



DELEGATION OF JAPAN
TO THE CONFERENCE ON DISARMAMENT

**Statement by Japan at the First Session of the Open-Ended Working Group
on reducing space threats through norms, rules and principles of responsible behaviours**

9 May 2022

Mr. Chair,

Distinguished colleagues,

First, I would like to congratulate you, Mr. Hellumut LAGOS, for your election as the Chair of this Open-Ended Working Group and assure you the full support from the Japanese delegation. Japan is strongly committed to maintaining outer space as a peaceful, safe, stable, secure and sustainable environment and look forward to advancing discussions on reducing space threats through norms, rules and principles of responsible behaviors, based on UN General Assembly resolutions 75/36 and 76/231.

Today, all states are reliant on space for their peace and prosperity. Space systems provide fundamental services for our daily life and security, such as satellite communication as well as positioning, navigation and timing services. Therefore, interference with those services could lead to serious social disorder and raise potential risks of misunderstanding and miscalculation. From an arms control perspective, space systems play an essential role in deterrence and strategic stability, as they are used in missile warning, nuclear command and control, and verification of arms control instruments. Underpinning the safe operation of space systems, space security is relevant and crucial for all states and people.

In addition, outer space is becoming increasingly congested, contested and competitive. We are witnessing increasing numbers of both state and non-state space actors and the diversification of their activities, the development and deployment of counterspace capabilities as well as insufficient transparency regarding space doctrines, policies and activities. These realities raise potential risks of misunderstanding and miscalculation regarding space activities, which could escalate tension and may even lead to conflict.

Against this backdrop, there is a pressing need to develop common understanding at the international level regarding practical ways to ensure and enable stable, secure and sustainable space system from a security perspective. Needless to say, such undertakings would contribute to preventing

an arms race in outer space.

Mr. Chair,

Japan reaffirms that the Outer Space Treaty sets out key principles that constitute the basis for space law and stipulates State's responsibility for national activities as well as specific prohibitions.

I would like to draw your attention specifically to Article IX of the Outer Space Treaty. This Article stipulates that the States Parties to the Treaty shall be guided by the principle of cooperation and mutual assistance and shall conduct all their activities in outer space with due regard to the corresponding interests of all other States Parties to the Treaty. It also provides that States Parties shall undertake appropriate international consultations in advance if they have reason to believe that their planned activities would cause potentially harmful interference with other states parties' activities. However, the international community does not have a common understanding as to what exactly consists a "due regard", "harmful interference" or "consultation". This lack of common understanding could be mentioned as an example where existing legal frameworks fall short of addressing emerging threats in outer space, and thus could be discussed at the first session of this OEWG.

Based on the existing legal and normative frameworks, there is an urgent need for the international community to deepen its understanding of the current state of play and consider practical and pragmatic way to enhance security and prevent an arms race in outer space by reducing the risk of misunderstanding and miscalculation.

A key to fulfilling this urgent need is to start from discussing a set of non-legally binding norms, which can be made much faster than a new legally binding norm, this would allow us to keep pace with fast changing space environment. In addition, I would like to recall that the existing legal frameworks on outer space have developed over time, emanating from various non-legally binding norms. Furthermore, despite the increase in the number and complexity of space-related activities, state practices in outer space are limited compared with those in other domains such as air or sea. The absence of international common understanding and rules leaves behaviours which pose threats to others unchecked, which increases the risk of misunderstanding and miscalculation, potentially leading to escalation. There is a pressing need to continue inclusive discussion at the international level to seek common point of reference.

Japan also underlines the importance of transparency and confidence-building measures

(TCBMs) as pragmatic and near-term measures to increase trust and prevent misunderstanding and miscalculations in space activities. In this regard, the Hague Code of Conduct against Ballistic Missile Proliferation, provides a non-legally binding instrument which has made an important and concrete contribution to enhanced transparency and confidence-building in launch activities.

Mr. Chair,

In this regard, I would like to highlight the need to consider the issue of dual-use in considering space security. Outer space is a domain where even innovative technologies developed with benign intention may, if used inappropriately, pose a serious threat due to their dual-use nature. For example, it is possible to cause extensive damage simply by hitting an object with any other object, no matter the aim of such behaviour. These pose difficult challenges to identifying space threats through focusing solely on technological capabilities or objects. Rather, it is more feasible to establish a common understanding on patterns of behaviours, since behaviours can be observed and can serve as measurable criteria for identifying potentially threatening activities.

Behaviour-based approach addresses the dual-use issue while respecting Article 1 of the Outer Space Treaty, which provides that "outer space (...) shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies". The focus on behaviour would also be helpful not to hinder the development of innovative services that contribute to enhancing sustainable use of outer space.

As all states are reliant on space, it is in the interest for all to foster common understandings on behaviours that are conducive to enhancing space security - hence responsible - and promote such behaviours, while simultaneously fostering common understandings on behaviours that are detrimental to space security - hence irresponsible - and deter such behaviours. We believe that the inclusive process of this OEWG is well suited for this purpose and look forward to further discussions.

Thank you.

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