

**AT Statement**

**OEWG Outer Space**

**30 January 2023**

**Norms, rules and principles derived from existing international legal and other normative frameworks**

Mr. Chair,

I would like to start my intervention by quoting the great cosmonaut Yuri Gagarin, the first human to journey to Outer Space. Before the launch of Vostok 1, Gagarin said “Поехали”- Let`s go. In trying to kickstart our substantial discussions I found that quote very fitting.

Austria aligns itself with the statement to be delivered by the European Union. In addition, we would like to share some remarks in our national capacity.

At the outset, we want to thank you as well as your team for the organisation of this meeting. We also want to commend you for the Chair`s summaries and for the elements paper. They will serve as important documents to guide our discussions not only this week but also in August. We look forward to an interactive and substantive discussion this week and we would like to assure you of our continued full support and cooperation.

We are of the opinion that the structure of the revised provisional agenda for this week reflects many of the main topics, partly derived from the working papers but also from the input of the experts. And it shows the wide range of topics we still need to discuss. To honour that structure, Austria will refrain from a long statement of a general nature and intends to speak briefly on the topics themselves.

We would also like to thank all delegations who submitted Working Papers. We hope that delegations will also present the key elements of their Working Papers orally to kickstart the exchange.

To close my introduction, we particularly value the inclusiveness of the current process which allows for participation by all states and consequently a more comprehensive view on the matter. We consider this an advantage compared to the dead-locked discussions within the Conference of Disarmament. In the same vein we appreciate the multi-stakeholder approach of the OEWG and the participation of international organizations, commercial actors and civil society, as they bring a lot of added value into our discussion.

Mr. Chair,

Let me now turn to Topic 1 of our agenda “Norms, rules and principles derived from existing international legal and other normative frameworks”. As Under-Secretary Nakamitsu recognized in her introductory remarks of our first session, it is clear that the normative and legal framework is insufficiently developed in view of the current and new challenges.

In general, strengthening existing legal instruments is a necessary first step in our work and the foundation for any additional measures. As one of the states who has ratified all **Outer Space treaties** we encourage other states to do the same. This is a crucial step to ensure security in outer space as well as responsibility of all actors and stakeholders.

Following up on the rich discussions in May a feasible way forward would be the **operationalization of Art. IX** of the Outer Space Treaty by providing clarifications on the interpretations of its key concepts. Art. IX establishes that space operations have to be conducted with *“due regard to the corresponding interests of all other States Parties”*. As many experts and the working paper by the Philippines have suggested the OEWG could give practical guidance on the interpretation of the principle of **“due regard”**, taking into account the current application of this duty as it arises from maritime and aviation law.

It has to be stressed that the implementation of this article is a legal obligation and does not fall under categorisation as a norm. Nevertheless, norms on responsible behaviour can inform state practice and through this contribute to a clearer interpretation on how the principle of “due regard” can be implemented. This could include the formulation of a set of actions on how to conduct space activities without impairing the interest of other actors. Art. IX of the Outer Space Treaty also foresees consultations related to “potential harmful interference” which similarly lacks practice and guidance.

A particular challenge is the dual nature of many space objects making them potential military targets. This raises several legal and practical questions and is an inherent risk for civilian objects. We are interested in further discussions to address this issue, inter alia through a discussion on the implementation of the **Convention on Registration of Objects Launched into Outer Space of 1974**. States should make full use of this instrument by registering space objects in a timely manner and by providing the necessary clarity about the purpose of the space object.

Mr. Chair,

Under this agenda item and in light of previous discussions in May, we need to reiterate that **International Humanitarian Law** applies without reservation in outer space. IHL is part of international law which according to Article III of the Outer Space Treaty fully applies to all activities in the use of outer space. Given the importance of infrastructure in outer space, civilians will be affected from any irresponsible behaviour impairing space objects. Therefore, measures to minimize the risk of civilian harm needs to be implemented already during peace time.

Several delegations have previously underlined the importance of space technology for the SDGs and climate action. In this context we also want to draw attention to the **Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques** which specifically refers to Outer Space. Another important element that deserves particular mentioning is the application of the **law of neutrality** in outer space, which must be observed under any circumstances be it on earth or in outer space.

We emphasize the importance of the **existing guidelines** such as the United Nations Space Debris Mitigation Guidelines as well as the United Nations Guidelines on the Long-Term Sustainability of Outer Space Activities and encourage all States to implement them. We stress the importance of the Hague Code

of Conduct Against Ballistic Missile Proliferation for trust building and information sharing and encourage all States to subscribe to the HCoC, fully implement it and examine its full potential.

Finally, looking at the way ahead, any new behavioural normative framework should be consistent with and build upon the existing legal frameworks and be mutually reinforcing. In order to be effective it should enjoy the broadest possible support, enjoy a sufficient degree of robustness or institutionalisation including monitoring mechanisms.

I thank you.