

**Address by Dr Peter Martinez, Executive Director of the Secure World Foundation, at the
2019 UNIDIR Space Security Conference, Geneva 28-28 May 2019.**

Panel 6: Next Steps for Multilateral Dialogue

Your Excellencies, distinguished colleagues, I would like to thank the organizers of this conference for inviting me to share some thoughts with you this afternoon on next steps for multilateral dialogue in the domain of space security.

Multilateral dialogue

Firstly, I am pleased to see that this panel acknowledges the importance of a multilateral approach to addressing the issues of space security, space sustainability and space safety in a comprehensive manner.

Yesterday we had some discussion about what it means for space actors to be dominant or predominant, and the desire to preserve a given status quo as a determinant of certain security-oriented postures. The first point I would like to make is that, while predominance can be achieved unilaterally by actors in certain contexts and at certain times, space safety, space security and space sustainability can only be achieved collectively. The most effective way to achieve this is through multilateral dialogue.

The next point I would like to emphasize is the importance of how we frame these multilateral discussions. Given the consensus approach to decision-making in multilateral bodies such as COPUOS, it is important to choose topics and themes that emphasize our common interests and concerns. In other words, let us concentrate on issues that unite us, rather than issues that divide us.

During this conference we have heard of the growing number and diversity of space actors. These new actors have very different levels of capability, and what may be deemed as irresponsible behaviour by an advanced space actor could represent the very best efforts of a less experienced emerging space actor.

This is why when we talk of developing international norms, we need to bear in mind that in multilateral diplomacy we can sometimes only move at the pace of the slowest actors. To those who say this pace is too slow, my answer would be that this emphasizes the importance of capacity building, another important function of multilateral bodies, and in this regard I must take the opportunity here to commend the UN Office for Outer Space Affairs for their excellent efforts in this regard, as well as the many member States that have actively supported the Office's capacity building efforts over many years.

We also heard today of the importance of acknowledging and accommodating different cultural perspectives and language differences. This is very important in multilateral dialogues, which are carried out in the six official languages of the United Nations. For example, in English, we use the term "safety and security". These two words "safety" and "security" refer to two distinct concepts. In other official UN languages there is just one and the same word for both concepts. I can cite several other examples of language and terminology issues that we encountered during the LTS process in COPUOS. It takes time to work through such language issues to ensure that the resulting texts mean the same thing in the six different languages of the UN, all of which are equally authentic.

Then there are the cultural aspects of what defines acceptable or normal behaviour. An earlier speaker today reminded us that that behaviour is not just about physics, but also a matter of culture and capabilities.

Hence, for all these reasons, we need to have more, and not less multilateral engagement and dialogue.

Speaking of multilateral engagement, I want to mention in passing that we should find ways to incorporate the views of commercial and academic actors in these multilateral dialogues. This is not always easy in practice, but we should recognize that non-State actors have a critical role to play in supporting these multilateral processes.

Next steps

Let me now turn to what I think could be some next steps for multilateral dialogue.

I would like to begin by recalling that the 21 consensus guidelines for the long-term sustainability of outer space activities represent an important first step to internationally agreed norms of responsible behavior in space.

Demonstrating implementation of the LTS guidelines is an excellent way of being transparent and demonstrating the intent behind space activities.

Further multilateral discussions in COPUOS should therefore include a component of encouraging States to report voluntarily their implementation experiences of the guidelines as a way to socialize them and promote the voluntary implementation of the guidelines by the widest possible number of space actors as a measure of transparency.

The agreed guidelines represent the first low-hanging fruits of the LTS discussions in COPUOS. There is much more work that needs to be done.

In addition to the 21 agreed guidelines, there were a further seven draft guidelines that could not reach consensus within the mandate of the LTS working group. To be sure, even these seven draft guidelines do not contain all the ideas that are pertinent to space sustainability and it is quite possible to envisage additional topics for discussion.

One example relates to the safe conduct of proximity operations in orbit. We did not manage to reach consensus on a guideline on this topic, but as we saw earlier today, there are already close proximity demonstration missions being carried out in orbit. While in the beginning such missions may be carried out by experienced space actors, who is to say that in future such activities may not be carried out by much less experienced actors? We should have some basic high-level guidance for the responsible conduct of such operations in orbit.

We also need to discuss a process to introduce and assess topics for new guideline proposals.

In short, COPUOS still has a lot of work to do in the area of LTS.

I would now like to turn to the issue of Transparency and Confidence Building Measures, or TCBMs.

There has been much discussion of TCBMs in this conference over the past two days. I would like to observe that the LTS process itself and the extensive sharing of knowledge and experience that is contained within the agreed guidelines is in itself a TCBM.

Moreover, some of the LTS guidelines also effectively constitute an implementation of some of the TCBMs that were proposed by the 2013 report of the GGE on TCBMS in outer space activities. I recall that the consensus report of that GGE (A/68/189) was the subject of UN General Assembly Resolution 68/50, which was co-sponsored by China, the Russian Federation and the United States and was adopted by the GA without a vote in December 2013.

That work was carried out under the auspices of the UN First Committee.

I mention this as an example of another multilateral process that yielded positive outcomes in terms of building common understanding, and how these processes in different UN fora can reinforce each other.

Another area for further multilateral work is to improve coordination among national regulators. Several years ago, the Legal Subcommittee of COPUOS convened a Working Group on national space legislation. That working group produced a set of elements commonly found in national space legislations that serves as a valuable resource for countries wishing to develop national regulatory frameworks.

More countries are witnessing the emergence of private sector space actors. Many of these space actors have no funding connection to the State, and their activities may go un-noticed by the competent State entities for some time. Also, there are now many more possible

international partnerships that can be formed among non-State entities, further complicating the implementation of the Article 6 provision of the Outer Space Treaty that requires States to provide authorization and ongoing supervision for the space activities of non-governmental entities under their jurisdiction and control.

While most commercial space actors may wish to be responsible users of outer space, we cannot exclude the possibility of rogue actors ignoring international norms, or deliberately violating national regulatory provisions, and indeed we have already witnessed such behaviour.

We also heard an example earlier today of the proliferation of know-how that lowers the barriers to entry for participation in space activities that have up until now been considered very specialized. Here again, multilateral fora could look at mechanisms for enhancing coordination and cooperation among national regulators to enhance cooperative space governance.

Enhancing intra-UN cooperation

I have mentioned some processes carried out by bodies under the First Committee and the Fourth Committee of the United Nations.

In the last part of my intervention, I would like to share a few thoughts on how we might bridge some of the discussions in the various structures under these two Committees.

The challenge is how to conduct discussions in a way that respects the mandates of the various bodies. The problem is that so many of the space technologies and space activities have dual use potential that this has led to a kind paralysis, with critical issues being discussed neither in COPUOS nor the CD. I point to the example of active debris removal, which has not been seriously discussed in COPUOS because of its potential dual-use applications. That may be all well and good from the perspective of maintaining separation of mandates, but the reality of the matter is that non-State space actors are not waiting for the UN to decide where

to discuss these matters. They are going ahead and planning, developing and conducting test missions.

So, what to do?

There have been a number of joint meetings between the First and Fourth Committee bodies, and these have been good for exposing the delegates in each forum to the work of the other. But now we need to move to the next stage of making these joint meetings lead to some more tangible cooperation and coordination to address matters of common concern to both bodies.

In my mind, one possible way to make progress would be to look at some of these issues through the lens of space safety, and to focus on behaviours rather than technologies,

This may help to inject the necessary sense of urgency into the discussions while at the same time reducing some of the political obstacles to discussing these issues.

Closing

In conclusion, Secure World Foundation is pleased to continue working with Member States and with UN entities under the 1st and 4th Committee to support dialogue and progress on these important issues. We are always open to suggestions of how we may be able to support your efforts to promote cooperative governance of space activities as one of the means of ensuring that all nations can continue their activities in the peaceful use and exploration of outer space for the benefit of all humanity.

Thank you.