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The Importance of Space Security in Emerging Space States

by

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COPUOS and its Legal and Scientific and technical Subcommittees have provided critical institutional leadership in the development of the main space legal and cooperation processes. The Province of all Mankind Concept for instance has been considered as a means for obtaining a more fair and orderly set of human relationships and by definition a more responsible way to deal with outer space. This is provably the strongest unifying concept since it assures that the space environment be extended and used for the benefit of all states regardless of their economic and technological level. The mankind concept reiterates the true sense of the *res communes*' principle to outer space; the moon and celestial bodies. We are not fully aware of the impact of this principle and it's necessary to recall it in any of the activities that we are undertaking today.

This year we celebrate the 10th Anniversary of the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III) which was considered the last main global conference of the XX century. Since the holding of the Conference in 1999 the Committee on the Peaceful Uses of Outer Space has undertaken a remarkable process in implementing its recommendations. During these ten years COPUOS and its Subcommittees have demonstrated strong commitment in enforcing the role of space law and of space science and technology application in meeting the major challenges to global sustainable development.

Through its implementation, the Committee has aligned many of its activities with the Millennium 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 results are quite impressive in terms of human security and societal needs. The main question remains: are we doing enough to ensure that no one is left behind? Could we use space tools to face main global societal needs in a more extensive way? , Are we preserving this natural resource in a responsible manner?

Our experience in this decade has demonstrated that we have the opportunity to further strengthen our common efforts at the national, regional, inter-regional and global level. As never before we are assisting in the creation of national space commissions and coordinating bodies in all parts of the World with their subsequent space policies and regulations; in the establishment of regional cooperative structures; and we see an unprecedented number of agreements on space cooperation between nations, space agencies and private sector.

¹ Note: The views expressed in this presentation are the personal views of the author and do not necessarily reflect the views of the UN COPUOS nor of the UN Secretariat

The Committee convinced that international space law without reference to critical human values is a sterile regime, has been instrumental in the creation of a 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 other four treaties are the Rescue Agreement, the Liability Convention, the Registration Convention, and the Moon Agreement.

It is important to recall here a key COPUOS contribution which are the 1986 remote sensing Principles that demonstrated that consensus can be archived among group of states with strong asymmetries on the space field. On the remote sensing principles the developing countries during the negotiations managed to obtain eight of the 15 principles that represented substantial benefits to them. Nevertheless, many efforts need to be done particular on the cost, access of satellite images even if some mechanism were established like the UN Charter of Mayor Disaster and recently UN/ SPIDER.

There are other resolutions adopted by the General Assembly conceived for a responsible use of outer space that takes in to account the particular needs of developing countries. A very important one is the agreement reached by the Legal Subcommittee in 2000 on aspects concerning the use of the geostationary orbit, including a recommendation that where coordination is required between countries concerning the utilisation of satellite orbits including the geostationary orbit, the countries concerned should take into account the fact that the access to that orbit has to take place inter alia in an equitable manner and according to the ITU Radio Regulations. This agreement was also transmitted to ITU the same year. Despite the fact that still much need to be done; particularly on the ITU context, this contribution by COPUOS represented the basis of a more rational, efficient and economical uses of the GEO and complement the application of the art. 44 of the ITU Constitution as amended by the plenipotentiary Conference held in Minneapolis in 1988.

For the last several years the Legal Subcommittee has worked in a number of other critical issues with important outcomes... Those resulted in two specific General Assembly Resolutions: Resolution 59/115 of 10 December 2004 on the application of the concept of “launching state;” as well as, resolution 62/101 of 17 December 2007 on recommendations for bettering the practice of states and IGOs in registering space objects. These outcomes clearly illustrate that the Member States of the UN COPUOS are willing to continue to explore the links between the treaties, especially in regards to the responsibility of the national space activities, the liability by damage caused by space objects, as well as, the registration of objects launched into space. The Liability Convention determines the “Launching State” and provides the legal basis for the state registry and the state, which might be liable for the compensation in case of a damage caused by space object.

The work carried out by the Working Group on Space Debris within the Scientific and Technical Subcommittee should be mentioned, as it resulted in the adoption of by COPUOS of the Space Debris Mitigation Guidelines in 2007. Those were subsequently endorsed by the General Assembly in its resolution 62/217 in December 2007. Member States are encouraged to comply with those guidelines through their

relevant national mechanisms. The guidelines are voluntary in nature, thus legally not binding; they constitute an important step in the recent work of the Committee.

As far as nuclear power sources in outer space with the new partnership between COPUOS and the International Atomic Energy Agency (IAEA) a safety framework for nuclear power sources applications in outer space was adopted this year.

The Committee this year entered a new chapter in this path by actively developing further its overall agenda on meeting development needs and legal challenges. The Committee this year had included in its agenda two new items: space and climate change; and use of space technology in the United Nations system. The Committee is continuously considering items on inter alia; international cooperation in promoting the use of space-derived geospatial data for sustainable development; and space and society. The Committee is also enforcing actively its efforts in contributing to the thematic clusters under the work programme of the Commission on Sustainable Development.

In this regard, I would like to emphasize the role of the Inter-Agency Meeting on Outer Space Activities as an important mechanism for the United Nations coordination of space-related activities. The re-vitalized reporting structure and the means provided by the new agenda item, I mentioned above, will pave the way for a fruitful and mutually beneficial role of the Inter-Agency mechanism and the Committee and we expect to have a stronger Member State participation in its work.

The subcommittee also included an item under a multi-year work plan on the general exchange of information on national legislation relevant to the peaceful uses of outer space. This year, during the session of the Legal Subcommittee, the legal areas relevant to modern space activities were compared in a Working Group including national jurisdiction for regulating the space activities of governmental and non governmental entities; procedures for authorising and licensing national space activities; liability, indemnifications procedures, insurance, intellectual property rights, the distribution of remote sensing data, the registration of objects launched into the outer space, the establishment of national registries, safety requirements for the conduct of space activities, in particular for launching activities, and regulatory frameworks for national space agencies or other national entities mandatory to carry out and supervise space activities.

These achievements demonstrate once again a considerable level of activity by the Committee and its subsidiary bodies in areas of utmost importance to current and future activities in outer space for peaceful purposes.

Fifty years of space contemporary history demonstrates that uses of space and its natural resources serve critical needs and interest of humankind. We are facing growing awareness of global interdependency in which world-wide approaches to ecumenical issues are necessary to face mayor global crisis. The UN has a challenge to assume the leadership needed in order to respond in a fair and responsible manner to this unprecedented situation. Transforming their unequivocal diagnostic platforms in to an operational delivery process to preserve space for peaceful purposes is our common institutional objective.