

Exchange of views – Australian Statement – as delivered on Tuesday 10 May 2022

Thank you Mr Chair.

As this is the first time my delegation has taken the floor, I'd like to assure you of the full support of my delegation and express our gratitude to you for your efforts in preparing for this meeting.

As others have done, I would also like to take this opportunity to again reiterate Australia's full support for Ukraine's independence and territorial integrity.

Chair

Space increasingly touches every aspect of our lives, from the global economy and international communications networks, to military and defence capabilities globally

It is incumbent upon all nations to behave responsibly in space.

Australia encourages OEWG states to build consensus on the norms of responsible behaviour in space and limit the behaviour that poses an unacceptable threat to space security.

We welcome the development of this new approach that promotes stability and security on multilateral space security

The strong support for resolution 75/36 in 2020 and then resolution 76/231 last year, both supported by over 160 countries, suggests other delegations see the potential of this approach

Australia was pleased to provide a submission to the Secretary-General's report on states' views on Reducing Space Threats through Norms, Rules and Principles of Responsible Behaviours.

We offered 10 principles for Reducing Space Threats through Norms, Rules and Principles of Responsible Behaviours, including risk reduction, transparency and confidence building measures.

One of these principles relate to the commitment not to undertake activities that deliberately or foreseeably create long-lived debris fields.

In this regard, the US commitment not to conduct destructive Direct-Ascent Anti-Satellite weapons tests is important.

Australia's submission called for a common understanding of what constitutes responsible and irresponsible behaviours to assist in providing a framework to supplement existing international law and guidelines applicable to states in their access to and use of outer space.

Such a framework could discourage irresponsible behaviours.

We view the development and implementation of norms, rules and principles of responsible behaviours to strengthen international security in relation to space would facilitate certainty and stability necessary to encourage investment in and growth of the commercial space sector.

In our submission, we offered the following rubric for characterising actions or activities in space:

Responsible: actions or activities that are clearly communicated, avoid surprise, respect the safety and security of other actors and beneficiaries, contribute to stability or risk reduction and avoid provocation of tensions.

Irresponsible: any actions which do not meet the above expectations and/or could – deliberately or inadvertently – create debris, require emergency manoeuvres to lower the risk of collision, or otherwise threaten or interfere with the normal operation of space objects in peacetime.

Turning now to the themes of this week, we look forward to engaging constructively with other States and exchanging views on how international law applies to activities in outer space.

This process will help deepen our common understanding and help develop consensus on the norms, rules and principles of responsible behaviour to support space security.

Australia's position is that international law, including the UN Charter, applies to the exploration and use of space, and that States should act in accordance with their international obligations to maintain international peace and security.

This will promote international cooperation and understanding, as well as reduce the risk of misunderstandings.

Mr Chair,

Australia has ratified all five of the outer space treaties. All states should behave consistently with their international obligations when carrying out activities in the exploration and use of outer space.

The Outer Space Treaty is the cornerstone of the international legal framework regulating the use and exploration of outer space.

Australia considers it important for States to share national views and work towards establishing a common understanding, particularly as terms such as 'due regard' are not defined in international treaties.

In particular, Australia is interested in States' views on how the obligation to conduct space activities with 'due regard' for the interests of other States would apply to the use of electromagnetic pulses, high-powered lasers, high-powered microwaves, and cyber capabilities against space systems

This could also include work on developing practical guidance to support the implementation of existing obligations.

The development of a legally binding instrument is an iterative process, and would naturally follow on from the development and clarification of norms, rules and principles of responsible behaviours.

A legally binding instrument should not erode existing international law that regulates State conduct in Outer Space

Mr Chair,

We strongly support the ICJ's vital role in facilitating the peaceful settlement of disputes between States in accordance with international law.

The importance which Australia attaches to the Court's role is reflected in our longstanding acceptance of its compulsory jurisdiction.

We encourage States which have not yet done so to consider depositing a declaration with the Secretary-General under Article 36 paragraph 2 of the ICJ Statute to enable State space disputes to be resolved by the ICJ.

In closing, we consider that the development of rules, norms and principles of responsible behaviours complement the existing international instruments and support the shared interest of maintaining international peace and security and promoting international cooperation and understanding.

Thank you for your kind attention.