

Canada's Recommendations on Non-Binding Norms, Rules, and Principles of Responsible Behaviours

Space technologies have the potential to transform economies, connect societies, and provide new avenues for enhanced international cooperation. However, outer space can also be used for purposes that are inconsistent with international peace and security. It is in the interest of all states to promote the use of space for peaceful purposes as the adverse action of even one state can jeopardize access for all.

Taking into account existing and emerging threats discussed at the second session of the OEWG, Canada offers the following reaffirmations and recommendations for consideration for voluntary, non-binding norms, rules, or principles of responsible state behaviour to promote a peaceful and stable space environment.

Current Landscape

Canada believes it is important to consider new norms, rules, and principles within the context of the current legal landscape. Canada offers the following non-exhaustive points reaffirming the current legal and normative framework.

1. Outer space is not lawless. International law, including the Charter of the United Nations and international humanitarian law (IHL), applies to outer space activities. Respect for international law is essential to the maintenance of international peace and security in outer space.
2. The application of IHL in outer space, as on earth, by no means legitimizes or encourages conflict. Nor does it imply that conflict in space is inevitable. IHL applies to all armed conflicts, regardless of where they occur, in order to regulate the conduct of hostilities with the aim of minimizing effects on civilians and avoiding unnecessary suffering. This remains the case even where terrestrial conflicts may involve space assets.
3. Ratification, implementation, and adherence to the international legal framework governing outer space activities can significantly contribute towards a peaceful and stable space environment. This includes the four core space treaties, particularly the Outer Space Treaty (OST), which is the cornerstone of space governance.
4. Voluntary, non-binding norms, rules and principles of responsible state behaviours in outer space can reduce threats to international peace and security. Certain actions in space, though lawful under international law, in some contexts may be viewed as threatening or escalatory, leading to unnecessary disputes and, possibly, even conflict. Norms enable the international community to set standards of acceptable conduct which, if followed, can reduce the perception of threats and mitigate the possibility of misunderstanding, escalation, or conflict.
5. Non-binding principles can provide a pragmatic first step to developing consensus and trust, and form the basis for future legally binding measures. It is important to note that the concept of a Prevention of an Arms Race in Outer Space (PAROS), first introduced at the First Special Session of the UN General Assembly devoted to disarmament in 1978, has never mandated a particular

instrument.¹ These measures are not mutually exclusive and do not rule out the eventual adoption of other instruments in the future, including treaties.

6. In accordance with The Hague Code of Conduct Against Ballistic Missile Proliferation (HCoC) states should provide advance notification of launches. They should also coordinate with states that might be affected by re-entering debris (e.g. rocket stages) that could be a risk to people and property. Effective and timely communication can help avoid misunderstandings of intentions, particularly in times of heightened tension.
7. Transparency and confidence-building measures are useful mechanisms that can help increase interstate cooperation, transparency, predictability and stability. States should implement the recommendations of the 2013 Group of Governmental Experts on Transparency and Confidence-building Measures in Outer Space activities (A/68/189), endorsed by consensus by the General Assembly in resolution 68/50. This includes section IV on Enhancing the Transparency of Outer Space activities, where paragraphs 37 and 38 highlight that states should publish information on national policies on the use of outer space, on major military outer space expenditures and other national security space activities.

Proposed norms, rules, and principles

Canada proposes the following principles as a pragmatic starting point. These modest but immediate steps could help to build the foundation for more comprehensive agreements down the road.

1. States should refrain from actions that deliberately cause physical damage or destruction of space objects resulting in the generation of long-lived debris.
2. States should ensure satellites under their jurisdiction or control do not physically interact with satellites under the jurisdiction or control of another state without prior consultation and consent.
3. States should ensure satellites under their jurisdiction or control do not conduct proximity operations with a satellite under the jurisdiction or control of another state in a manner that would impair the safe operation of the satellites.
4. States should not knowingly conduct or support actions that intentionally damage or interrupt the operation of a satellite used for critical infrastructure that provides essential services to the public.²
5. States should share information openly regarding their space policies, strategies, and activities.

¹ "In order to prevent an arms race in outer space, further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies." (A/S-10-10/4)

² Examples of critical infrastructure includes those that provide essential services to the public such as but not limited to health care, energy, water and sanitation, education, financial services, transportation, and telecommunication.

6. States should establish channels of communication to provide notifications regarding activities of space objects on their registry to decrease misunderstandings and misperceptions.

Next steps

Similar to the development of the 1967 Outer Space Treaty, developing effective measures to enhance space security is an iterative process, with each step building off the last. The OEWG has expanded significantly on the discussion of norms initially captured in the Secretary General's report on reducing space threats through norms, rules and principles of responsible behaviors (2021). There is an emerging consensus that norms can contribute towards more ambitious measures, such as legally binding instruments. Discussion amongst all member states has been essential towards developing a common perspective. This OEWG provides a strong basis for further steps towards the development of responsible behaviours. Canada encourages the continuation of an inclusive and transparent process. Developing measures to enhance space security is a long-term commitment requiring the sustained engagement of all states.