Opening address by
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UNITED NATIONS/CHINA/APSCO WORKSHOP ON SPACE LAW

"The Role of national Space Legislation in Strengthening the Rule of Law"

Jointly organized with and hosted by
China National Space Administration (CNSA)

17-20 November 2014
Beijing, China

Distinguished Participants, Ladies and Gentlemen,

It is my honor to welcome you, on behalf of the United Nations Office for Outer Space Affairs, to the United Nations Workshop on Space Law, which is being jointly organized by UNOOSA, Government of China, the Asia-Pacific Space Cooperation Organization (APSCO), and the China National Space administration (CNSA).

I would like to extend my heartfelt gratitude and appreciation to CNSA for hosting this Workshop and to APSCO for bringing participation of its Member States. I would also like to thank our speakers and chairpersons, who have generously given us their time and expertise to ensure that we all enjoy the maximum benefits from this Workshop.

Distinguished Participants,

This Workshop on Space Law is the ninth in a series of workshops that UNOOSA has organized together with host countries with the intention to promote the adherence to the five United Nations Treaties on Outer Space and to assist States in building capacity in space law. The series of workshops uses a multi-leveled approach that seeks to increase knowledge and awareness of the international treaties and principles on outer space developed under the auspices of the United Nations, and to provide a basis for their implementation on a practical level through the development and administration of domestic legislation and regulatory regimes.

Each year, the United Nations General Assembly, in its resolution on international cooperation in the peaceful uses of outer space, reaffirms the importance of international cooperation in developing the rule of law, including relevant norms of space law, and urges States that have not yet become parties to the treaties governing the exploration and use of outer space to give consideration to ratifying or acceding to them, as well as incorporating them into their national legislation. The present Workshop aims at addressing this call and is structured to meet the overall objective of studying "The Role of National Space Legislation in Strengthening the Rule of Law". The programme comprises a number of sessions which are all closely interrelated.

Session 1 will explore perspectives of legal and policy mechanisms not only dealing with the UN treaties on outer space activities. Soft law development, transparency and confidence-building measures and space-traffic management perspectives are all areas of relevance to the development of policies and mechanisms at the national level. We want to give this broader introduction to demonstrate the complexity of regulatory mechanisms and policy development.

Session 2 builds upon the issues brought up under Session 1 in the sense that space activities involve a broad range of different actors, both governmental and non-governmental, including for commercial purposes. There is a growing market for small and very small satellites and the issues of authorization, supervision and control, and registration are highly relevant in meeting the objective of the Workshop.

Session 3 is the core segment to study the role of national space legislation in strengthening the rule of law and here we will benefit from many presentations of national regulatory frameworks. The recent GA resolution 68/74 from last year is the fundament in providing guidance to States wishing to enact domestic regulatory frameworks governing space activities.

Session 4 relates directly to the on-going work of the Legal Subcommittee Working group on international mechanisms. We wish to provide impetus to that work and therefore we have selected examples of mechanisms highly relevant to those considerations. Cooperation within intergovernmental structures governed by regulatory frameworks such as APSCO and ESA Conventions are of course at the centre, but also examples of how States use bilateral and multilateral agreements and mechanisms. Since the Legal Subcommittee work is of such a comprehensive nature for regulatory and policy mechanisms, we chose ICG and ISEF as examples of mechanisms for international cooperation in some central areas of space cooperation to demonstrate the broad variety of how states pursue space cooperation and coordination.

Session 5 is a traditional element of the series of space law workshops and is of particular importance because capacity-building and training is the core element of gaining expertise in this discipline of public international law.

Session 6 covers an area of focus that is gaining increasing attention. Considering the efforts of COPUOS to promote the access to and use of space derived data and information for sustainable development efforts within the global development processes, including Rio+20 and the post-2015 development agenda, and considering that COPUOS has made recommendations for the development of spatial data infrastructures through its contribution to Rio+20 (A/AC.105/993), we wish to study further through this Workshop elements of institutional and regulatory nature to meet those objectives. We are here moving towards a cross-cutting area of scientific, technical, institutional, administrative, legal an policy considerations. We have selected GNSS and remote sensing as the space application tools to look into.

Distinguished Participants,

With the evolution of the space awareness in society, COPUOS is positioning itself at the forefront of the sustainable development process tackling issues related to transparency and confidence-building measures and the long-term sustainability of outer space activities.

It should be mentioned that in line with General Assembly resolution 68/50 from last year on transparency and confidence-building measures in outer space activities, the Committee at its fifty-seventh session this year agreed on the importance of considering the broader perspective of space security and associated matters that would be instrumental in ensuring the safe and responsible conduct of space activities. The Committee decided to consider at its next session in 2015 the recommendations of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities (A/68/189) as they relate to safety of space operations and the long-term sustainability of outer space activities.

In this context, the role of the Office for Outer Space Affairs in providing one of the existing most important tools for enhancing transparency and confidence in space activities should be noted. The Office is mandated since four decades to maintain the central United Nations Register on Objects Launched into Outer Space, under the obligation of the Registration Convention of 1975. The Register functions as the core mechanism for treaty based transparency and confidence-building. The registration regime as laid down in the Registration Convention is not designed for technical or legal means of tracking space objects in orbit or beyond, nor serving as a comprehensive space situational awareness (SSA) mechanism. The extent of information exchange through official registration submissions is bound by the provisions laid down in the Convention.

At the same time it is important to recognize the impact of the 2007 General Assembly resolution on registration practice (resolution 62/101) where we note that several States increasingly use the recommendations of that resolution to provide additional and voluntary registration data for the purpose of the UN Register on the change of status of space objects in orbit, information on de-orbiting and similar information they deem important for the purpose of the registration regime and as appropriate to enhance the safety of space operations.

Distinguished Participants,

I mention specifically the registration regime because together with the established procedures of discharging the responsibilities of the United Nations Secretary-General under the United Nations treaties on outer space, in particular the Outer Space Treaty, the Office for Outer Space Affairs is vested with a mandate to assist in global efforts to enhance international governance in the long-term sustainability of outer space activities.

Given the growing number of benefits derived from space science and technology applications, the conduct of space activities by States, intergovernmental and non-governmental entities, as well as the commercial and private sector, continues to expand rapidly. Today space tools are fundamental for meeting the challenges to humanity and sustainable development and the overarching space security environment in its broader sense cater for global space governance. The successful implementation and application of the international legal regime governing the conduct of space activities therefore depends on the common understanding and acceptance, by policy- and decision-makers, of that legal framework.

Bearing this in mind, it has become increasingly important to ensure that space law and policy, including the ratification of the United Nations treaties on outer space, is considered a matter of priority by all countries involved in space activities.

I take this opportunity to quote *operative paragraph 9* of the 2011 United Nations Declaration on the Fiftieth Anniversary of Human Space Flight and the Fiftieth Anniversary of the Committee on the Peaceful Uses of Outer Space, whereby the Member States of the United Nations in resolution 66/71 of 9 December 2011:

"*Acknowledge* that significant changes have occurred in the structure and content of the space endeavour, as reflected in the emergence of new technologies and the increasing number of actors at all levels, and therefore note with satisfaction the progress made in strengthening international cooperation in the peaceful uses of outer space by enhancing the capacity of States for economic, social and cultural development and by strengthening the regulatory frameworks and mechanisms to that effect."

With these words in mind we should look forward and keep in mind that we as partners of the global space community will soon, in 2017, celebrate the 50th anniversary of the Outer Space Treaty – known as the "Magna Charta" of space law.

Distinguished Participants,

Through the Programme of our present Workshop we will have many opportunities this coming week to discuss and assess a number of substantive topics connecting legal matters with areas of interest to governance of space activities, economic and social development, regional cooperation, and capacity-building efforts in space law. I therefore trust that we are all looking forward to a particularly intensive and exciting week.

Welcome!