

Because the United States, Russia, and China have the most advanced military space programs, have each conducted ASAT tests, and are the most focused on the strategic side of space security, they need to be constructively engaged from the outset. But if the initial phase of negotiations involved only these three countries, the deliberations would arguably be too heavily focused on the military side of space security and too likely to devolve into traditional arms control arguments. Using technical criteria to decide which other states to include in initial deliberations, such as a state's ability to launch objects into space, would not necessarily be a good option either. Doing so would allow some countries whose participation was not essential to play a spoiler role, while excluding other countries, such as Canada, which has an active space program and a long-standing interest in cooperative space security. The best option might be to invite all countries who have demonstrated a significant interest in space security to participate in the discussions and eventual negotiations, but to set participation costs sufficiently high so that only those countries that have a major stake in the outcome would likely choose to be active participants.

The Antarctic Treaty offers one model of a flexible, non-discriminatory way to authorize decision-making powers depending on a state's demonstrated level of interest and commitment.⁴¹ At the invitation of the United States, the main treaty was negotiated in less than three months by the twelve countries participating in the International Geophysical Year of 1957-58. This group included all seven countries that had claimed sovereignty over areas of Antarctica and most of the other countries that had engaged in scientific exploration there. The treaty created two categories of members, which have come to be known as Consultative and Non-Consultative. All original signatories are Consultative members, as is any country that acceded to the treaty and demonstrated their interest in Antarctica by "conducting substantial research activity there."

Representatives of the Consultative members meet at semi-regular intervals to exchange information, discuss treaty-related matters, and develop recommendations regarding additional measures to further the principles and objectives of the treaty. Non-Consultative members can attend these meetings as observers. The treaty may be modified or amended by the unanimous agreement of Consultative members, and proposed changes enter into force upon ratification by all Consultative members. Non-Consultative members have two years after the changes enter into force to ratify them. If they do not, they are deemed to have withdrawn from the treaty, presumably for lack of interest. The only withdrawal provision covering Consultative members includes an option to call for a 30-year treaty review conference, at which changes to the treaty could be approved by a majority vote, including a majority of Consultative members. If these changes are not ratified by all Consultative members after two years, then any treaty member can give notice of its intent to withdraw in a further two years' time.

The Antarctic Treaty example also illustrates the benefits of developing a cooperative security system through an iterative process, with key players making firm enough commitments up front that others know they are serious but leaving enough flexibility for the depth and breadth of cooperation to increase over time. After starting out with 12 members, the Antarctic Treaty now has 28 Consultative and 18 Non-Consultative members.

⁴¹ The text of the 1959 Antarctic Treaty is at: http://www.ats.aq/documents/ats/treaty_original.pdf and additional information about the Antarctic Treaty System is at: http://www.ats.aq/e/ats_treaty.htm.