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

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TRANSPARENCY AND CONFIDENCE BUILDING MEASURES: SPACE SECURITY LAW IN AN
ASYMMETRIC WORLD

Abstract

From the very inception of international space law, one of its primary goals has been to create stability and security in space. To this end the treaties that govern State action in outer space have all included numerous provisions that lend themselves to achieving disarmament and collective security goals. However, these treaties left gaps, and States do not appear ready to fill those gaps with new treaties. Therefore, space security goals are being pursued through a variety of new instruments that fall under the heading of transparency and confidence building measures.

This paper will first focus on the legal status of such measures under international law. It will then explore and analyze strengths and weaknesses of such instruments in light of the asymmetric environment that exists in space. States are unequal in both space capabilities as well as potential vulnerabilities. Because States interests differentiate, it is important that any new legal or political instrument be able to address the needs of and threats to a diversity of States.

This analysis will help evaluate the potential for these measures to enhance space security and stability through nontraditional means. Such measures are of growing importance in light of numerous incidents in space in recent years including the Chinese ASAT test, the United States shoot down of *USA-193*, the entry of Iran as a space-faring nation, and the collision of *Iridium 33* and *Cosmos 2251*. These incidents coupled with international tensions over such things as missile defense systems and terrorism, have created an environment in which States are seeking to stabilize space and, at the same time, seeking to preserve their own interests. Therefore, a firm understanding of the nature, goals, strengths, and weaknesses of transparency and confidence building measures is essential to achieving stability and security in space.