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**REVISITING THE 1967 OUTER SPACE TREATY REGARDING
OWNERSHIP OF CELESTIAL BODIES AND DEPLOYMENT OF WEAPONS
INTO EARTH'S ORBIT**

Forum: Legal Committee

INTRODUCTION

On October 10th 1967 the Outer Space Treaty established the basis of international space law for 107 countries, who became parties of the treaty, along with another 23 signatories. One of the key points of the treaty is the ban on placing weapons of mass destruction in the Earth's orbit, the Moon or anywhere in the outer space as well as the prohibition of use of space for military reasons such as testing weapons or establishing military basis on any celestial bodies. It also establishes that any space exploration should be available to and benefit all countries and prevents the ownership of celestial bodies by states. However, the treaty still permits the placement of conventional weapons, and is found by many to be vague, outdated and insufficient in its scope.

DEFINITION OF KEY TERMS

Outer Space Treaty

Treaty on the principles governing activities of states in the exploration and use of outer space, including the moon and other celestial bodies

Weapons of mass destruction

Devices designed to kill humans through the use of atomic or nuclear energy or the release of chemicals, poisons, biological agents or radioactivity

Outer space

The area outside the Earth's atmosphere

Celestial bodies

Any natural body outside of the Earth's atmosphere

Conventional weapons

Non-nuclear weapons, most common type of armament

GENERAL OVERVIEW

In 1963 the General Assembly adopted a resolution called Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space. Later, in 1966, the Legal Subcommittee considered the Outer Space Treaty based on the Declaration but further amended and the General Assembly passed it that same year (resolution 2222 (XXI)). In January 1967 the Russian Federation, UK and USA opened the Outer Space Treaty for signatures and in October 1967 it entered into force. As mentioned in the introduction, the Outer Space Treaty outlines the basis of international space law, including the following:

- the exploration and use of outer space shall be carried out for the benefit and in the interests of all countries and shall be the province of all mankind;
- outer space shall be free for exploration and use by all States;
- outer space is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means;
- States shall not place nuclear weapons or other weapons of mass destruction in orbit or on celestial bodies or station them in outer space in any other manner;
- the Moon and other celestial bodies shall be used exclusively for peaceful purposes;
- astronauts shall be regarded as the envoys of mankind;
- States shall be responsible for national space activities whether carried out by governmental or non-governmental entities;
- States shall be liable for damage caused by their space objects; and
- States shall avoid harmful contamination of space and celestial bodies.

Since October 2018, 107 countries are parties to the treaty and 23 other members have signed the treaty without yet ratifying it. The Treaty had numerous follow-ups within a few years in an attempt to improve its effectivity, as there are several problems with it. First of all, the Treaty prevents claiming ownership of territory and any celestial bodies for states, however does not address the possibility of private ownerships by legal or natural persons. Many companies have already taken advantage of this loophole, for instance, Lunar Embassy already sold hundreds of millions of acres of land on the Moon since 1980 and has over 5 million members. Although the

company consists of private owners, the government is still responsible for the national space activities.

Furthermore, although the treaty prevents the deployment of nuclear weapons, it still allows for conventional weapons to be released into outer space. This clause is highly counter-productive, as conventional weapons still allow for powerful damage and destruction of smaller territories, (using for example explosive materials) and their deployment could eventually endanger peace in space, which is the aim of the Treaty.

PREVIOUS ATTEMPTS TO RESOLVE THE ISSUE

Rescue Agreement of 1968

On December 3rd 1968 the Rescue Agreement or the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space came into force by the General Assembly. It contemplates the rights and obligations of states concerning rescue of people (astronauts) in space. It relates to and further specifies Article V of the Outer Space Treaty. It “requires that any state party that becomes aware that the personnel of a spacecraft are in distress must notify the launching authority and the Secretary General of the United Nations,” and all states must provide any assistance to personnel of the spacecraft within their territory. The resolution is, however, criticised for being vague.

The Space Liability Convention of 1972

The Space Liability Convention or the Convention on International Liability for Damage Caused by Space Objects of 1972 is a treaty that entered into force on September 1st 1972 with 89 states that ratified it. The key provision of the treaty states that all states are expected to take responsibility for space objects launched within their territory. The treaty furthermore enables only legal action regarding any damage caused by space objects on a state level, meaning person or a group such as a corporation or a personal business can pursue any legal steps on their own and must ask the state to act for them.

The Registration Convention of 1976

The Registration Convention or the Convention on Registration of Objects Launched into Outer Space of 1976 has so far been ratified by 68 states. The convention decided upon a registry under the United Nations Office for Outer Space Affairs (UNOOSA) containing detailed information about the orbit of space objects launched by individual states. Among these, besides the obvious name of the state are the general function of the object as well as details about its orbit such as the nodal period, inclination, apogee and perigee. In 2007, the information required for this registration further extended.

The Moon Treaty of 1979

The Moon Treaty or the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies was created in 1979, however, this treaty had little effect as none of the more important parties, meaning those states that engage in space exploration (such as the USA or Russia) ratified the treaty. This treaty was supposed to establish the Moon and other celestial bodies within the Earth's solar system as peaceful and beneficiary to all states. It would also require the Secretary General to be notified about all space-related activities.

The Treaty is still opened for depositions, among recent related deposition are the following:

10 July 2018: Declaration by Intersputnik accepting the rights and obligations of the Convention on Registration of Objects Launched into Outer Space

23 January 2018: Accession by New Zealand to the Convention on Registration of Objects Launched into Outer Space

19 January 2018: Accession by Armenia to the Convention on Registration of Objects Launched into Outer Space

MAJOR PARTIES INVOLVED

United Nations Committee on the Peaceful Uses of Outer Space (COPUOS)

This committee oversees all questions of space jurisdiction, especially the question of peace and peaceful uses of space and therefore also oversees the treaties related to this issue. The committee was established by the General Assembly in 1959.

United Nations Office for Outer Space Affairs (UNOOSA)

An expert unit tasked with implementing the decision of the Secretary General and promoting international cooperation in the peaceful uses of outer space. The unit was established by the General Assembly in 1958 and was moved under the Department of Political and Security Council Affairs in 1962.

United States of America

USA is one of the member states where the treaty was originally opened for signature on January 27th 1967 and is in full support of the Treaty. US along with the Soviet Union were the two states that brought forth the idea for the Treaty and in 1966 both the United States and the Soviet Union submitted draft treaties. The U.S. draft dealt only with celestial bodies while the Soviet draft covered the whole outer space. The United States accepted the Soviet position and any other differences (such as *access to facilities on celestial bodies, reporting on space activities, and the use of military equipment and personnel in space exploration*) were by the General Assembly.

United Kingdom

UK is one of the member states where the treaty was originally opened for signature on January 27th 1967 and is in full support of the Treaty.

Russian Federation

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TIMELINE OF KEY EVENTS

- **1967** – Outer Space Treaty entered into force
- **1968** – Rescue Agreement entered into force
- **1972** – Space Liability Convention

- **1976** – Registration Convention
- **1979** – Moon Treaty entered into force

QUESTIONS A RESOLUTION SHOULD ANSWER

Should the resolution ban the deployment of conventional weapons into space as well?

Should the resolution tackle private ownerships of celestial bodies as well as state ownerships?

Should a government be responsible for the actions taken in space by the natural/legal persons that adhere to it? What about international companies?

Should the registration of objects deployed into space be further amended?

BIBLIOGRAPHY

<http://www.unoosa.org>

<https://www.state.gov/t/isn/5181.htm>

<https://www.britannica.com/event/Outer-Space-Treaty>

<https://www.ucsusa.org/sites/default/files/attach/2017/12/50-Years-OST-article.pdf>