

IAF SYMPOSIUM ON SECURITY, STABILITY AND SUSTAINABILITY OF SPACE ACTIVITIES
(E9)

Norms and Standards for Safe and Responsible Behaviour in Space (3)

Author: Dr. Rebecca Connolly
The University of Sydney, Australia

SPACE SECURITY AND DUAL-USE TECHNOLOGY – CHALLENGES IN ESTABLISHING NORMS
FOR SAFE AND RESPONSIBLE BEHAVIOUR IN SPACE.**Abstract**

With the increased military significance of space-based capabilities, the line between military and civilian space assets is becoming increasingly blurred. As the international legal community deliberates on normative frameworks for safe operations in space, this "dual-use" dilemma presents unique challenges for the regulatory pathway forward.

It is critical to ensure the responsible and sustainable use of outer space through a coordinated approach for the conduct of space operations. As congestion in space grows, there is pressure for States to 'secure' their military (including dual-use) space assets from both deliberate and unintentional threats. However, government strategies relating to space security and space safety may have opposing underlying approaches. This paper will consider how dual-use space assets pose a challenge for the balancing of national security and space power objectives against the need for global cooperation to create a space rules framework.

This tension has played out in the Conference on Disarmament, with unsuccessful negotiations for a draft binding treaty on the prevention of an arms race in outer space dating back to the 1980s. More recently, the UN Open-Ended Working Group (OEWG) on Reducing Space Threats provided a forum for the discussion of norms, principles, and rules of behaviour to reduce space threats. After this OEWG concluded in late 2023 without consensus, the diplomatic discussions in the UN will continue under two, potentially competing, OEWGs: one focused on norms for responsible behaviour and the other on the development of a binding treaty for the prevention of the placement of weapons in space. This paper will analyse this split in the UN diplomatic discussions and the feasibility of the OEWGs as forums for establishing rules or norms for responsible operation of dual-use space technology.

This paper will then consider the regulatory frameworks of other domains as a model for the creation of norms and standards in space. In particular, it will consider the crossovers between the maritime and space domains to draw upon principles that may translate for responsible and safe space operations. The use of maritime military exclusion zones and the right-of-way model established in the International Regulations for Preventing Collisions at Sea 1972 will be discussed. This paper will analyse whether 'military' exclusion or safety zones in space will be applicable to dual-use technology, the compatibility of such zones with the Outer Space Treaty 1967 and the regulatory pathway forward.