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Space law at Unispace +50: consequences and future perspectives (4)

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EVOLVING NORMS ON PRE-LAUNCH NOTIFICATIONS OF SPACE LAUNCH VEHICLES:
HISTORICAL PERSPECTIVE IN THE CONTEXT OF UNISPACE+50 THEMATIC PRIORITY
THREE

Abstract

It is commonly known that the discussion how to develop requirements for information exchange on space objects and events, now identified as UNISPACE+50 thematic priority three, had been accelerated around mid-2000s. However, it has yet to be highlighted that, around for 40 years, many proposals of such norms appeared repeatedly with many similarities in different international bodies, like other arms control, disarmament and security issues on outer space. The purpose of my study is to better understand the chronology of such evolution of norms, and to evaluate how the current draft norms, especially the guideline on the “Long-term sustainability of outer space activities” (LTS guideline) in the Scientific and Technical Subcommittee (STSC) of the Committee on the Peaceful Uses of Outer Space (COPUOS), has commonalities and differences comparing with the past similar proposals, and its today’s significance and issues. Analyzing the conference room papers in Ad hoc Committee (AHC) on the Prevention of an Arms Race in Outer Space (PAROS) under Conference on Disarmament (CD) and the diplomatic documents in Japan until mid-1990s, I found that the following three proposals on the Confidence Building Measures (CBM) of outer space were respectively evolved into Guideline 6, 15.6, 8 of the LTS guideline; (a) proposal on the elaboration of space objects registration information; (b) proposal on pre-launch notification (PLN) on space launch vehicles and ballistic missiles; and (c) proposal on “code of conduct”. Especially, it is noteworthy that the above (b), proposed by France in 1993, initially gathered positive reactions by many delegations in AHC on the PAROS, but US insisted to treat it in Missile Technology Control Regime (MTCR), instead of CD, which resulted in the formulation of International Code of Conduct against Ballistic Missile Proliferation (HCOC) after consultation led by like-minded countries of MTCR outside UN. The current Guideline 15.6 of the LTS guideline shows, however, such former discussion has come back to UN fora and partially reached a consensus inside UN. HCOC is sometimes criticized by non-Subscribing States that it was formulated by the initiatives of countries possessing missile technologies, but such criticism seems not fully aware this proposal was originated not in the context of non-proliferation, but CBM of outer space. These findings indicate the norms on PLN lie across multiple areas such as peaceful uses of outer space, disarmament and non-proliferation, and they have so far gradually progressed with changing the international fora, slowly and intermittently.