

Most importantly is the fact that even if agreement could be reached to amend article IV of the Outer Space Treaty, there is no guarantee that discussions would be limited to this specific article. In recent years, certain countries, notably from the developing world, have been challenging some of the accepted principles of space law, such as freedom of use and exploration. Amending procedures could in fact disrupt the very foundations of space law.

Although both the CD and COPUOS operate on a consensus decision-making basis, it should be recalled that in the case of the UN Principles dealing with Direct Broadcasting Satellites, consensus within COPUOS could not be reached and a vote was taken in order to submit the principles to the UN General Assembly for approval.⁷³ If consensus were not reached, any amendment would then only be binding upon those States Parties to the Outer Space Treaty who would agree to the changes. Without the agreement of major space-faring countries, a destabilizing situation could arise since not all States would be bound by the same obligations.

It should also be noted that although the UN General Assembly has on numerous occasions adopted resolutions urging countries to work towards the prevention of an arms race in outer space and urging countries to take necessary measures to control the militarization of outer space, the UN *per se* does not serve as a negotiating forum for treaty amendments. States Parties to an agreement amend treaties.

V. Protocol to an Existing Agreement

The term Protocol implies that an existing treaty is not only amended but new provisions which supplement existing ones are agreed to by the Parties.⁷⁴ The Protocol enters into force for each State Party to the Treaty accepting the amendments and supplemental clauses. Thus again, one could be faced with a situation whereby all space-faring nations are not bound by the same obligations.

VI. Advantages and Disadvantages of Different Negotiating Forums

A. Overview of Forums Involved in Space Law Making

As a result of the growing diversity of space-related activities, legal issues pertaining to outer space increasingly emerge in highly different international forums. Though COPUOS still remains the principal UN body concerned with legal questions arising from the exploration and use of outer space, space law-making has, in fact, not been limited to only one main negotiating forum.

The ITU has elaborated an extensive body of law dealing with the regulation of radio-frequency use and assignments of positions in the geostationary orbit. Important norms governing the early notification of nuclear accidents on space objects were adopted in 1986 by the General Conference of the International Atomic Energy (IAEA).

International trade and market access issues are increasingly addressed by the World Trade Organization (WTO).

⁷³ Principles Governing the Use by States of Artificial Earth Satellites for International Direct Broadcasting, UNGA Res. 27/92, 10 December 1982.

⁷⁴ Black's Law Dictionary.