Delimiting, Dissuading and Deflating Conflicts: Preserving Outer Space for Peaceful Purposes

62nd Session of the United Nations Committee on the Peaceful Uses of Outer Space
12 - 21 June, 2019 in Vienna, Austria

Bayar Goswami
Doctoral Fellow, Institute of Air and Space Law
Research Coordinator, MILAMOS Project
McGill University, Montréal, Canada

©Bayar Goswami
Context

• Humanity, with cooperation, has achieved phenomenal progress and benefits in the past 60 years of space exploration.

• A day without space technology may cripple global governance and economy.

• Space exploration started with military ambitions, but today, space is much more than just strategic or military advantage.

• The start of space age indeed was due to military ambitions but....
Outer Space for Peaceful Purposes

- The international community soon came together to deter, what could have been, an arms and appropriation race in outer space.
  - Resolution 1348 (XIII) –
    - Common interest of humanity in outer space.
    - Avoiding extension of national rivalries to outer space.
    - Outer space for Peaceful Purposes only.

Resolution followed by five space treaties...
Outer Space Treaty – compromise on “exclusively” peaceful.

Two-tier spatial distinction – Moon and celestial bodies to be explored and used exclusively for peaceful purposes, but orbits around the Earth and outer space otherwise can be utilized for non-aggressive military uses.

Dilution of language to protect unknown future strategic self-interests.

Today, interest and visions for outer space – fairly *matured, concrete, ascertainable and predictable.*

Devoid of uncertainties, international community must revisit and reaffirm its vision for outer space as a peaceful domain.
“Peaceful Purposes” Under Attack

Herz security dilemma

States heighten security – military or weapons

Other States escalate security measures

Fear and Anxiety

UNDESIRED CONFLICT

©Bayar Goswami
Lessons in History

- Outer Space Treaty – embedded with lessons from the history and on-going circumstances.
- Drafters of the Outer Space Treaty – intentionally set the tone of the treaty to curb act of hostilities and conflict arising from an arms race or race to resources.
- Current sensationalist narrative of outer space with an affinity to space war is – a presumptuous far-fetched interpretation of law that argues legitimacy of conflicts in space.
- This narrative is incompatible with the agreed upon principles of the Outer Space Treaty – that establish and instill peace and interests of all countries.
Avoidance of miscommunication by building mechanisms of clear and transparent communication.

Promoting determinate legal actions based on rules-based global order.

Committing to cooperate for the progress of humanity.
McGill lead project to draft a Manual on International Law Applicable to Military Uses of Outer Space (MILAMOS) aims to clarify the *lex lata* (existing rules) rules during peacetime, envisioning that our efforts aid towards conflict-avoidance and promote peaceful cooperation in outer space.
Conclusions

• Ratification of all space treaties to promote rules-based global governance.

• International law is constantly evolving towards idea of greater justice, peace and mandatory multilateralism.

• Unilateral actions must be unitedly discouraged by international community.

• Collective effort to seek clarity of law on issues relating to peaceful purposes and space resource utilization.
Conclusions

• Sensitizing developing nations and future space faring nations of their countless vested interests in outer space.

• Persistent and immediate legal need is arising to prohibit use and placement of any kind of weapons in outer space, particularly Anti-Satellite Weapons – as they indiscriminately pose threat to the peaceful exploration and use of outer space by other countries for many years.

• Delimiting Earthly Conflicts, Dissuading situation giving rise to conflicts and Deflating any conflicts – exclusively through peaceful means – is the only way forward to maintain and preserve outer space as a safe, cooperative and peaceful domain.
Thank you.