

CHAPTER 13

TRANSPARENCY AND CONFIDENCE-BUILDING MEASURES IN OUTER SPACE

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The application of Transparency and Confidence-Building Measures (TCBMs) in outer space activities is not a new issue. TCBMs have long been recognized as a significant element of international law and order in outer space. This is reflected, in particular, in the United Nations General Assembly resolutions 45/55B, 47/51 and 48/74B, which reaffirm “the importance of confidence-building measures as means conducive to the attainment of the objective of the prevention of an arms race in outer space”. The annually adopted General Assembly resolution on the prevention of an arms race in outer space (PAROS) recognizes that “the concrete proposals on confidence-building measures could form an integral part of an international agreement or agreements to prevent an arms race in outer space”.

In one form or another, TCBMs are already incorporated in a number of international instruments on outer space. These instruments provide for, *inter alia*, informing the UN Secretary-General as well as the public and the international scientific community of the nature, conduct and results of activities in outer space; providing data on the launched outer space objects as well as outer space objects that ceased to exist in orbits or changed their earlier reported orbits; and cooperation in joint management of emerging problems. Several TCBMs—in the form of annual statements on key policy lines in the field of space launch vehicles (SLVs), annual reporting of the number and category of the launched SLVs, invitation of international observers to the ground launching sites, and preliminary notifications of SLV launches and of their test flights—are applied as norms in the sphere of missile non-proliferation.

TCBMs have recently enjoyed an increased interest. Some states have started implementing a number of TCBMs on their own initiative. Since 2003, the Russian Federation has been informing the international community via the Internet of the forthcoming launches of spacecraft and their mission. And in 2004, the Russian Federation made an important unilateral pledge not to be the first to place any type of weapons in outer space. This initiative was supported by the member states of the Collective Security Treaty Organization, which made a similar declaration in June 2005. Elsewhere, Norway is providing notifications of the planned launches of probe rockets into upper atmospheric layers from a launching site in the Arctic Ocean and India and Pakistan have an agreement on early notification of rocket launches.

These measures, however, are not comprehensive either in relation to different types of space activities or to participation of states in their implementation. This fact was one of the reasons behind the Russian Federation's decision to submit to the sixtieth General Assembly session a draft resolution entitled "Transparency and Confidence-Building Measures in Outer Space Activities", which was adopted by an overwhelming majority. In its operative part, resolution 60/66 invites all Member States to inform the Secretary-General before its sixty-first session of their views on the advisability of further developing international outer space TCBMs in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space.

What are the reasons behind the international community's attention to the concept of TCBMs at this stage? We believe that the following needs to be borne in mind in this context.

TCBMs as such minimize the risk of erroneous perception and assessment of military activities of another state. They help to prevent military confrontation, to implement on this basis the principle of no threat or use of force and to foster regional and global stability. Although TCBMs are no substitute for either arms limitation, disarmament or arms control measures, nevertheless, they are able to contribute to developing disarmament commitments and verification measures.

Developing recommendations on possible TCBMs in outer space is a relatively easy first step toward strengthening outer space security. If success

is achieved here, it could be easier to agree on further steps. The joint endeavour on possible TCBM recommendations would, by itself, promote deeper understanding of states' intentions regarding the current and prospective state of affairs in the area of outer space. In this sense, the joint work on TCBMs would itself enforce mutual confidence.

Predictability of the military activities in outer space would objectively reduce the probability of the emergence of sudden unexpected military threats in and from space, would remove ambiguity in the strategic situation in outer space and, consequently, would eliminate the need for early preparation of states to neutralize such threats. TCBMs can be worked out and applied by states individually, bilaterally and multilaterally; they can be either voluntary or binding—if the international community deems it necessary. But, evidently, the multilateral character of TCBMs substantially increases their practical value.

Working out TCBMs does not weaken the development of an eventual legally binding agreement on the prevention of placement of weapons in outer space or distract from it, but, on the contrary, serves it. It should be borne in mind that the working out of verification measures in relation to such an agreement is not a simple task. It might prove preferable—for the sake of quickly addressing an urgent problem—to initially draft a treaty without verification measures, which could be prepared at a later stage. In this case, TCBMs could, to a certain degree, make up for the lack of verification measures in the new treaty, especially since what is meant by verification here is a confirmation of non-placement of weapons in outer space, which is so far weapons-free. TCBMs would enhance the confidence of the parties to the treaty that its obligations are complied with.

Confidence building is, in essence, a phased process. It is impossible to create a universal and comprehensive model of TCBMs. They should be developed to suit particular areas of activities. It would be advisable to consider the experience of the UN Group of Governmental Experts, which met between 1990 and 1993, as a basis for updating the current thinking on TCBMs in outer space activities. The results of the group's work are a source of many ideas that are still relevant today. We can also revisit proposals put forward in the 1990s by Canada and France that remain interesting and promising.

Some TCBMs seem applicable today. Though this list is not inclusive, it might be regarded as a starting point for further discussions. Eventual TCBMs can be divided into several categories:

- Measures aimed at enhancing transparency of outer space programmes;
- Measures aimed at expansion of information on outer space objects in orbits; and
- Measures related to the rules of conduct during outer space activities.

Such measures can be carried out in various ways: information sharing; demonstrations; notifications; consultations; and thematic workshops.

Information sharing:

- On main directions of the states' policy in outer space activities;
- On major outer space research and use programmes; and
- On orbital parameters of outer space objects.

Demonstrations:

- Expert visits, including to space launch sites, mission command and control centres and other objects of outer space infrastructure;
- Invitation of observers to launches of spacecraft; and
- Demonstration of rocket and space technologies.

Notifications:

- Planned spacecraft launch;
- Scheduled spacecraft manoeuvres that may result in dangerous proximity to spacecrafts of other states;
- Beginning of descent from orbit of unguided outer space objects and on the predicted impact areas on Earth;
- Return from orbit into atmosphere of a guided spacecraft; and
- Return of a spacecraft with nuclear source of power on board, in case of malfunction and the danger of radioactive materials' descent to Earth.

Consultations:

- To clarify the provided information on outer space research and use programmes;
- On ambiguous situations as well as other issues of concern; and
- To discuss the implementation of the agreed TCBMs in outer space activities.

Thematic workshops:

- Workshops could be organized on various outer space research and use issues, arranged on a bilateral or multilateral basis and with the participation of scientists, diplomats, military and technical experts.

In conclusion, it should be emphasized that at the current stage the work on TCBMs in outer space activities could become an important unifying factor for all states with respect to outer space and generate practical outputs for a prudent and responsible approach to the exploration and use of outer space.