

A Reassurance-based Process for Enhancing Space Security

Given the urgent need for action to ensure space security and sustainability, the decades-long inability of the CD to address this topic, and the differences between the kinds of traditional arms control measures that the CD was designed to negotiate and a reassurance-based approach to space security, it is worth asking how the rule-making process might be handled more effectively. Some have proposed changes to the CD's operating practices, while others have suggested abandoning efforts to negotiate and ratify treaties and relying instead on Codes of Conduct and other informal policy coordination. The Canadian working paper proposed one way to blend these two positions: using the CD to negotiate new complementary rules that would be politically binding at first, and become legally binding later. But the only reason why it might be easier to get agreement in the CD on new norms than on legal obligations is that states would have greater latitude in interpreting those norms as they see fit and ignoring them when inconvenient. An alternative approach would be to step outside the CD, at least for the time being, and create a new negotiating process that is optimized for the special features of space and would facilitate steps towards reassurance-based cooperative security.

The CD's inclusive make-up, its consensual decision-making rules, and its proven ability to negotiate legally binding treaties, give many countries a stake in upholding the position that the CD is the best forum for tackling core issues of space security. But given the huge number of pressing security challenges on the global agenda, it may make sense to let the CD focus on the issue at the top of its negotiating agenda (a fissile material treaty) and to agree by consensus on entrusting space security to a special forum that shares the best features of the CD—inclusivity, decision-making procedures that respect all stakeholders' interests, and the ability to negotiate legally binding rules and compliance management mechanisms when the time is right, not just declarations of principles or Codes of Conduct. Taking space security off the CD agenda could even strengthen the standing of the CD if that development makes it easier for the CD to concentrate on other pressing security problems that are more amenable to progress under the CD's established process.

Arguably, the CD is both too large and too narrowly focused on traditional military and arms control issues, to make it the optimal forum for rapid progress on cooperative space security. A dedicated forum, either in Geneva or Vienna to share resources and expertise with the CD or COPUOS, or in a new venue to symbolize a fresh, more balanced outlook on global security, would attract a smaller group of states particularly concerned with space security. It would also encourage the formation of delegations that more accurately represent the mix of military, civilian, and commercial interests in space, rather than the status quo in which military/arms control issues are discussed in the CD and civilian/commercial issues in COPUOS.

An important feature of space governance is that everybody has a stake in space security, but each stakeholder has particular levels of investment, expertise, and impact. Any new forum would need to be inclusive and representative enough to be widely viewed as legitimate, without becoming unwieldy. The best arrangement would include a governance mechanism that puts a larger burden of responsibility and decision-making power in the hands of those countries that care the most and whose constructive involvement is the most important for space security, without creating an inherently discriminatory structure.