

Forum: Special Conference

Issue: Developing a Framework For Regulating Territorial Claims in Outer Space

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Introduction

Unlike regions on Earth, space has no boundaries, resulting in many questions and disputes concerning the legal jurisdiction on spacecraft and territories of outer space. As humans learned more about the life outside of the planet we live in, the field of space law evolved, dealing with questions of property rights, territorial claims, protection of space workers and astronauts, liability for damages caused by space objects, weaponry and technology in space, and many other controversial conflicts surrounding human involvement in outer space.

With the constant state of competition between the United States and Russia since the Cold War, space exploration and technology has improved significantly, and still continues to do so. However, as more countries get involved in outer space research and start discovering more resources in space than ever in history, owning territory and technology outside of the planet is becoming more and more valuable.

Although many conventions, treaties and resolutions were created for the sake of sharing outer space fairly and establishing international cooperation, territorial disputes continue to be a major problem, preventing further development in space exploration and disrupting peace.

Definition of Key Terms

Space Law: the rules, principles and standards of international law developed under the auspices of the United Nations

Declaration: a formal or explicit statement or announcement

Treaty: a formally concluded and ratified agreement between states

Jurisdiction: the power to make legal decisions

Celestial Bodies: natural bodies outside of the Earth's atmosphere, like asteroids or the Moon

Human Spaceflight: space travel with a crew or passengers aboard (also known as manned

spaceflight or crewed spaceflight)

Spacefaring Nation: nations capable of and active in space transport and operation of spacecrafts

General Overview

The mystery of space has been an issue concerning scientists for centuries. With the improvement of technology, the first experimental rockets were launched into space during the 1040s, but these attempts were unsuccessful as none of the rockets could reach as far as desired. In 1957, the Soviet Union launched Sputnik 1 and Sputnik 2, both of which remained in space for an adequate amount of time. Following this progress and Apollo 11, the first successful moon landing mission of the United States, the “Space Race” began between the Soviet Union and United States. Although it was tense, both countries were trying to win the race, so the Space Race speeded up the process of space exploration and brought upon great revolutions in space technology.

Although developments in space exploration have been quite exciting given their potential to advance humanity, some political and environmental issues arose. For instance, the use of nuclear weapons in space is a very popular debate in the present day. Since the formation of the Strategic Defense Initiative, the United States’ most famous effort at placing weapons in space, people are concerned that these efforts will violate the Outer Space Treaty, putting our safety at risk.

Another popular debate concerning space exploration is the space debris problem. There is around half a million dead objects that are moving in the orbit of our planet, and scientists worry that this debris will limit our access to outer space, or damage our satellites.

Besides all these debates surrounding the results of a constantly improving space technology, the biggest issue concerning outer space is boundary disputes and property rights. Since space exploration first emerged, treaties that support the equal sharing of outer space have been signed, the most important being the Outer Space Treaty, which states that space and celestial bodies cannot be claimed by individual nations. The problem that arises from this situation is, however, that these treaties and laws are often vague, and do not indicate how they would apply to private companies, leaving a lot of room for exploitation, similar to the large-scale exploitation humanity has caused on Earth, degenerating natural environments at the cost of people’s habitats and lives. Some people suggest that outer space should follow the model of Antarctica, and remain as a territory that does not belong to any nation and is used only for scientific research. However, this model is not accepted by everyone, and the territorial disputes on outer space continue to be a huge problem that is slowing down the progress of space exploration.

Major Parties Involved and Their Views

United States and Russia: The early stages of space exploration were driven by the period of competition known as the “Space Race”, between the two Cold War rivals United States and Soviet Union. Soviet Union’s Sputnik 1, and the United States’ Apollo 11 serve as the two major developments that speeded up space exploration and thus the space law. Today, US and Russia continue to serve as the most powerful and most involved countries in space exploration.

European Union: The EU has also contributed to space exploration by planning and advocating many crewed space missions to both Mars and the Moon during the 20th and 21st centuries.

The International Institute of Space Law (IISL): It is a global association that works towards the promotion of the development of space law and peaceful space exploration with individual and institutional members from around 50 nations.

China: China is also active in the competition in outer space, as one of the most powerful rivals of Russia and the United States. China’s achievements in outer space, like its launch of the first manned spaceflight in 2003 or its landing of the first spacecraft on the far side of the moon has constituted landmark events in the history of space exploration.

Timeline of Events

1944	The Chicago Convention took place.
1957	Launch of Sputnik 1 by the Soviet Union
1958	Committee on the Peaceful Uses of Outer Space (COPUOUS) was established.
1963	The UN GA adopted The Declaration of Legal Principles Governing the Activities of States in the Exploration and Uses of Outer Space
1967	The Outer Space Treaty was established with its three main principles explained in the next section of the chair report.
1968	The Rescue Agreement was established to provide help to astronauts during emergency situations.

1969	The Apollo 11 launch by the United States was successful.
1972	The Liability Convention took place, where it was decided that launching states will be held liable if there is any damage in space is caused.
1975	The Registration Convention took place where it was decided that all objects launched into space by all nations would be recorded.
1979	The Moon Agreement was signed, giving detail on the Outer Space Treaty.
1998	The ISS Agreement was established.

UN Involvement

Committee on the Peaceful Uses of Outer Space (COPUOS): COPUOS was first established in 1958, one year after the Soviet Union launched Sputnik, but it was made permanent in 1959. This committee is the source of the five treaties and five principles on space exploration, and is called as the “focal point” of the issue, as discussions on peaceful space usage is discussed between nations.

The most well-known treaty established under the COPUOS is the “Outer Space Treaty”, which was ratified in 1967, based on principles of the GA accepted in 1962. This treaty states that space should be free for all nations to explore, that nuclear weapons should be banned from the Earth’s orbit, and that if any damage is caused by space objects, the individual nations that own those objects should be held solely responsible.

The other four COPUOS treaties are The Rescue Agreement, The Liability Convention, The Registration Convention and The Moon Agreement, described in the timeline of events section.

On 13 December 1963, the United Nations General Assembly adopted **The Declaration of Legal Principles Governing the Activities of States in the Exploration and Uses of Outer Space**, which stated that all space exploration activities would be limited to those done with good intentions only, would be available to all nations that comply with international law, and all nations would be responsible for objects/people they launch into space and any damage caused by them.

The United Nations has also held three **UNISPACE conferences**, in August 1968, August 1982 and July 1999 respectively. The aims and topics of these conferences were progress in peaceful space exploration, international cooperation, development of space technology, and

protecting the space environment.

After the first UNISPACE conference in August 1968, the UN body held numerous workshops during the 1970s on telecommunications, remote sensing, cartography and other such practices useful for space exploration.

Relevant UN Documents

The Space Millennium: Vienna Declaration on Space and Human Development - Third UNISPACE Conference (19-30 July 1999)

Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (13 December 1963, A/RES/18/1962)

Treaties and Events

After international law recognized individual nations' sovereignty over the airspace above their territory, The Chicago Convention in 1944 reinforced this idea, establishing rules of airspace, air travel and safety.

The Outer Space Treaty, as mentioned above, is the treaty that serves as the basis of space law. Its full name is "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies". Among its many principles, the most well known is its limitation on using the Moon and other celestial bodies for peaceful purposes only, prohibiting weapon testing, military base establishments and other such dangerous activities performed by nations. The treaty is also known for allowing all nations to explore space freely, making sure outer space remains as a shared concept.

The Moon Treaty, or Moon Agreement, is a treaty that turned the jurisdiction of all celestial bodies over to the international community, binding all activities performed in outer space to the international law. The treaty was finalized in 1979, and aimed to prevent the Moon from becoming a source of international or political conflict, by stating that Moon research should benefit all nations equally, and banning the use of celestial bodies without approval.

Also in addition to the five major COPUOS treaties mentioned, the "Partial Nuclear Test Ban Treaty" was established in 1963, prohibiting the testing of all nuclear weapons in outer space.

In 1998, The International Space Station (ISS), a programme between Europe, US, Russia, Canada and Japan, signed an agreement for joint development, defining the rights and jurisdictions of each country.

Evaluation of Previous Attempts to Resolve the Issue

The Moon Agreement mentioned in the previous section is often seen as a failed attempt to resolve the issue, as the treaty had failed to be ratified by states engaging in self-launched crewed space exploration (manned spaceflight). The objection of the spacefaring nations turned to be a requirement that extracted resources would be shared with all nations. However, only 16 nations signed the treaty, all of which had minor roles in outer space, and the attempt was failed.

Another problem with the UN resolutions and treaties on this topic seems to be that most documents have a language that is pretty vague, not clearly explaining how the regulations will apply to extraordinary situations and third parties. This allows great deals of exploitation, which might cause nations to disregard most principles of these treaties. A reason for this vagueness might be linked to the fact that COPUOS operates on the basis of consensus, and it is way easier to reach consensus on a document with a vague language.

This issue with reaching consensus has caused some attempts to fail in subcommittees of the COPUOS. For instance, the Legal Subcommittee was unable to reach consensus on discussing a new comprehensive space agreement, and it is predicted that amending the Outer Space Treaty, or creating a new agreement on the issue is very unlikely to happen in the near future, as many nations believe that this is time consuming and unnecessary. This makes reaching consensus more difficult, thus decreasing our chances of finding a new attempt to resolve the problem.

It is important to understand that as long as space exploration and regions in space are regarded as things that belong to individual countries, it is almost impossible to solve the issue. To best find a solution, international action should be taken.

Possible Solutions

While thinking about possible solutions to the issue, it is extremely important to understand the root of the problem. Delegates should pay extra attention to how territorial disputes in outer space became a bigger problem in time, as space exploration evolved. The issue is mostly between spacefaring nations, as nations that have minor roles in space exploration do not claim any territories as their own. Thus an agreement between spacefaring nations should be reached, keeping in consideration all parties' benefit. However, these countries that have minor roles in space should not be totally ignored. It is important to remember that growing powers might get more involved in space exploration in time, as their resources and interest grows. So leaving them completely out of the picture will not be a good long term solution, as new disputes may arise between parties that are not involved in the issue at the moment. Considering space as a resource of humanity, and distributing it to all parties in proportion to their involvement rather than leaving most countries out of the picture seems like common ground. If such agreements are reached however, the signed documents should be clear and definitive, keeping in mind that most documents created before caused issues or failed

because of the vague language used. Delegates should look into why the previous treaties, conventions and agreements failed to provide a good solution to the issue, and why nations fail to reach a common ground.

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