Australian Statement

Topic 1: Nature and uses of the outer space environment and space systems in relation to current and future threats by States to space systems

Thank you Mr Chair

As this is the first time my delegation has taken the floor at this session of the Open-Ended Working Group, 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.

I also acknowledge the passing of Her Majesty the Queen Elizabeth II

I would also like to take this opportunity to again reiterate Australia’s full support for Ukraine’s independence and territorial integrity.

Chair

As we established at the first session in May, space increasingly touches every aspect of our lives, from the global economy and international communications networks, to military and defence capabilities globally.

Through open and fruitful exchanges in May there was consensus that international law applies in outer space. We similarly look forward to working towards developing consensus during our discussions this week as we turn our collective attention to space threats.

Australia is concerned about behaviours that jeopardise freedom of access to space, endanger the manned or unmanned space systems of other nations, or put the peaceful and free use of space at risk.

Perceived or actual threats against space systems contribute to geopolitical instability and insecurity, and put people and property at risk.

Chair,

My delegation believes that a clear understanding of how we might frame a threat can contribute to a collective understanding of how we can reduce such threats through responsible behaviours. This supports the shared interest of maintaining international peace and security and promoting international cooperation and understanding. As expressed by many of our esteemed panellists in this morning’s session, a common lexicon, as well as a common understanding of the elements that comprise a threat, are important to the security of the space domain. We welcome the efforts of the panellists in this morning’s sessions to introduce and explore these ideas.

Australia has noted in previous discussions, terms such as “threat”, “hazard”, “risk”, and “danger” have been used interchangeably or with different interpretations.

It is more difficult to discuss issues in the space domain when key terms are defined differently among nations.

Australia seeks to better understand what is meant by the term threat. Our thinking is continuing to evolve in this respect. Noting that the definition of ‘threat’ in this context is unsettled (and will
remain subject to discussion by the OEWG), we wish to lay the foundations for a conceptual discussion.

To support Open-Ended Working Group discussions, we would like to share some of our thinking via the following framework.

Australia considers that the following elements could inform the Open Ended Working Group’s consideration of what constitutes a ‘threat’ in outer space; behaviour or conduct, by an actor, with intent, causing, or having the potential to cause, detriment to persons or things. I will address each of these five elements in turn:

- The first element is **behaviour**. In the context of this discussion, we consider a behaviour is the conduct of an Actor with the capacity (or represented capacity) to cause detriment to another Actor’s people, property, or interests.
- The second element is that there must be an **Actor**. While the work of the Open-Ended Working Group generally deals with the conduct of States, we acknowledge that in certain circumstances, States may also be responsible for the conduct of non-State Actors.
- The third element considers the **intent** of the Actor. We believe the term ‘threat’ should include a mental component on the part of the actor undertaking the behaviour. We are open to a discussion on the appropriate standard and whether knowledge, recklessness or negligence are relevant considerations.
- The last two elements - **Cause**, or potential to cause and **detriment**, or potential detriment are closely linked.
  - The fourth element is an appropriate causal link between the behaviour and the resultant (or potentially resultant) detriment.
  - The fifth element is the consequence of the actor’s behaviour. For something to be a threat, it must have the potential to cause detriment to another Actor’s people, property, or interests, as a consequence of the behaviour.

As well as these potential elements, Australia wishes to shed light on two other factors.

Firstly, the context in which the alleged threat is occurring is vital. For example, whether a State impacted by a space activity has consented to that activity may be a relevant factor in determining whether the activity constitutes a threat. However, consent by one Actor would not extend to behaviour that poses a threat for a second or further Actor who has not consented.

Secondly, Australia considers that we should focus on the effects of an Actor’s behaviour rather than the capabilities when discussing threats; in other words we should be ‘capability neutral’. The type of capability does not always dictate the manner or method of its use. If we focus on common elements that need to be present for a threat to occur, this allows any capability to be measured against these objective characteristics.

Finally, Australia also believes it valuable to establish what is not a threat. Words such as “hazard” and “risk” have been used interchangeably in discussions thus far. Under the potential framework we have outlined, a “hazard” would pose a “risk” but not be a “threat”. To illustrate, a space weather event does not have the elements of behaviour by an actor and intent by that actor so therefore would not constitute a threat under this framework, but would still present a risk to space systems.

Australia considers it important for States to agree on the use of particular nomenclature to assist in providing a baseline for these discussions. This is to ensure that any potential norms, rules and principles of responsible behaviours appropriately address such ‘threats’.
Australia encourages other States to share their views on what constitutes a space threat. We look forward to the discussions this week.

Thank you for your kind attention.