



SECURE WORLD FOUNDATION

Statement under Agenda Item 6. *Status and Application of the Five UN Treaties on Outer Space*

Sixty-first Session of the Legal Subcommittee of the
United Nations Committee on the Peaceful Uses of Outer Space

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Madam Chair, Distinguished delegates, the Secure World Foundation takes the floor under this agenda item to offer some views and observations that we believe may assist this Subcommittee in its deliberations on the status and applications of the five UN treaties on outer space.

The Committee on the Peaceful Uses of Outer Space now has 100 Member States which are delegations to this Committee, with Angola, Bangladesh, Kuwait, Panama, and Slovenia as its newest members. Uzbekistan and Guatemala have also submitted applications at this year's session of the Scientific and Technical Subcommittee. Their admission would bring COPUOS to 102 Member States. What are the implications of the growth of membership for the universalization of the existing United Nations treaties on outer space?

In terms of space law, one such implication deals with the list of States Parties to the various UN treaties on outer space. According to documentation provided by UNOOSA in the document '*Status of International Agreements relating to activities in outer space, as at 1 January 2021*', A/AC.105/C.2/2021/CRP.10, there are currently 111 States Parties to the Outer Space Treaty, and an additional 23 States which have signed but not yet ratified the Outer Space Treaty.¹

We mention this as there is significant overlap between the States which are, on the one hand, party to the Outer Space Treaty, and, on the other hand, States which are members of COPUOS. In fact, according to our count, there are 58 States which are Members of COPUOS and are States Parties to the Outer Space Treaty, and an additional 10 States which are Members of COPUOS and have signed but not yet ratified the Outer Space Treaty, for a total of 68 States with COPUOS Membership, and with obligations under the Outer Space Treaty.

¹ *Status of International Agreements relating to activities in outer space as at 1 January 2021*, https://www.unoosa.org/res/oosadoc/data/documents/2021/aac_105c_22021crp/aac_105c_22021crp_10_0_html/AC105_C2_2021_CRP10E.pdf.

However, there remain 39 States which are either States Parties to the Outer Space Treaty or have signed but not yet ratified it, which are NOT a member of COPUOS. Alternatively, there are 7 States that are Members of this Committee, but are not a party to, nor a signatory of, the Outer Space Treaty. This means we are likely a long way away from a meeting of COPUOS seeing all the States Parties to the Outer Space Treaty in attendance.

Madam Chair, Distinguished delegates, the situation is markedly different in regards to the 1975 Convention on Registration of Objects Launched into Outer Space. With the most recent accessions to the Registration Convention by Oman² and Bahrain,³ there are now 72 States Parties to the Registration Convention, with an additional 3 signatory States.

Here there is an even more significant overlap between, on the one hand, members of COPUOS, and, on the other hand, States Parties to the treaty in question. According to our count, and we defer to the Depository Authority of the Registration Convention, there are 64 States which are Members of COPUOS and are States Parties to the Registration Convention, with an additional 2 which are Members of COPUOS and have signed but not yet ratified the treaty, for a total of 66 States with COPUOS membership and obligations under the Registration Convention.

This is the closest overlap between COPUOS membership and a State's status as a State Party to one of the five UN Treaties on outer space.

Now, as there are more States Members of COPUOS than there are States Parties to the Registration Convention, this leaves 34 States which are Members of COPUOS, but not a party to the Registration Convention.

However, and this is the point I'd like to stress to the Committee with this statement, there are only 8 remaining States which are States Parties to the Registration Convention who have yet to join this Committee. There is also 1 State which has signed but not yet ratified it, and has yet to join COPUOS.

With the accelerating growth of this Committee, we may only be a few years away from a situation where all the States Parties to the Registration Convention are also Member States of COPUOS.

² Oman – Depository Notification, <https://treaties.un.org/doc/Publication/CN/2022/CN.50.2022-Eng.pdf>.

³ Bahrain – Depository Notification, <https://treaties.un.org/doc/Publication/CN/2021/CN.211.2021-Eng.pdf>.

Every State Party of the Registration Convention meeting here at COPUOS would be historically significant. Such a momentous meeting would also have significance under international law, including the Vienna Convention on the Law of Treaties, and the provisions it contains regarding subsequent agreements of the States Parties of a treaty.

After the 1967 Outer Space Treaty, the 1975 Registration Convention is, in some regards, perhaps one of the most important treaties on outer space – requiring both national registries of space objects, and the international registration of a launching state’s launched space objects with the United Nations. Its provisions are significant mechanisms for enhancing transparency and confidence in, and about, space activities, which serve as public notice as to the extent and scope of a State’s national space activities.

We also take note of Article IX of the Registration Convention, which envisages a process for amending the Convention. According to Article IX, any State Party to the Registration Convention can propose amendments which enter into force for each State Party to the Convention accepting the amendments, upon their acceptance by a majority of States Parties to the Convention.

Additionally, Article X contains provisions on the review and a conference of the States Parties to Convention. It reads that if one third of the States parties so request it, and a majority of the States Parties concur, a review conference shall be convened, which would “take into account in particular any relevant technological developments, including those relating to the identification of space objects.” We ask delegations to reflect on the question of whether some emerging and pressing issues in space governance might be addressed along these avenues.

Madam Chair, distinguished delegates, the Secure World Foundation looks forward to continuing to support the Committee’s discussions under this agenda item.

Thank you for your kind attention.



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