of arms control;
- negotiating a treaty at a time when there is no apparent threat;
- having a clearer picture of the negotiating history and mindset of the drafters;
- showing the world community that space will be free of weapons;
- clarifying risk assessment for commercial activities and their investors;
- signal to the world community that countries are prepared to continue using space for peaceful purposes.

IV. Amendment of an Existing Treaty

Article XV of the Outer Space Treaty stipulates that any State Party to the Treaty may propose amendments.

Several proposals have been made to amend Article IV.⁷¹ It is suggested that attempts to amend the Outer Space Treaty will not be successful for several reasons.

The first challenge would pertain to the appropriate negotiating forum for amending the Outer Space Treaty. Attempts to discuss amendments to Article IV of the Outer Space treaty within the Committee for the Peaceful Uses of Outer Space (COPUOS) would meet with strong objections, notably from the US.⁷²

The historical value of the Outer Space Treaty as the *Magna Carta* for space activities should also not be underestimated. Psychologically and politically, States would not be eager to re-open a treaty which, as its full title implies, was destined to provide a set of Principles upon which other space treaties would be negotiated. This piecemeal approach reflects COPUOS and its Legal Subcommittee's desire not to create "anticipatory law" which might become too quickly obsolete in view of technological innovation and progress.

⁷¹ See *supra*, Chapter 2.

⁷² See statement made by the US Ambassador to the 39th Session of the United Nations General Assembly, in the Special Political Committee, Press release USUN 147 – (84), 28 November 1984.