

Kingdom of the Netherlands – Agenda-item 8 – Any Other Business  
CHECK AGAINST DELIVERY

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Mr Chair,

Thank you for giving me the floor. Having listened to our debates the last few days, I think we can safely say that they have been constructive, and many important topics have been addressed. I would like to take this opportunity to thank you, Mr Chair, wholeheartedly for organizing these sessions and inviting all the relevant speakers. We have been in very good hands, Mr Chair. Having given some thoughts to the results of this meeting, my delegation would make the following remarks.

First, my delegation would like to confirm that the Kingdom of the Netherlands considers that, in line with Article III of the Outer Space Treaty and Articles 2 and 3 of the Moon Agreement, outer space activities must be carried out in conformity with international law. Therefore, international law, including the UN Charter, IHL and LOAC are applicable to Outer Space.

Second, it seems to the Kingdom of the Netherlands that the obligation of due regard, so clearly provided for in Article IX of the Outer Space Treaty, is the core principle to adhere to for the reduction of threats in outer space. Many other principles of behaviour flow from this obligation, such as the sharing of information and other TCMBs. However, what constitutes due regard is different for each situation. Therefore, my delegation would not be inclined to enter into an exercise of defining the scope of the obligation of due regard. We would have similar considerations with respect to other obligations already part of international space law.

Third, and simultaneously, the Kingdom of the Netherlands considers that it is possible to develop further rules, in particular rules that prohibit certain behaviour. During this meeting we have spoken at length about ASAT tests and the unilateral declaration of the United States not to carry out any further destructive, direct-ascent ASAT tests. This is an example of behaviour a prohibition of which may be explored. There may be other conduct of behaviours that could be prohibited for constituting irresponsible behaviour. It would be preferable to ensure that such prohibitions are legally binding and will be accompanied by appropriate mechanisms for verification. However, these binding rules may need time to develop. We may, therefore, start with establishing best practices, norms and guidelines, and we may take inspiration from the development of international environmental law.

Finally, the Netherlands would also recall the importance of the peaceful settlement of disputes, and in that regard would echo the words of our distinguished colleague from Australia, referred to by Canada. My delegation would encourage all Member States of the UN that have not yet done so to accept the compulsory jurisdiction of the Court by issuing a declaration under Article 36(2) of the Statute, and to do so with as few reservations as possible.

My delegation looks forward to the next session of this Open-ended Working Group. We think we have made important progress during this session, and we are confident that we can continue to work in this good spirit of cooperation.

Thank you Mr Chair.