

**Due regard**

A night sky photograph featuring the Milky Way galaxy. The galaxy's bright, star-filled core is visible as a vertical band of light in the center of the image, with its arms extending outwards. The sky is a deep, dark blue, densely populated with stars of varying magnitudes. In the foreground, the dark, silhouetted tops of several evergreen trees are visible, framing the bottom and right sides of the image. The overall scene is serene and captures a clear view of our home galaxy.

# What to Expect Today

- \*Problem

- \*Tool

- \*Solution

# The Problem

# Examples of the Problem

- RPO Including Servicing
- Resources
- Commercial Habitats
- Mega-Constellations

# The Tool

# Article IX of the Outer Space Treaty

States Parties to the Treaty shall be guided by the principle of cooperation and mutual assistance and shall conduct all their activities in outer space, including the Moon and other celestial bodies, with **due regard** to the corresponding interests of all other States Parties to the Treaty...

If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the Moon and other celestial bodies, would cause potentially **harmful interference** with activities of other States Parties in the peaceful exploration and use of outer space, including the Moon and other celestial bodies, it shall undertake appropriate international consultations before proceeding with any such activity or experiment.

# The Due Regard Obligation

States Parties to the Treaty shall be guided by the principle of cooperation and mutual assistance and shall conduct all their activities in outer space, including the Moon and other celestial bodies, with due regard to the corresponding interests of all other States Parties to the Treaty.

# The Due Regard Obligation

[States Parties to the Treaty] shall be guided by the principle of cooperation and mutual assistance and **[shall conduct all their activities]** in outer space, including the Moon and other celestial bodies, with] [due regard to the corresponding interests of all other States Parties to the Treaty].



The Solution

# Due Regard Can

- \*Require us to work out de-confliction mechanisms
- \*Give those mechanisms additional legitimacy and force once developed

# Remember the Examples?

- RPO, Including Servicing
  - Response: CONFERS
- Resources
  - Response: Hague Working Group
- Commercial Habitats
  - Response: Maybe safety zones?
- Mega-Constellations
  - Debris Mitigation Guidelines

# Final Thoughts

