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THE IMPLEMENTATION OF TCBMS IN OUTER SPACE ACTIVITIES: FROM THE OST  
PRINCIPLES TO THE INTERNATIONAL SPACE GOVERNANCE ACTION

**Abstract**

Transparency and confidence-building measures (TCBMs) are sets of instruments designed by international diplomacy to influence States' responsible behavior, strengthen information-sharing among them, and increase transparency in international affairs. Although TCBMs first appeared for 'terrestrial' international affairs, their relevance for outer space exploration and exploitation was soon recognized, signaling the start of a rapid creation of dedicated measures.

In fact, nowadays there are many examples of TCBMs in outer space activities, and these instruments are capable of creating a structure in which States can cooperate trying to preserve outer space security, safety, and sustainability. Their importance is particularly remarkable considering the difficulties associated both with modifying and updating the existing legal framework, and the creation of new binding norms.

The Outer Space Treaty (OST) contains provisions that can be categorized as TCBMs: Articles V, IX, and XI, *inter alia*, provide a valid example, contributing to the implementation of several principles at the heart of international space law (ISL): the freedom of access and use, non-appropriation etc. Although in that respect the OST can be seen as a precursor of those measures in connection to outer space, it is important to say that there are some weaknesses, among which the most important is absolutely the lack of provisions establishing pragmatic mechanisms to enhance and supervise the implementation of those measures. This is why the current development of the TCBMs can be seen with favor, filling the lacunae of ISL.

In light of the aforementioned considerations, the paper will analyze some recently adopted TCBMs pertaining to outer space activities, explaining their foundation in the OST and assessing their relevance, both in principle and in practice, in contributing to outer space security, safety, and sustainability. Moreover, the role that international organizations, especially United Nations (UN) specialized agencies, play in that context will be shown, examining the TCBMs implemented by them, and emphasizing their connection with ISL principles established by OST. In particular, given its role of *primus inter pares* among the UN specialized agencies involved in international space governance, a special importance will be accorded to the International Telecommunication Union (ITU). Specifically, implications of Resolution 186 'Strengthening the role of the ITU with regard to transparency and confidence-building measures in outer space activities', adopted at Busan by the ITU Plenipotentiary Conference in 2014, will be discussed in depth.