

## **Statement by Project Ploughshares on the contributions of norms of responsible behaviour to legally binding arms control agreements**

**Delivered by Jessica West**

Thank-you Chair for the opportunity to address this working group. I would like to express my appreciation of the hard work and creativity that delegates have committed to this process, which is inspiring to those of us on the observing side.

I would also like to thank the delegates who expressed support for maintaining established practice regarding the participation of NGOs at the meeting. By promoting greater inclusivity and transparency to discussions, such participation lends additional legitimacy to the outcome.

My name is Jessica West. I am a Senior Researcher representing Project Ploughshares, the peace research institute of the Canadian Council of Churches, which has consultative status at the United Nations. Our work is focused on disarmament and international security, including specific work on outer space governance.

The topic that I want to address is the contribution of norms, rules and principles, including to the negotiation of legally binding instruments.

Complementarities between these approaches is a key finding of my recent research report examining arms control lessons learned from other domains of military activities that you can find online. Titled A Security Regime for Outer Space, it argues for a broader view of arms control not as a single, discrete tool or legal agreement, but instead as a cohesive collection of purposes and processes that include **shared values and principles; obligations and restraints; compliance and confidence-building measures; and tools, mechanisms, and institutions to facilitate ongoing political engagement, dialogue, and the implementation of measures to enhance mutual security**. The process of developing norms of responsible behaviour touches on all these elements and is core to such a security regime.

On the “why” of arms control, the statement by the Netherlands earlier this week noted that space security is not only about weapons, but is underpinned by shared values, specifically those found in the Outer Space Treaty. As many states here have expressed, a core aspiration and sentiment of this treaty is peace: peace for people, peace for the planet, and peace for the future.

This focus on peace translates well into a humanitarian approach to arms control and disarmament that can be both instructive and productive for outer space. As mentioned by the ICRC, humanitarian values are not restricted to IHL. Humanitarian interests – including protection for civilians, protection for the environment, gender considerations and inclusivity - have driven all recent multilateral arms control agreements. Concern for space debris and the potential effects of military activities on civilians are examples of this focus that we can build on, as are gendered perspectives to space security.

Turning to the “what” of security and arms control, for decades now legal measures have struggled over the definition and verification of space weapons, particularly in the context of dual-purpose capabilities as demonstrated by discussion this week. This is not a unique challenge to outer space. But lessons from other domains demonstrate that the current focus on behaviours can help. This has been tackled elsewhere through efforts to develop positive practices and behaviours related to the peaceful uses of capabilities, as well as restraints on specific uses, activities, and effects deemed particularly harmful.

Many such ideas for positive behaviours as well as potential restraints generated this week can thus contribute to future legal agreements.

It is important to clarify that a focus on behaviour does not ignore capabilities. As the Philippines noted with regards to norms and laws, this is a false dichotomy.

Such behavioural rules and practices flow from a concern with capabilities but without limiting the right to develop and access technology for peaceful purposes. At the same time, behaviours can help to distinguish peaceful uses from potentially harmful applications, both aiding arms control and enhancing access to and use of technology for civilian and commercial purposes.

Of course, to have an impact on security dynamics words must be turned into action and states must have confidence in compliance with agreements – whether politically or legally binding. A concern with verifying such compliance has been raised by states here including both India and France.

My research echoes proposals mentioned by others to increase the sharing and accessibility of data that can be used to monitor activities in outer space. But there is also a need to make space activities themselves more observable. This can be achieved by adopting norms of behaviour rooted in transparency and communication, such as pre-notifications, consultations, more ambitious registration practices, information exchanges, and national reporting. Such visibility is essential to any future legal restrictions.

All of this requires tools to facilitate cooperative governance in outer space. Yet there is currently little institutional infrastructure to support this. We lack practical mechanisms that support the development, implementation, and monitoring of agreements, including core tools and processes to support dialogue with others, exchange information, consult, and communicate. The many practical ideas presented this week to this end make better use of existing mechanisms such as the Registration Convention and Hague Code of Conduct, and to create new ones to support communication and information exchange, speak to the contributions that a focus on norms of behaviour can have toward an overarching security and arms control regime.

Finally, lack of political will is repeatedly cited as the greatest obstacle to continued peace and arms control in outer space. Yet the extensive engagement with the current OEWG process and support for a second GGE on PAROS demonstrates ample will. The challenge – as noted by Brazil – is how to direct these processes into complementary and coherent outcomes.

Here – if you will excuse my Earthly pun - we are on familiar territory. We know from other fields of arms control that success requires persistent dialogue and layers of approaches rooted in shared values and principles, mutual obligations and restraints, and the means and mechanisms to implement them. And so, to echo the words of the UN Secretary General, at this forum we should dare to be **bold** and **ambitious**, not only to advance norms of responsible behaviour, but also to have a positive contribution to the discussion of legally binding instruments.

The full report on this topic is available online: <https://www.ploughshares.ca/reports/a-security-regime-for-outer-space-lessons-from-arms-control>

Thank-you.