

Enhancing the overall safety, sustainability and security of outer space: Joint statement by 46 Member States

Thank you to the Co-Chairs of the First and Fourth Committees,

I am pleased to make this intervention on behalf of the following countries and groups: Albania, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Colombia, Croatia, Cyprus, Czechia, Denmark, Estonia, EU, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United States, Ukraine and my own country the United Kingdom.

At the outset, we thank you for organising this timely discussion of our efforts to ensure the security and long-term sustainability of outer space activities. Our thanks also to the panellists for their contributions.

There is an important distinction between discussions in the Conference on Disarmament in Geneva and the Disarmament Commission here in New York on national security activities, and those at COPUOS in Vienna on peaceful uses of outer space, which is mirrored in the UN General Assembly between its First and Fourth Committees. On the other hand, as resolution 76/55 that convened this meeting recognises, both UNGA Committees and their subsidiary bodies have vital and complementary roles to play in ensuring that human activity in outer space is safe, secure and sustainable so that space systems can continue to deliver benefits to humanity into the future. For example, the deliberate destruction of space systems can have major impacts not only on security but also on the space environment, and create unnecessary hazards to human spaceflight, as well as a broad range of other space missions. We therefore welcome the coming together today to discuss issues of joint interest to the two Committees.

Since the last joint meeting of the First and Fourth Committees in October 2019, we have come a long way in raising awareness about space security and threats to space systems. At that last meeting, many of us called for the start of a new, inclusive conversation on how

to address threats to space systems. That call led the following year to General Assembly resolution 75/36 (Reducing space threats through norms, rules and principles of responsible behaviour), and the resultant Secretary-General's report of August 2021.

That was followed by General Assembly resolution 76/231, which established an Open- Ended Working Group to take those ideas forward.

Our countries are pleased with how the work of the OEWG has started. We warmly commend the Chair, Mr Hellmut Lagos of Chile, for the inclusive, transparent and creative way in which

he has steered it. Discussions in the meetings so far have shown the widespread, cross- regional interest in space security, from both space-faring and not yet space-faring countries.

We believe that these discussions are already making a positive contribution to our common goal of preventing an arms race in outer space and promoting transparency and confidence between States.

In particular, we welcomed the overwhelming recognition and affirmation during those discussions that international law, including the UN Charter, applies in relation to activities in outer space. These binding international rules provide the foundation for activities in the space domain, but there is a clear need to work towards greater specificity and collective understanding on how they apply to certain conduct. We affirm the applicability of international humanitarian law in space and note that this affirmation does not, in itself, permit or encourage the resort to force. Rather, it reminds States that certain conduct is never lawful, even during armed conflict.

For years, the debate on PAROS was deadlocked between the viewpoint that one single comprehensive legally-binding instrument was needed and another that this was not realistic. We believe we are moving beyond that. While many States consider legally-binding instruments to be the ultimate goal of our work, it is increasingly recognised that they are not the only measure at our disposal. As the Secretary-General said in his 2021 report, "possible solutions to outer space security can involve a combination of binding and voluntary norms, rules and principles... It is encouraging that Member States reaffirm that voluntary norms, rules and principles, including non-binding transparency and confidence-building measures, can form the basis for legal measures. It is hoped that work in each of these areas can continue to be pursued in a progressive, sustained and complementary manner."

Voluntary and collectively established norms of responsible behaviour, combined with enhanced mutual understanding, dialogue and transparency, and sharing of space domain awareness, will help to reduce risks of misunderstanding and unintended escalation.

Furthermore, there is increasing recognition that the development and implementation of behavioural norms – such as the work to establish the commitment made by an increasing number of States not to conduct destructive, direct-ascent anti-satellite missile testing – can be valuable steps towards the eventual negotiation of legally binding instruments. Historically, this is the path international space law has followed: the international community began by developing non-binding principles and norms and then treaties followed thereafter. By demonstrating the effectiveness of voluntary measures over time, we can gradually build up

our confidence to translate these into legally binding rules. This is an important step. In a contested and competitive world, it is vital that we can

trust in the rules that we make – that they are practically implementable, and that States will comply with them.

This is why ongoing national implementation efforts and development of best practices concerning the 21 Long-Term Sustainability Guidelines adopted by COPUOS in 2019 are so important. The nearly decade-long effort to arrive at an agreed preamble and 21 guidelines represents a significant evolution in the development of voluntary measures to ensure the safe and sustainable use of space for all countries. The pursuit of this work by COPUOS represents an opportunity for long-lasting progress through ongoing dialogue and practical implementation.

We see the LTS Working Group and the Open-Ended Working Group as distinct, but complementary. Taken together, they will enhance the overall safety, sustainability and security of outer space.