



PHILIPPINES

Third Session of the Open-Ended Working Group on Reducing Space Threats through Norms, Rules and Principles of Responsible Behaviours

31 January 2023

Agenda Item 6(c), Topic 1: Norms, rules and principles derived from
existing international legal and other normative frameworks

General Exchange of Views

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Mister Chair,

The Philippines aligns itself with the statement delivered yesterday by Indonesia on behalf of ASEAN. We take the floor this time in our national capacity.

We take this opportunity to thank and commend you for preparing, under your responsibility, the Chair's paper ahead of our session this week. This paper provides a balanced, comprehensive, and accurate representation of the contours of the Group's discussions so far.

In particular, the paper captures our stock-taking of existing international legal and other normative frameworks concerning threats arising from State behaviors with respect to outer space. The Philippines believes that international law including the Charter of the United Nations, customary international law, and -- in times of armed conflict -- international humanitarian law, applies to outer space. Our recognition of the application of international humanitarian law should not in any way legitimize the relegation of outer space as a domain for warfighting.

The Philippines is currently in the process of ratifying all international treaties pertaining to outer space, with practical instruments such as the Registration and Liability

Conventions being the immediate priority. However, the Philippine Space Act of 2019 already requires us to abide by these treaties as a matter of law and policy even pending the completion of our domestic ratification process. Our commitment to this existing international legal and normative frameworks is part of our enduring adherence to our rules-based international order.

We note with interest the statement of Mexico on the need for us to recognize the nuances that differentiates rules, norms, and principles. [France WP] We believe that such framing is useful as we proceed with our deliberations in accordance with our mandate.

Along with ASEAN Member States, the Philippines considers the 1967 Outer Space Treaty contain foundational principles of international space law, such as equality among all States, spacefaring or otherwise; the non-appropriation of outer space; the applicability of international law in outer space; no-placement of weapons of mass destruction; State responsibility and liability; the State of registry; the duty of due regard; and international cooperation. These principles provide the bedrock for the development of norms of responsible behavior.

The Philippines attaches particular importance on the duty of due regard. The elaboration of this principle enriches the consideration of responsible behavior in outer space. It is not our intention to reopen Article 9 of the OST. Instead, we merely refer to the rich resource provided by state practice and jurisprudence, as well as the legislative history behind this principle, which provides useful guidance in clarifying what the legally binding duty of “due regard” entails. In this regard, consistency of international law demands that the application of due regard in outer space does not deviate significantly from its application in the context of high seas.

Article 9 of the OST also provides that if a state has reason to believe that an activity or experiment planned by it or its national in outer space, including the moon and other celestial body, would cause potentially harmful interference with activities of other states in the peaceful exploration and use of outer space, including the moon and other celestial bodies, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. As well, state which has reason to believe that an activity or experiment planned by another State Party in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities in the peaceful exploration and use of outer space, including the moon and other celestial bodies, may request consultation concerning the activity or experiment. We agree with the Republic of Korea on the need to give this legal

obligation concrete expression, and we welcome Japan's suggestion in its working paper to establish a system of national contact points to facilitate such consultations.

Finally, we continue to encourage all states to join The Hague Code of Conduct on Ballistic Missile Proliferation.

Thank you, Mister Chair.