

UN/Austria Symposium: “Space Applications for Food Systems”

Fundamental Principles of Space Law And Remote Sensing of the Earth

8 September 2021

Michael Newman, Legal Officer, UNOOSA



UNITED NATIONS
Office for Outer Space Affairs



Five UN Treaties and Principles on Outer Space

status as of 1 January 2021

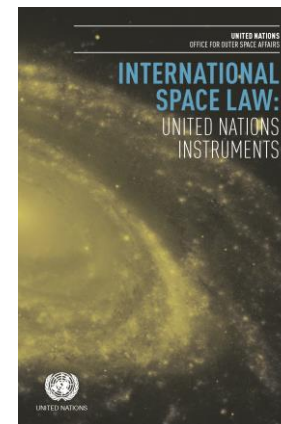
Outer Space Treaty, 1967 (111 States parties/23 signatories)

Rescue Agreement, 1968 (98/23)

Liability Convention, 1972 (98/19)

Registration Convention, 1975 (70/3)

Moon Agreement, 1979 (18/4)



- Declaration of Legal Principles Governing the Activities of States in the Exploration and Uses of Outer Space (1963)
- Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting (1982)
- **Principles Relating to Remote Sensing of the Earth from Outer Space (1986)**
- Principles Relevant to the Use of Nuclear Power Sources in Outer Space (1992)
- Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interests of All States, Taking into Particular Account the Needs of Developing Countries (1996)
- <https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties.html>



The Outer Space Treaty - 1967

Overview

- Exploration and use of outer space - province of all mankind – Benefit and interests of all countries (Article I)
- Principle of non-appropriation (Article II)
- International law and UN Charter (Article III)
- Weapons of mass destruction (Article IV)
- International responsibility for national activities in outer space (Article VI)
- International liability for damage (Article VII)
- Jurisdiction and control / National Registry (Article VIII)
- Cooperation and mutual assistance, due regard, harmful contamination, harmful interference (Article IX)
- Information and notification (Article XI)



OST - Rights, Duties and Obligations of States

- **Principles of:**
 - **Benefits and interests - Article I, para 1, and Non-appropriation – Article II**
- Article I, para 1:
 - The exploration and use of outer space, including the Moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development,...
- Article I, para 2:
 - Outer space, the Moon and other celestial bodies, shall be free for exploration and use by all States without discrimination, on a basis of equality and in accordance with international law and there shall be free access to all areas of celestial bodies
- Article II provides:
 - Outer space, the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.
- Read together, Article I and II allow States to operate remote sensing space objects and monitor the Earth without the consent of the States over which the space object travels, but it must be done for the benefit and in the interests of all countries.



The Outer Space Treaty

International responsibility for national activities in outer space (Article VI)

*“State Parties to the Treaty shall bear **international responsibility for national activities** in outer space, including the Moon and other celestial bodies, whether such activities are carried on by **governmental agencies** or by **non-governmental entities**, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of **non-governmental entities** in outer space, including the Moon and other celestial bodies, **shall require authorization and continuing supervision** by the appropriate State Party to the Treaty.”*



Remote Sensing Principles 1986

- **Principle IV** – Remote Sensing (RS) activities shall:
 - Be conducted in accordance with OST Article I –
 - Carried out for the **benefit and interests of all countries** irrespective of economic or scientific development and Freedom of exploration and use of outer space on the basis of equality
 - Respect the principle of full and permanent sovereignty of all States and peoples over their wealth and natural resources,
 - RS activities shall not be conducted in a manner detrimental to the legitimate rights and interests of the sensed State.
- **Principle V** – States conducting RS activities shall promote international cooperation and make opportunities available to other States for participation therein.
- **Principles VI** – Regional data collection and storage facilities, **VII** – States to provide technical assistance, **VIII** – UN to provide technical assistance
- **Principle IX**, Information sharing on RS activities in accordance with OST Art XI – inform UN Secretary General. Also, make information available to any other State, particularly any developing country that is affected, at its request.



Remote Sensing Principles 1986

- **Principle X – Protection of Earth’s natural environment:**
 - States participating in RS activities that have information that is capable of averting any natural phenomenon harmful to the Earth’s natural environment shall disclose such information to States concerned.
- **Principle XI – Protection of mankind from natural disasters:**
 - States participating in RS activities with information that may be useful to States affected, or likely to be affected, by natural disasters shall transmit such information to States concerned as promptly as possible.
- **Principles XII – Non-discriminatory access to data:**
 - The sensed State shall have access to primary and processed RS data concerning its territory as soon as it is produced on a non-discriminatory basis and on reasonable cost terms.
- **Principle XIV – Compliance with OST Art VI:**
 - States operating remote RS satellites shall bear international responsibility for their activities and ensure that such activities are conducted in accordance with these principles and the norms of international law, irrespective of whether such activities are carried out by governmental or non-governmental entities or through international organizations to which such states are parties.

Thank you

Michael Newman, Legal Officer, UNOOSA

Michael.Newman@un.org



UNITED NATIONS
Office for Outer Space Affairs