

## **Statement Kingdom of the Netherlands Item 7 – Future role and method of work of the Committee**

Mr Chair, distinguished delegates, I thank you for giving me the floor.

This Sub-Committee was established with a view to confirming, codifying, and developing outer space law. This requires a constructive discussion on what law we have, what law we lack, and to what extent that is problematic. We are still reeling from last year's experience, and this enhances the importance to carefully consider the future role and method of work of the Sub-Committee. In this regard, my delegation wishes to present its position on three issues.

First, we still consider that, with the present workload and taking into account the liquidity crisis, it would be irresponsible behaviour to include new items on the agenda without taking off existing items. It would also help to streamline existing items, to free up space for new items – or, regrettably, to meet the demands as a result of the liquidity crisis. In this regard, my government notes that the inclusion in item 5 of the discussions on national legislation and capacity building has not decreased their importance or depth. Similarly, we would propose to consider merging the items on Space Traffic Management and Space Debris Reduction, and potentially also the item on Small Satellites. All three are related to a safe and sustainable use of outer space and require an integrated approach. Finally, my government would also support the removal from the agenda of item 6(b) on the character and utilization of the geostationary orbit, and as the case may be also of item 6(a), for the reasons indicated by Canada during the general exchange of views under those items.

Second, especially in view of last year's experience, we could support to consider a more action-oriented way of reporting. This would make the reports more meaningful as they would be sources for States of the steps to be taken to confirm, codify and develop international space law in all its aspects. In that regard, my delegation would note that the creation of customary international law requires a universal State practice combined with an *opinio juris*. The phrase "some delegations expressed the view" is not sufficient to establish universal state practice or *opinio juris* as "some delegations" may be two delegations or 103. Anyone wishing to establish the consensus will need to refer to the actual statements so helpfully published on the website. The report of the Sub-Committee will not contribute to that. Rather, it would be helpful if the Report made clear what we agreed we would do, rather than an incomplete report on what we said.

Third, the Netherlands strongly regrets the discussions we are having on the participation of observers, including non-governmental organisations, industry and academia. They are important stakeholders, whose views and opinions enrich our debates and contribute to the meaningfulness of our work. Without them, we would be deprived of the diversity of their views and would risk irrelevance as a result of being unaware of what really matters, or of the most recent technological and scientific developments. Indeed, to echo my Canadian colleague again, without them we would not be doing much of the relevant work we are doing. For that reason, we strongly support the participation of observers, and other stakeholders. We would recommend that the Sub-Committee ensure their participation as much as possible.

I thank you for your kind attention.