

**United Nations/Thailand Workshop on Space Law
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Session 1
International Legal Framework Governing Space Activities

**Work of the United Nations Committee on the Peaceful Uses of Outer
Space and its Legal Subcommittee**

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Dear Participants,

It gives me great pleasure to address this seventh Space Law Workshop, which is organized through the excellent collaborative efforts of the United Nations, the Government of the Kingdom of Thailand and its Geo-Informatics and Space Technology Development Agency (GISTDA), the European Space Agency and the Asia-Pacific Space Cooperation Organization (APSCO). I wish to thank all co-organizers for preparing this Workshop.

In my following presentation I will review the role of the United Nations Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee in the development of international space law, with particular emphasis on their work in this field within the last decade. My predecessor as Chair of the Legal Subcommittee and most eminent Professor of space law, Mr. Vladimír Kopal, will in a moment make an in-depth overview of international space law.

First in order to provide some historical background, the General Assembly in its resolution 1348 (XIII) of 13 December 1958 established an *ad hoc* Committee on the Peaceful Uses of Outer Space to discuss issues relating to the beginning of the Space Age. The *ad hoc* Committee prepared a report (A/4141) for submission to the General Assembly, which led to the establishment of a *permanent* Committee by the General Assembly in its resolution 1472 (XIV) of 12 December 1959.

The first meeting of the *permanent* Committee was convened on 27 November 1961, being the very first occasion the permanent Committee met. In setting out the future scope of work of the Committee, this first meeting allowed the discussion by the First Committee of the General Assembly on the text that would become resolution 1721 (XVI), adopted in December 1961. This important resolution served as the birth of international space law, and also reaffirmed that the United Nations should provide a focal point for international co-operation in the peaceful exploration and use of outer space. The resolution also laid out the need for registration of space objects and requested the Secretary-General to establish and maintain the United Nations Register of Objects Launched into Outer Space. Resolution 1721 still provides the basis for registration of space objects by States not parties to the Registration Convention.

It is important to underline that at its first formal session the Committee established two subcommittees – Scientific and Technical and Legal, thus underscoring the importance of in-depth consideration of specific matters assigned to their respective agendas.

I would like to recall in this regard that next year, in 2011, the Committee on the Peaceful Uses of Outer Space will celebrate its 50th anniversary and the 50th anniversary of human space flight commemorating the historic flight of Yuri Gagarin followed by Alan Shepard. These will be memorable events for next year's cycle of sessions of this intergovernmental body, and for the part of the Legal Subcommittee, the role of resolution 1721, as I mentioned above, will of course be acknowledged.

Dear Participants,

For half a century, the Committee has witnessed and has been at the centre of humankind's amazing exploration and utilization of outer space. Since its establishment the Committee has actively promoted efforts aimed at furthering space exploration and at bringing the benefits of space technology to Earth in order to ensure sustainable development for all countries.

Since 1999, with the holding of the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III), the Committee on the

Peaceful Uses of Outer Space has aligned many of its activities with the global development goals, as set by the Millennium Summit in 2000, articulated by the World Summit on Sustainable Development in 2002 and reaffirmed by the 2005 World Summit. The Committee on the Peaceful Uses of Outer Space has undertaken a remarkable process in meeting the goals of the Conference. The implementation of the recommendations of UNISPACE III has been a central effort by our Committee throughout this period. Two concrete achievements of UNISPACE III are the United Nations Platform for Space-based Information for Disaster Management and Emergency Response (UN-SPIDER) and the International Committee on Global Navigation Satellite Systems (ICG).

The Committee and its two Subcommittees have for the past 10 years together demonstrated the will of its members to advance their important role in international cooperation in the peaceful uses of outer space by making important decisions in terms of protecting the Earth and space environment and in enhancing the capacity of States in promoting economic, social and cultural development, and by enhancing the understanding of regulatory frameworks and mechanisms to that effect.

In a historical perspective, the Committee has been instrumental in the creation of the international legal regime governing the activities of States in the exploration and use of outer space, consisting of five treaties and five sets of declarations and principles on outer space activities. Among them, the Outer Space Treaty of 1967 represents a landmark legal instrument - the “Magna Carta” of space law. The Outer Space Treaty, together with the other core treaties on outer space, form the legal order for today’s space activities. It is with great pleasure I witness the efforts of the Committee and its Legal Subcommittee to further advance the application of the legal regime of outer space and to promote capacity-building in space law.

As of 1 January 2010 the status of the United Nations Treaties on Outer Space was the following:

(1) Outer Space Treaty had 100 States parties and had been signed by 26 additional States;

(2) Rescue Agreement had 91 States parties and had been signed by 24 additional States;

(3) Liability Convention had 88 States parties and had been signed by 23 additional States;

(4) Registration Convention had 53 States parties and had been signed by 4 additional States. I would here like to add that Costa Rica has recently ratified the Convention becoming its 54th State party;

(5) Moon Agreement had 13 States parties and had been signed by 4 additional States.

I am pleased to inform you that recently the Kingdom of Saudi Arabia acceded to the Rescue Agreement, the Registration Convention and the Moon Agreement.

States continue to consider a possibility of adherence to the United Nations Treaties on Outer Space and the United Nations plays an active role in assisting them in their decision-making. Thus, in 2005, in accordance with the recommendations of the Legal Subcommittee and its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, the Secretary-General of the United Nations sent to the ministries of foreign affairs of Member States a letter encouraging Governments to consider adherence to the United Nations Treaties on Outer Space. The letter was retransmitted once again in 2009. Also in 2009 a similar letter was sent to international intergovernmental organizations conducting space activities, seeking clarification on their possible declaration of acceptance of the rights and obligations under the Rescue Agreement, Liability Convention and the Registration Convention.

In connection with the United Nations Treaties on Outer Space, it is important to note that the Rescue Agreement, the Liability Convention, the Registration Convention and the Moon Agreement contain mechanisms permitting international intergovernmental organizations conducting space activities to declare their acceptance of the rights and obligations established under those treaties. In this regard, at its forty-ninth session held in Vienna this year, the Subcommittee agreed that those international intergovernmental

organizations that had not yet made such declarations should consider taking steps to encourage their members to adhere to the outer space treaties, thereby enabling their acceptance of the rights and obligations under those treaties.

Dear Participants,

The Legal Subcommittee is presently involved in the consideration of the status and application of the five United Nations treaties on outer space; information on the activities of international intergovernmental and non-governmental organizations relating to space law; matters relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union; review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space; examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment; capacity-building in space law; general exchange of information on national mechanisms relating to space debris mitigation measures; and general exchange of information on national legislation relevant to the peaceful exploration and use of outer space.

The Subcommittee always emphasizes that capacity-building, training and education in space law are of paramount importance to national, regional and international efforts to further develop the practical aspects of space science and technology and to increase knowledge of the legal framework within which space activities are carried out. The Office for Outer Space Affairs continues to work with space law educators and representatives of the Regional Centres for Space Science and Technology education, affiliated to the United Nations, to further develop a curriculum on space law

The Legal Subcommittee has made considerable achievements during the past decade by, *inter alia*, arriving at a common analysis of the benefits, rights and obligations under the legal regime of outer space and by concluding its work leading to two important General Assembly resolutions on the concept of the “launching State” (resolution 59/115) and on enhancing registration practice (resolution 62/101).

Both resolutions were the result of the work of Working Groups of the Subcommittee, on “Review of the concept of the ‘launching State’” and “Practice of States and International Organizations in Registering Space Objects”, respectively. On the occasion of the completion by the second Working Group of its work, the Subcommittee noted with satisfaction that the work conducted by the Working Group had demonstrated the great interest among member States in the work under the agenda item and that it would encourage States to adhere to the Registration Convention, improve the application and enhance the effectiveness of the Convention. The work carried out under the agenda item had provided an example of productive and result-oriented work by the Subcommittee on an issue of considerable importance to all space-faring countries and non-space-faring countries involved in space activities.

In line with these efforts, the Legal Subcommittee is presently conducting an examination of national space legislation and regulatory frameworks for space activities. Its current Working Group on national space legislation develops a strong fundament for arriving at a promising and highly adequate report under its work plan. I note with great pleasure that the Chair of this Working Group, Ms. Irmgard Marboe, is present at this Workshop and will guide our discussions under session 2.

Dear Participants,

It is important to note that the Scientific and Technical Subcommittee also plays an important role in the development of documents which serve as a basis for regulation of certain activities in outer space.

In 2007 the Committee and its subsidiary bodies made another considerable achievement with the adoption by the General Assembly in its resolution 62/217 of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space. The common efforts of both the Scientific and Technical Subcommittee and Legal Subcommittee in promoting implementation at the national level of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space are commendable. I am pleased to note the on-going activities of Member State and international organizations aimed at the mitigation of space debris, and that the interaction between the Scientific and Technical

Subcommittee and the Inter-Agency Space Debris Coordination Committee (IADC) is evolving.

Another example is the adoption by the Scientific and Technical Subcommittee in 2009 of the Safety Framework for Nuclear Power Source (NPS) Applications in Outer Space, which demonstrated a successful inter-relationship between this intergovernmental body and the International Atomic Energy Agency. The new work plan under this agenda item, adopted by the Subcommittee in 2010, is promising and the dedicated workshops planned for the next coming years will deepen the understanding of this important field.

These are some examples of the activities and concrete achievements recently made by our Committee and its two subsidiary bodies. In addition, the Committee and its Subcommittees made considerable progress in this past decade on revitalizing the agenda structure and the overall organizational work. A successful mechanism for rotation of the Bureaux was established and we are witnessing a strong on-going development in the knowledge base of our intergovernmental process by means of expert presentations, panel discussions and symposia. Some of the major reports as well as the annual General Assembly resolution on international cooperation in the peaceful uses of outer space have been reshaped to better address current and future demands.

Dear Participants,

The Committee continues its consideration of important agenda items, such as space and society, space and water, space and climate change; international cooperation in promoting the use of space-derived geospatial data for sustainable development; and use of space technology in the United Nations system. The Committee is also enforcing actively its efforts in contributing to the thematic clusters under the work programme of the Commission on Sustainable Development. Several of the items considered by the Committee relate directly or indirectly to the work carried out by the Inter-Agency Meeting on Outer Space Activities, which is the only United Nations-wide coordination mechanism of space-related activities in the United Nations family.

Defending Earth from the threat of asteroids is another increasingly important endeavour, and the Working Group on Near-Earth Objects (NEO) of the Scientific and Technical Subcommittee is making progress to meet this goal.

The International Heliophysical Year 2007 was successfully concluded, and I am pleased to note that the work of the Scientific and Technical Subcommittee continues under the new agenda item “International Space Weather Initiative” with specific focus on the effects of space weather on Earth and its impact on *inter alia* communication and transport.

Each year the Legal Subcommittee benefits from symposia organized jointly by the International Institute of Space Law (IISL) and the European Centre for Space Law (ECSL), addressing fundamental issues of high importance to international space law. In the framework of the Subcommittee’s forty-ninth session this year, IISL and ECSL organized a symposium on the theme “National space legislation: crafting legal engines for the growth of space activities”. I wish to use this opportunity of thanking IISL and ECSL for their continuous great contribution to the work of the Subcommittee.

These are some examples of the activities and concrete achievements recently made by our Committee and its two subsidiary bodies. With this in mind, the Committee and its Subcommittees continue to benefit from close cooperation with a number of international intergovernmental and non-governmental organizations with permanent observer status.

Dear Participants,

Finally, in connection with the above and in the context of this Workshop it is important to note that major space related cooperation and coordination mechanisms of importance to our common endeavour to promote space activities at the national, regional, inter-regional and global level, more actively involve international organizations in the work of the Committee and its Subcommittees, *inter alia*, the Asia-Pacific Space Cooperation Organization (APSCO), the Asia-Pacific Regional Space Agency Forum (APRSAF), the African Leadership Conference on Space Science and Technology for Sustainable Development (ALC), and the Space Conference of the Americas. I would like to underline the particular role of these mechanisms in providing platforms for enhanced coordination and

cooperation between space faring nations and emerging space nations and in establishing partnerships between users and providers of space-based services.

Thank you very much for your attention.