

United Nations/Chile Conference on Space Law and Policy:
Governance and Legal Perspectives on Space Activities in Earth Orbit and Beyond

The Application of International Law to Space Activities,
Including Aspects of Customary International Law

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- International legal regime for activities in outer space
- Applicability of international law
- Codified principles, customary rules and other principles
- Concluding remarks

International law and activities in outer space

- **Principle 1 (a)** - United Nations Assembly Resolution 1721 A (XVI) 1961, International Co-operation in the peaceful uses of outer space
- **Preamble** - United Nations Assembly Resolution 1802 (XVII) 1962, International co-operation in the peaceful uses of outer space
- **Principle 4** - United Nations Assembly Resolution 1962 (XVIII) 1963, Declaration of Legal Principles Governing the Activities of States in the Exploration and Uses of Outer Space
- **Article III** - Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967)

Applicability of international law

- **International Space Law**

- Five United Nations Treaties (including Bilateral / Multilateral Agreements); Custom; Declarations and Legal Principles; General Assembly Resolutions; Guidelines and Recommendations

- **International Law (including the Charter of the United Nations)**

- Treaties; Custom; General Principles of International Law; Resolutions; Judicial Decisions of International Courts and Tribunals; Doctrines of Legal Specialists

International Custom

- Consistent State practice; and
- The determination, such practice is being taken out of a sense of legal obligation (i.e., *opinio juris*)

Codified Principles and Customary Rules

UN GA Resolution 1962 (XVIII)

- **Principle 1** - Exploration and use for the benefit and in the interests of all mankind
- **Principle 2** - Freedom of exploration and use in accordance with international law
- **Principle 3** - Non-appropriation
- **Principle 4** - Exploration and use of outer space in accordance with international law, and Charter of the United Nations
- **Principle 5** - International responsibility for national activities in outer space
- **Principle 6** - Cooperation and mutual assistance
- **Principle 7** – Jurisdiction, control and Ownership
- **Principle 8** – International liability for damage
- **Principle 9** - Astronauts as envoys of mankind

1967 Outer Space Treaty

- Exploration and use for the benefit and in the interests of all mankind – **Article I**
- Principle of non-appropriation - **Article II**
- Compliance with International Law and Charter of the United Nations – **Article III**
- Weapons of mass destruction - **Article IV**
- Astronauts as envoys of mankind - **Article V**
- Responsibility for national activities in outer space - **Article VI**
- International liability for damage - **Article VII**
- Jurisdiction, control and ownership - **Article VIII**
- Cooperation and mutual assistance – **Article IX**
- Installations on the Moon and other celestial bodies - **Article XII**

Other Principles

- **Principle 4** - The Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting - General Assembly resolution 37/92 of 10 December 1982
- **Principle III** - The Principles Relating to Remote Sensing of the Earth from Outer Space - General Assembly resolution 41/65 of 3 December 1986
- **Principle 1** - The Principles Relevant to the Use of Nuclear Power Sources in Outer Space - General Assembly resolution 47/68 of 14 December 1992
- **Principle 1** - The Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries - General Assembly resolution 51/122 of 13 December 1996

Concluding Remarks

- Between Treaty and Custom
- Diversification of Actors and Activities
- Progressive Development
- Role of COPUOS
- International Law and Outer Space Activities