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Peace in Space: Transparency and Confidence Building Measures (2)

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CREATING ENFORCEMENT MECHANISMS FOR THE 1976 REGISTRATION CONVENTION AS A
CONFIDENCE BUILDING MEASURE IN THE MILITARY USE OF OUTER SPACE

Abstract

One of the more controversial issues in space activities of recent years past is the apparent trend towards the increased militarisation of outer space. In particular, the military use of fixed and mobile satellite communications, global positioning systems, high-resolution remote sensing satellites and even space-based anti-satellite and anti-ballistic missile systems have been the focus of particular concern among legal commentators and policy-makers.

It is clear that improved transparency in governmental space activities can only contribute to greater confidence to be held by the international community in the use of outer space by space-faring States for the pursuit of peaceful purposes. If States are required by an international legal framework, armed with adequate enforcement mechanisms, to disclose all of their space activities, it is also likely that the incidences of military uses and applications of outer space would be reduced as a consequence.

The establishment of a central international registry of space objects at the United Nations was seen as an essential step in providing identification data and establishing the relevant States bearing international responsibility and jurisdiction over objects launched into outer space. The mandatory registration obligations under the 1976 Convention on the Registration of Objects Launched into Outer Space (the Registration Convention) have contributed much towards that objective, as well as increasing transparency and coordination in the space activities of States.

This paper discusses the possibility of creating enforcement mechanisms within the framework of the Registration Convention to require States to comply with their mandatory obligations to disclose and register all of their space objects in outer space. This may then serve as one of the means by which improved transparency can be obtained in the use of outer space by States for military purposes and may also serve to reduce the current militarisation of outer space.