



PHILIPPINES

**United Nations General Assembly
Open-Ended Working Group on Reducing Space Threats Through Norms,
Rules, and Principles of Responsible behavior
12 September 2022**

**Agenda Item 6(b): To Consider Current and Future Space Threats by States to
Space Systems, and Actions, Activities and Omissions That Could Be
Considered Irresponsible**

Topic 4: Current and Future Space to Earth Threats

Statement

*Delivered by Mr. Jonelle John S. Domingo,
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Mister Chair,

I have a prepared intervention with regard to Topic 4, which is about space-to-earth threats, current and future. But in the spirit of interactive dialogue, I cannot help but return to a more general topic. I am prompted here by the remarks of the distinguished delegate from Canada with regard to how transcending existing international space law in our discussions does not necessarily place subjective ethical perspectives above the law, nor does it undermine the rule of law.

Here, I wish to register my delegation's position that we subscribe to the view that conversations to alleviate the ambiguity with regard to principles and norms actually enrich the structures of international law and the regime of international law itself. We believe it is important to bridge gaps in differences of, first, the interpretation of principles, and, second, ways and means to operationalize the application of these principles.

For us, this is not new. There is no conceptual tension between upholding the rule of law and developing norms. This is something that we have practiced particularly in our region in the context of, for example, maritime law and the law of the sea, where conversations to alleviate the level of ambiguity with regard to the application of principles led to the creation of codes of conduct regarding unplanned encounters and other behaviors in the sea which are not necessarily legally binding but nonetheless provide the norms that become the building blocks to enrich the law of the sea as it is applied today.

For us, in the context of outer space, as a nascent spacefaring nation, we think that such exercise is no longer merely esoteric. It is of practical value considering our increasing reliance on outer space assets. Indeed, such exercise, in our view, should not be – in the words of His Excellency the Ambassador of Cambodia on behalf of ASEAN – the exclusive preserve of a small group of select states but should instead be inclusive and open-ended.

Now, having said that, Mister Chair, please allow me to address the topic of space-to-earth threats.

Mister Chair,

As mentioned in this morning's panel, space-to-earth threats have always been salient in discussions on outer space security. Guided by our principled position that outer space does not merely form part of the global commons but is in fact a common heritage of mankind, the Philippines aligned with efforts to prevent utilization of space for nuclear warfare. These efforts led to the outright ban on the placement of nuclear weapons in outer space.

In addition, the possibility of kinetic descent capabilities has historically informed calls for a legally binding instrument on prohibiting the placement of weapons in outer space, a key component of our multilateral conversation to prevent an arms race in outer space. Consistent with the established positions of ASEAN and the Non-Aligned Movement, we continue to support such calls. Along with ASEAN, we believe that any such legally binding instrument must contain provisions that ensure effective verifiability.

As ASEAN stated in its joint statement, the world has witnessed much change since the dawn of the "Space Age" sixty years ago. We have witnessed increasing reliance by the international community on outer space. This is particularly true for developing countries. Therefore, while we continue to uphold our principled positions, we also understand that the conversation on outer space security needs to evolve and transcend the traditional paradigm of strategic stability or the prevention of arms races.

In our Working Paper No. 17 with Germany, we identified insufficient understandings of mutual threat perceptions, lack of channels of communications and lack of transparency, as sources of current space-related security risks.

In the spirit of transparency and confidence-building, the Philippines wishes to highlight a current earth-to-space security risk that is important in our context: Uncoordinated launches of space launch vehicles or rockets into space and insufficient transparency and coordination with regard to uncontrolled reentry.

Launches and uncontrolled reentry often create debris that fall on land or sea features that could pose a considerable threat to ships, aircraft, fishing boats, and other vessels that will pass through the drop zones.

The Philippines understands that the mandate of the OEWG directly relates to aspects of space security rather than safety. Yet as experts have stressed, safety and security are two sides of the same coin. If safety hazards result in consequences that bear upon the national security of another state, then these hazards become a security concern.

In the context of space launches and uncontrolled reentry, communication, coordination, and transparency are all crucial to ensuring that threat perceptions are reduced. In our experience, some launching states are more responsible than others in this regard.

The Philippines strongly encourages all delegations to consider subscribing to The Hague Code of Conduct Against Ballistic Missile Proliferation (HCOC). HCOC Subscribing States commit to issuing pre-launch notifications, which are an essential good practice and a demonstration of due regard. Still, the HCOC does not provide specific guidelines and procedures to operationalize these pre-notification requirements. It might be necessary to commence a conversation with the view to standardizing such operationalization.

Further universalization of the HCOC and elaboration of its provisions will help our joint efforts to develop clear and internationally-understood standards and norms of behavior with regard to the conduct of outer space activities. As we stressed in our Working Paper No. 17 with Germany, the absence of such standards and norms also constitutes a security risk.

At the same time, the Philippines reiterates its call on all States to uphold the legal obligation of “due regard” under Article 9 of the Outer Space Treaty. We consider the duty of “due regard” as a foundational principle of responsible behavior in outer space, and we encourage this group to continue its conversation to further unpack this principle. We have provided our views on this in our Working Paper No. 12.

Upholding the duty of due regard entails responsible behavior that takes into account the interests of other states and the international community as a whole. This includes, but is not limited to, ensuring transparency and exploring means to operationalize the optional provisions of consultations under the Outer Space Treaty.

I thank you, Mister Chair.