

In the area of space arms control, the Conference on Disarmament, through its *ad hoc* Committee for the Prevention of an Arms Race in Outer Space (PAROS), is the main multilateral forum for discussions on this issue. Mention should also be made of the international community's efforts to control ballistic missile proliferation via the Missile Technology Control Regime (MTCR).

Both COPUOS and the CD operate by consensus based decision making. Current membership of each of these bodies is 61 and 66 respectively. No significant treaty has been negotiated in COPUOS since 1975. The *ad hoc* Committee of the CD has made little progress since its creation in 1985.

Yet at the same time, numerous countries are adopting national legislations impacting on areas such as satellite communications, global positioning systems and remote sensing data distribution. Intergovernmental agencies such as the European Space Agency (ESA) and the European Community (EC) are also addressing these topics. Hybrid organizations such as the Committee on Earth Observation Satellites (CEOS) are adopting principles applicable to remote sensing and acting in accordance with them. Large scale cooperative space ventures such as the International Space Station (ISS) are also contributing to the legal and organizational framework of space activities. Hence, space law and regulations have and continue to develop outside the traditional UN law-making forums.

B. Role of the Conference on Disarmament (CD)

Though progress in the *ad hoc* Committee has been slow, it has nevertheless played a valuable lobbying role on behalf of the international community with a view to maintain pressure on the major space powers. It has also played an educational role by addressing the issues involved in preventing an arms race in outer space. The *ad hoc* Committee should continue to play this role.

One of the primary reasons for the inability of the *ad hoc* Committee to obtain anything close to resembling a negotiating mandate has been the refusal of the major space power to deal with issues of military uses of outer space in a multilateral forum, and to acknowledge any shortcomings in the existing legal regime.

There is no question that technology can be developed to place weapons in outer space. There is also little doubt that no State can expect to maintain a monopoly on such capabilities. The timing for the negotiation of a treaty prohibiting weapons in space might seem quite good, since at present, no State has ever claimed to have placed weapons in outer space. The biggest challenge will be convincing US policy makers of this point.

In the near future, it is unlikely that the *ad hoc* Committee will be given a mandate to negotiate any kind treaty. Thus, in order to keep the *ad hoc* Committee alive and to allow fruitful discussions to occur, the *ad hoc* Committee should pursue the elaboration of Confidence Building Measures (CBMs).

One such a CBM could be the prior notification of launches of space launchers and ballistic missiles. The US in particular could be more open to such an idea since the signing of the US-Russia Memorandum of Understanding (MOU) on Notification of Missile Launches which provides for pre and post launch notification of ballistic missiles and space launch