

LEGAL ISSUES ON THE LAUNCH BY NORTH KOREA:
PRIVILEGE OF UN SECURITY COUNCIL RESOLUTION OR OUTER SPACE
TREATIES

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The Democratic People's Republic of Korea successfully launched a pole-to-pole orbital satellite aboard a long-range rocket on 12 December 2012. The attempt from North Korea aroused another round of condemnations and perhaps further isolations from international community since the launch was taken as a thinly veiled attempt to test a three-stage ballistic missile by major countries. Apart from the uncertainty and consensus about whether the launch of the “space object” should be taken as a space launch or a ballistic missile test, international condemnations and denunciations of the activity mainly focused on the flagrant violations of previous United Nations Security Council resolutions, namely Resolution 1718 (2006) and 1874 (2009). Consequently, the Security Council unanimously adopted the Resolution 2087 on 22 January 2013 to further reiterate the prohibition of further development of technology applicable to North Korea’s nuclear or ballistic weapons programs. Taking into consideration that the object, currently orbiting the Earth, launched by North Korea should be taken as a space object under the applicable regime of international space treaties, where State Parties to the treaty are guaranteed equality and freedom for exploration and use of outer space. Issues related to whether the UNSC Resolutions or the space treaties should be granted a privilege of applying the legal binding effect on the attempt from North Korea remains to be resolved. The paper will take an in-depth analysis of the nature of the launch and categorize it to an appropriate position, and further address applicable legal regime and the function of the UNOOSA for the case.

I. INTRODUCTION